



CHAPTER IV.

An Act to empower the Mayor Aldermen and Burgesses of the Borough of Neath in the County of Glamorgan to purchase the Tramway Undertaking authorised by the Neath and District Tramways Order 1873 to construct additional Tramways and for other purposes. A.D. 1897.

[3rd June 1897.]

WHEREAS under the powers contained in the Neath and District Tramways Order 1873 the Neath and District Tramways Company Limited constructed certain tramways and works within and adjoining the borough of Neath :

And whereas by Orders made by the Chancery Division of the High Court of Justice in the action of Pegge and another v. The Neath and District Tramways Company Limited [1894.—P.—No. 2426] dated respectively the second day of March and the eighth day of June one thousand eight hundred and ninety-six the tramway undertaking and property of the said Company were directed to be sold subject to the consent of the Board of Trade :

And whereas by an agreement dated the fourth day of August one thousand eight hundred and ninety-six and made between the mayor aldermen and burgesses of the borough of Neath (hereinafter called “the Corporation”) of the one part and Walter Whittington therein described of the other part a copy of which agreement is set forth in the First Schedule to this Act it was (amongst other things) agreed that the said Walter Whittington should purchase the said tramway undertaking and property on behalf of the Corporation and that the same should be transferred by him to the Corporation for the consideration in the said agreement mentioned :

And whereas by an agreement between the same parties dated the thirty-first day of August one thousand eight hundred and ninety-six a copy of which is also set forth in the First Schedule to this Act the said first recited agreement was modified :

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And whereas the said Walter Whittington purchased the said tramway undertaking and property and the same has been conveyed to and is now vested in him with the consent of the Board of Trade and it is expedient that the said agreements should be confirmed and carried into effect and the said tramway undertaking and property in pursuance thereof transferred to and vested in the Corporation :

And whereas it is expedient that the Corporation should be authorised to construct the additional tramways and works in this Act described and subject to the provisions of this Act to use electrical or other mechanical power for moving carriages upon their tramways and to acquire lands for erecting a generating station :

And whereas it is expedient that such powers as are herein-after contained should be conferred upon the Corporation in respect of the tramways and property vested in and constructed by them and that the Corporation should be authorised to borrow money for the purposes of this Act :

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

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

And whereas estimates have been prepared by the Corporation for the payment of the principal moneys secured by mortgages on their tramway undertaking the expenses of and incidental to the transfer of the existing tramway undertaking and property to the Corporation the renewing of the existing tramways the construction of the tramways and other works by this Act authorised the construction and erection of works and the purchase of plant for working the tramways by mechanical power and the purchase of land and such estimates amount to forty-five thousand pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fourth day of December one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Cambrian* a local newspaper published or

circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate: A.D. 1897.

And whereas such resolution was published twice in the said Cambrian and has received the approval of the Secretary of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 (that is to say):—

PART I.—PRELIMINARY.

1. This Act may be cited as the Neath Corporation Tramways Act 1897. Short title.

2. This Act shall be divided into parts as follows:—

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Construction maintenance and working of tramways.

Part IV.—Financial and miscellaneous.

Division of
Act into
parts.

3. The provisions of the Lands Clauses Acts and of section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act. Incorporation of Acts.

4. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise requires:— Interpretation.

“The borough” means the municipal borough of Neath;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” means the council of the borough;

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- “ The town clerk ” means the town clerk of the borough ;
- “ The borough fund ” and “ the borough rate ” mean respectively the borough fund and borough rate of the borough ;
- “ Daily penalty ” means a penalty for each day on which any offence is continued after conviction thereof ;
- “ The scheduled agreements ” means the agreements set forth in the First Schedule to this Act ;
- “ The Order of 1873 ” means the Neath and District Tramways Order 1873 ;
- “ The existing tramway undertaking ” means the tramway undertaking and property agreed to be sold to the Corporation by the scheduled agreements and all rights privileges and authorities in connexion with such undertaking and property ;
- “ The tramways ” means the tramways to be vested in the Corporation under or in pursuance of this Act and the tramways by this Act authorised :

And the expression “ superior courts ” or “ court of competent jurisdiction ” shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART II.—TRANSFER OF UNDERTAKING.

Confirmation of scheduled agreements.

6. The agreements contained in the First Schedule to this Act are hereby confirmed and made binding on the parties thereto and the same shall be carried into effect subject and according to the provisions of this Act.

Transfer of existing tramway undertaking to the Corporation.

7. The existing tramway undertaking shall by virtue of the scheduled agreements and of this Act become and shall be transferred to and vested in the Corporation as on and from the twenty-ninth day of September one thousand eight hundred and ninety-seven subject and according to the provisions of this Act and free as between the Corporation and the said Walter Whittington or his legal personal representatives or the syndicate in the said agreements mentioned from all debts and liabilities affecting the same up to the time of such transfer :

On payment of the consideration in the said agreements mentioned the said Walter Whittington or his legal personal representatives shall forthwith deliver up to the Corporation all the title deeds books papers and documents relating to the existing tramway undertaking.

8.—(1.) From and after the transfer the provisions of Part III. of this Act so far as the same are applicable shall apply to the tramways transferred to and vested in the Corporation under the foregoing provisions of this Act in substitution for the enactments specified in the next sub-section.

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Application
of Part III.
to existing
tramways
and repeal of
enactments.

(2.) From and after the transfer sections 7 to 17 and sections 19 to 21 of the Order of 1873 shall be repealed.

PART III.—CONSTRUCTION MAINTENANCE AND WORKING OF TRAMWAYS.

9. Subject to the provisions of this Act the Corporation may maintain improve and renew the tramways transferred to the Corporation by or under the provisions of this Act.

Maintenance
of tramways.

10. Subject to the provisions of this Act the Corporation may make form lay down and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways hereinafter described together with all proper rails plates sleepers junctions turntables turnouts crossings passing-places works and conveniences connected therewith and may take up and remove so much of the existing lines of tramway as will be rendered unnecessary by the construction of such new tramways The tramways authorised by this section are as follow :—

Construction
of new
tramways.

Tramway No. 1 (1 furlong and 5·3 chains in length) wholly in the hamlets of Coedffranc and Dyffryn Clydach in the parish of Cadoxton-juxta-Neath commencing at a point in the centre of the main road leading from Swansea to Neath 3·4 chains or thereabouts westward of the north-west corner of the Bible Christian Chapel in the village of Skewen passing thence in an easterly direction along the said main road and terminating by a junction with the existing tramway at a point in the said road opposite the Terminus Hotel in the said village of Skewen Tramway No. 1 will be laid down as a single line except between the following points where it will be double in order to form a passing-place (namely) :—

Between points respectively 1 chain and 3 chains eastward of the point of commencement before described ; and

Between points respectively 2 chains and 4 chains eastward of the intersection of the said main road by the Main Colliery Company's tramway (level crossing) :

Tramway No. 2 (single line 4 chain in length) wholly in the said hamlet of Coedffranc commencing on the south side of the said main road at a point 45 chain west of the north-west

A.D. 1897. corner of the Bible Christian Chapel aforesaid thence proceeding along the said main road and terminating therein by a junction with the said intended Tramway No. 1 at a point 3·25 chains eastward of the point of commencement of the said Tramway No. 1:

Tramway No. 3 (single line 1·3 chains in length) wholly in the said hamlet of Coedffranc commencing at a point in Miners' Lane Skewen aforesaid ·2 chain from the south-east corner of the Bible Christian Chapel aforesaid and terminating in the said main road by a junction with the intended Tramway No. 1 at a point 4·25 chains from the point of commencement of that tramway. Provided that no part of Tramway No. 3 shall be constructed without the consent in writing of the Glamorgan County Council:

Tramway No. 4 (2 chains in length wholly in the said hamlet of Dyffryn Clydach) to be laid as a double line in substitution for a portion of the existing tramway in order to form a passing-place commencing and terminating by junctions in the said main road with the existing tramway at points respectively 3·4 chains and 1·4 chains west of a point opposite the entrance to St. John's Church Skewen:

Tramway No. 5 (2 chains in length wholly in the said hamlet of Dyffryn Clydach) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points in the said main road respectively 2·3 chains and ·3 chain west of a point opposite the mile stone near the Neath Abbey Schools:

Tramway No. 6 (2 chains in length wholly in the hamlet of Blaenhonddan in the parish of Cadoxton-juxta-Neath) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points in the said main road respectively 4·5 chains and 6·5 chains east of the centre of the bridge carrying the tramway of the Main Colliery Company across the said main road at Neath Abbey:

Tramway No. 7 (2 chains in length wholly in the parish and borough of Neath) to be laid as a double line in substitution for a portion of the existing tramway and to form a passing-place commencing and terminating by junctions with the existing tramway at points on the said main road respectively ·8 chain and 2·8 chains east of a point in the main road opposite the back entrance to the residence called Glynleiros:

Tramway No. 8 (3·3 chains in length wholly in the parish and borough of Neath) to be laid as a single line to form a passing-

place commencing and terminating by junctions with the existing tramway at points on the said main road respectively 4·8 chains and 8·10 chains north-eastward of a point in the main road opposite to the main entrance to Glynleiros :

Tramway No. 9 (3·1 chains in length wholly in the parish and borough of Neath) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points on the said main road respectively ·25 chain north-east of a point opposite the entrance to Westbrook Villa and ·10 chain south-west of the centre of the bridge carrying the main road over the Swansea and Neath (Low Level) Railway :

Tramway No. 10 (2 chains in length wholly in New Street in the parish and borough of Neath) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively 1·05 chains and 3·05 chains south-east of the intersection of the centre lines of Church Place and New Street :

Tramway No. 11 (2 chains in length wholly in London Road in the parish and borough of Neath) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively 1 chain and 3 chains southward of the main road boundary stone at the south end of Mexico Row :

Tramway No. 12 (2 chains in length wholly in Briton Ferry Road) partly in the said parish and borough of Neath and partly in the parish of Llantwit-Lower to be laid as a double line (in substitution for a portion of the existing tramway and to form a passing-place) commencing in the parish of Neath and terminating in the parish of Llantwit-Lower by junctions with the existing tramway at points respectively 1 chain north and 1 chain south of the intersection of Briton Ferry Road by the boundary between the parishes of Neath and Llantwit-Lower :

Tramway No. 13 (2 chains in length wholly in Briton Ferry Road in the parish of Llantwit-Lower) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively 1 chain south-west and 1 chain north-east of the intersection of the centre lines of Herbert Road and Briton Ferry Road :

Tramway No. 14 (11 chains in length wholly in Briton Ferry Road in the parish of Llantwit-Lower) to be laid as a single line alongside the existing tramway commencing and terminating by junctions with the existing tramway at points

A.D. 1897. respectively 6·6 chains north and 4·45 chains south of a point in the said road opposite the north end of Richmond Terrace measured along the centre of the road :

Tramway No. 15 (2 chains in length wholly in Briton Ferry Road in the parish of Llantwit-Lower) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points in the said road respectively 2·95 chains and ·95 chain north of a point in the same road opposite the north end of Eastbourne Terrace :

Tramway No. 16 (2 chains in length wholly in Neath Road in the parish of Briton Ferry) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively 9·2 chains and 7·2 chains north of the intersection of the centre lines of Ynismaerdy Road and Neath Road :

Tramway No. 17 (2 chains in length wholly in Neath Road in the parish of Briton Ferry) to be laid as a double line in substitution for a portion of the existing tramway and to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively 1·4 chains north and ·6 chain south of a point in the road in line with the north end of the Briton Ferry Board Schools :

Tramway No. 18 (3·1 chains in length wholly in Neath Road in the parish of Briton Ferry) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points 2·1 chains north and 1 chain south of the intersection of the centre lines of Neath Road and Jersey Street :

Tramway No. 19 (2·6 chains in length wholly in Neath Road in the parish of Briton Ferry) to be laid as a single line to form a passing-place commencing and terminating by junctions with the existing tramway at points respectively ·5 chain north and 2·1 chains south of the intersection of the centre lines of Ritson Street and Neath Road :

Tramway No. 20 (3 chains in length wholly situate in Neath Road in the parish of Briton Ferry and to be partly in substitution for a portion of the existing tramway) commencing by a junction with the existing tramway at a point 1·1 chains north-east of the present Briton Ferry terminus and terminating at a point 1·9 chains south-west of the same point Tramway No. 20 will be laid as a double line for a distance of 2 chains from the point of commencement and as a single line for the remainder of its length :

Tramway No. 21 (3 furlongs and .9 chain in length wholly in the parish of Neath) commencing at a point in Windsor Road 1.75 chains south of the west corner of the Rock Hotel continuing thence along Windsor Road and London Road and terminating in the last-named road by a junction with the existing tramway at a point 3.1 chains south of a point opposite the house No. 66 in London Road Tramway No. 21 will be laid as a single line except for a length of 2 chains from its commencement and between points 1 chain north and 1 chain south of the intersection of the centre lines of the Ropewalk and Windsor Road where it will be a double line : A.D. 1897.

Tramway No. 22 (1.4 chains in length wholly in the parish of Neath) commencing by a junction with the intended Tramway No. 21 at a point in Windsor Road 2.25 chains south of the intersection of the centre lines of Florence Street and Windsor Road and terminating by a junction with the existing tramway in London Road at a point 1.2 chains south of a point opposite the south end of the house No. 66 in London Road Tramway No. 22 will be laid as a single line throughout :

Tramway No. 23 (1 furlong and 1.5 chains in length single line wholly in the parish of Neath) commencing by a junction with Tramway No. 21 at a point in Windsor Road 1.1 chains south of the intersection of the centre lines of Windsor Road and Alfred Street continuing thence through Alfred Street (the east end of which it is intended to widen under the powers of a Provisional Order obtained by the Corporation in 1890) and terminating by a junction with the existing tramway in London Road at a point .8 chain north of the intersection of the centre lines of London Road and Alfred Street (as intended to be widened) :

Tramway No. 24 (single line 1.15 chains in length) wholly in the parish of Neath commencing by a junction with Tramway No. 21 at a point in Windsor Road .8 chain north of the intersection of the centre lines of Windsor Road and Alfred Street and terminating by a junction with Tramway No. 23 at a point in Alfred Street .8 chain east of such point of intersection :

Tramway No. 25 (single line 1.1 chains in length) wholly in the parish of Neath commencing by a junction with Tramway No. 23 at a point in Alfred Street (as intended to be widened) .65 chain west of the intersection of the centre lines of London Road and Alfred Street (as intended to be widened) and terminating by a junction with the existing tramway at a point in London Road .65 chain south of such point of intersection :

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Tramway No. 26 (1 furlong and 5·9 chains in length) wholly in the parish of Neath commencing by a junction with the existing tramway at a point in Bridge Street ·14 chain south-east of the centre of the bridge carrying the Great Western Railway over such street continuing thence through Croft Road the Parade and the Corporation Cattle Market and terminating in Windsor Road at the point of commencement of Tramway No. 21. Tramway No. 26 will be laid as a single line except between points respectively 1 chain and 3 chains north-west of the intersection of the centre lines of Croft Road and the Parade.

(1.) Unless the Corporation construct Tramway No. 1 adjoining one side of the roadway they shall pitch with stone or wood pavement to the satisfaction of the road authority the whole width of the road whereon the tramway is laid.

(2.) Wherever the tramways shall be laid double to form a passing-place or otherwise the Corporation shall pitch the whole width of the road for the entire length of such double line with stone or wood blocks uniform with the pitching of the tramway at the spot.

(3.) Wherever the tramways being single shall be so laid that not more than three feet shall intervene between the nearest rail and the curb of the footpath the Corporation shall pitch the space between the curb and the tramway with wood or stone blocks uniform with the pitching of the tramway at the spot.

(4.) All such pitching shall be maintained in like manner as if it were included in section 28 of the Tramways Act 1870 and the gravelling thereof where necessary shall be deemed to be included in the said section.

Power to
alter levels
of roads.

11. Subject to the provisions of this Act the Corporation may for the purposes of the tramways by this Act authorised alter in the manner shown on the deposited sections the levels of the under-mentioned portions of streets or roads and the tramways thereon (that is to say) :—

(A) A portion of the main road and the tramway thereon leading from Swansea to Neath in the said hamlet of Dyffryn Clydach commencing 1·68 chains west of a point opposite the entrance to St. John's Church Skewen and terminating 2·67 chains west of a point opposite the milestone near Neath Abbey Schools :

(B) A portion of Briton Ferry Road and the tramway thereon situate partly in the parish of Neath and partly in the parish of Llantwit-Lower commencing at a point opposite the house No. 70 in Briton Ferry Road and terminating at a point opposite the house No. 59 in Briton Ferry Road :

(c) A portion of Briton Ferry Road and the tramway thereon commencing and terminating respectively at points 1·2 chains and 7·2 chains south of the south end of Richmond Terrace Penrhiewtyn : A.D. 1897.

(d) A portion of Briton Ferry Road and the tramway thereon in the parish of Llantwit-Lower and of its continuation (Neath Road) in the parish of Briton Ferry commencing at a point opposite the south end of Eastbourne Terrace and terminating at a point 1·9 chains south of a point opposite the entrance to Pantyrheol Church :

(e) A portion of Neath Road and the tramway thereon wholly in the parish of Briton Ferry commencing and terminating respectively at points 11·75 chains and 1·75 chains north of the intersection of the centre lines of Neath Road and Ynismaerdy Road :

Provided that in making any such alteration the Corporation shall correspondingly alter the levels of the whole width of the roads and footways.

12. The tramways by this Act authorised shall be constructed on a gauge of 4 feet 8½ inches provided that carriages or trucks adapted for use upon railways shall not be used thereon. Gauge.

13. If the tramways by this Act authorised shall not be completed within a period of four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the said tramways respectively as shall then have been completed. Period for completion of tramways.

14. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve. Rails of tramways.

15. No part of the tramways by this Act authorised shall be opened for public traffic until the same shall have been certified to be fit for such traffic by the Board of Trade. Tramways not to be opened until certified by Board of Trade.

16. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement shall have been approved by Provisions as to construction of tramways.

A.D. 1897. the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement Provided that the word "materials" in this section does not include materials used for paving metalling or making good any part of any road.

Penalty for not maintaining rails and roads in good condition.

17. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding five pounds and such penalty may be recovered as by section 56 of the said Act is provided In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough or by the road authority that the Corporation have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Reconstruction of tramways.

18. Subject to the provisions of this Act and with the consent of the road authority the Corporation may lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit with the like consent and any alteration of the tramway and appurtenances that may become necessary by reason of such widening shall be executed at the expense of the Corporation Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in

writing under his hand addressed to the Corporation express his objection thereto. A.D. 1897.

19. The Corporation may subject to the provisions of this Act make maintain alter and remove all such crossings passing-places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Act as may be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Corporation express his objection thereto.

Additional passing-places and sidings may be made where necessary.

20. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may from time to time subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued If any difference arises between the Corporation and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Temporary tramways may be made where necessary.

21. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Corporation may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

22. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power

Sanitary authority to

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have access
to sewers.

to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Application
of road
materials
excavated in
construction
of works.

23. Any paving metalling or material excavated by the Corporation in the construction of the tramways from any road under their jurisdiction or control shall belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit and from any road under the jurisdiction or control of any road authority other than the Corporation may be applied by the Corporation so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Motive
power.

24. The carriages used on any of the tramways may subject to the provisions of this Act be moved by animal power or mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to such regulations as the Board of Trade may make for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of mechanical power on the tramways.

Definition of
mechanical
power.

25. For the purposes of this Act the expression mechanical power shall include electrical steam cable pneumatic gas oil and any

other mechanical power and for the purposes of working any of the tramways the Corporation or their lessees may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may construct erect lay down make and maintain on in under or over the surface of any street or road posts brackets electric conductors wires apparatus cables tubes and openings. A.D. 1897.

26. The Corporation or their lessees may upon the lands described in the Second Schedule to this Act (but not elsewhere) construct stations for generating electric power and may thereon provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the preparation of other motive power for the working of the tramways. Generating station.

27. The Corporation or any person using any power on the tramways contrary to the provisions of this Act or to any of the regulations made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Corporation or any person using any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the said regulations may by order direct the Corporation or such person to cease to exercise the powers aforesaid and thereupon the Corporation or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. Penalty for using mechanical power contrary to Act or regulations.

28. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways for all or any of the following purposes (that is to say):— Byelaws.

For regulating the use of the bell whistle or other warning apparatus fixed to the engine:

For regulating the emission of smoke or steam from engines used on the tramways:

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety:

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For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

29. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which carriages are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

For the pro-
tection of the
Postmaster-
General.

30. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

(1.) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the

undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

- (3.)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration:

- (4.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (5.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of

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such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of these sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (11.) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

For the protection of the National Telephone Company.

31. The provisions of the section hereof the marginal note of which is "For the protection of the Postmaster-General" shall be read and have effect for the protection of the electric lines and apparatus of the National Telephone Company Limited as the licencees of the Postmaster-General in the same manner as if those provisions mutatis mutandis were re-enacted and made applicable to the National Telephone Company Limited.

Restrictions on use of electric power.

32. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

- (1.) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

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- (2.) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :
- (3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with such regulations (herein-after referred to as "the prescribed regulations") as the Board of Trade may make for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4.) If the Corporation use electric power contrary to the provisions of this Act or to any of the prescribed regulations they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5.) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation

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shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Corporation and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6.) The expression "the Corporation" in this section shall include their lessees and licencees and any person owning working or running carriages over any of the tramways.

Traffic upon tramways.

33. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels Provided that the extreme width of the carriages trucks or waggons used for the conveyance of animals goods minerals or parcels other than parcels conveyed in passenger carriages shall not exceed seven feet Provided also that the tramways shall not be used for the purpose of carrying animals goods or minerals without the consent in writing of the road authority.

Corporation not bound to carry animals goods &c.

34. The Corporation or their lessees shall not be bound to carry unless they think fit any animals goods articles or things other than passengers luggage and parcels.

Provision as to carriage of animals goods &c.

35. No goods animals articles and things other than passengers and passengers luggage and parcels not exceeding twenty-eight pounds in weight shall be conveyed on the tramways between the

hours of eight in the morning and eight in the evening without the consent of the Corporation and the road authority and such goods animals articles and things shall when required by the Corporation be carried in separate carriages or separate parts of carriages set apart for that purpose. A.D. 1897.
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36. The Corporation or their lessees may demand and take in respect of any passengers animals goods articles and things conveyed by them on the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the Order of 1873 subject to the regulations in that behalf therein contained. Rates.

37. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers. Passengers
luggage.

38. The Corporation or their lessees at all times after the opening of the tramways or any part or parts thereof for public traffic shall run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Corporation or their lessees think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Corporation or their lessees nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade as to the number of such carriages run or as to the hours appointed by the Corporation or their lessees for running such carriages the said Board shall have power to fix and regulate the same from time to time. Cheap fares
for labouring
classes.

39. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Corporation or their lessees may by notice to be annexed to the list of tolls and charges appoint. Payment of
tolls.

40. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways Periodical
revision of
tolls.

A.D. 1897. — it is represented in writing to the Board of Trade by the Corporation or by their lessees or by twenty inhabitant ratepayers of the borough or by the Glamorgan County Council that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on such tramways or on such portion of such tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

As to fares
on Sundays
and holidays.

41. It shall not be lawful for the Corporation or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

Power to
Corporation
to work
tramways.

42.—(1.) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks motor cars harness engines dynamos machinery apparatus horses steam cable electric and other plant poles posts cantilevers appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required.

(2.) The Corporation shall use such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Corporation to cease to use such system and the Corporation shall thereupon cease to use such system and shall not again use the same unless with the

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authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

(3.) The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

(4.) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

(5.) Nothing in this section shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

43. The provisions of section 43 of the Tramways Act 1870 shall apply to every tramway or part of a tramway beyond the limits of the borough acquired or constructed by the Corporation under the powers of this Act and to any local authority within the meaning of the said section within whose district such tramway or part of a tramway is situate. The tramways authorised to be constructed by this Act shall for the purposes of the said section be deemed part of the acquired undertaking.

Section 43 of Tramways Act 1870 to apply to tramways outside borough.

44. The Conveyance of Mails Act 1893 shall extend and apply to the tramways as if the existing tramway undertaking had been authorised by an Act of Parliament passed after the 1st day of January 1893.

As to the carriage of mails on the tramways.

45. The Corporation may enter upon take use and appropriate for the purposes of a generating station or the preparation of other motive power for working the tramways the lands described in the Second Schedule to this Act.

Acquisition of lands for generating station.

46. If any omission mis-statement or wrong description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for

Correction of errors and omissions.

A.D. 1897. the county of Glamorgan and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Restriction on taking houses of labouring class.

47.—(1.) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(2.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

48. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Purchase of additional lands by agreement.

49. The Corporation may from time to time for the purposes of this Act purchase by agreement any lands not exceeding three acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance on any lands purchased under the provisions of this section.

Power to grant easements &c.

50. 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which others than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to sell lands.

51. The Corporation may from time to time sell and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof.

52. For the protection of the Main Colliery Company Limited their successors and assigns (in this section called "the Main Colliery Company") the following provisions shall unless otherwise agreed between the Corporation and the Main Colliery Company have effect (that is to say):—

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For
protection
of Main
Colliery
Company
Limited.

(1.) The rails of the Tramway No. 1 shall be so laid and maintained that the same shall at the point at which that tramway will cross the Main Colliery Company's railway or tramway be level with the upper surface of the road and the Corporation shall not alter the existing level of the said road at that point :

(2.) In the construction of the said Tramway No. 1 at such point of crossing as aforesaid the Corporation shall interfere with the rails of the Main Colliery Company only so far as may be necessary in the construction of such crossing and the works for effecting such crossing shall be constructed and maintained in accordance with a plan to be agreed upon by the engineers for the time being of the Corporation and of the Main Colliery Company and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Main Colliery Company unless after seven days notice given by the Corporation of their intention to commence such works such superintendence is refused or withheld and the rails and substructure of such portions of the tramways as are laid across the rails of the Main Colliery Company shall be maintained and kept in efficient repair to the reasonable satisfaction of the engineer for the time being of that company and during such construction the Corporation shall not stop or interfere more than shall be absolutely necessary in such construction with the free passage of the traffic upon the railway of the Main Colliery Company :

(3.) The Tramway No. 1 shall be so constructed as to permit of the alteration of the gauge of the railway or tramway of the Main Colliery Company to the gauge of four feet eight and a half inches and the Corporation shall if at any time required by the Main Colliery Company so to do make such alteration of their tramway as shall be necessary for the purposes of enabling the Main Colliery Company to effect such alteration of the gauge :

(4.) The Tramway No. 1 shall be so worked as not to interfere with or obstruct the traffic of the Main Colliery Company and subject as aforesaid the Main Colliery Company shall afford to the traffic of the Corporation and of their lessees upon the said

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tramway at least equal facilities to those afforded to the ordinary traffic upon the main road :

(5.) If by reason of the execution of any of the said works or by reason of any proceedings of the Corporation or the failure of any such works or any act or omission of the Corporation or of their servants the railway of the Main Colliery Company be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense :

(6.) If any difference shall arise between the Corporation or their lessees and the Main Colliery Company or their respective engineers in relation to the provisions of this section the same shall be referred to and determined by an engineer to be appointed on the application of the Corporation or the Main Colliery Company by the Board of Trade and the decision of such referee shall be final and the costs of such reference shall be in his discretion.

For
protection
of Great
Western
Railway
Company.

53.—(A) So much of Tramway No. 26 as passes under the bridge carrying the railway of the Great Western Railway Company (herein-after called "the Great Western Railway") over Bridge Street and so much of Tramway No. 9 as passes over the bridge carrying Bridge Street over the Great Western Railway shall be constructed under the superintendence and to the reasonable satisfaction of the Great Western Railway Company (herein-after referred to as "the Great Western Company") unless after notice to be given by the Corporation fourteen days at least before the commencement of the work such superintendence is refused or withheld and in accordance with plans previously submitted to and approved by the Great Western Company or in the event of any difference arising between the Great Western Company and the Corporation in accordance with plans approved by the Board of Trade and if the Great Western Company shall not give notice to the Corporation of their disapproval of the plans within fourteen days after the same shall have been submitted to them they shall be deemed to have approved the same.

(B) No part of Tramway No. 9 where it passes on or over the bridge or the approaches thereto carrying Bridge Street over the Great Western Railway shall be used as a turn out.

(C) Notwithstanding anything in this Act contained the Corporation shall from time to time be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railways or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or

omission of the Corporation or of any person in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

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(D) The Corporation shall pay the cost of such additions to or alterations in the earth or metallic circuits of the Great Western Company as the Board of Trade may consider necessary to prevent interference with the signals and apparatus of the Great Western Company by reason of the use of electric power on the said tramways crossing over or under the bridges belonging to that company.

PART IV.—FINANCIAL AND MISCELLANEOUS.

54.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

Power to borrow.

(A) For the purpose of paying the consideration in the scheduled agreements for the transfer of the existing tramway undertaking to the Corporation and the expenses of and incidental to such transfer the amount of such consideration and expenses :

(B) For the renewal and equipment of the existing tramways the construction and equipment of new tramways and works the construction and erection of works for working the tramways and the purchase of land under this Act the sum of thirty-four thousand three hundred pounds :

(C) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Board of Trade such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the tramway undertaking of the Corporation.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the borough fund and borough rate and the revenue of their tramway undertaking.

(3.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable.

Provided that if any sum shall be included in any borough rate for the purpose of defraying the interest on any money borrowed by virtue of this Act or for the purpose of making provision for the discharge of any money so borrowed then the

A.D. 1897. proviso to section 32 of the Neath Corporation (Gas) Act 1874 shall in the case of the Great Western Railway Company apply to so much of such borough rate as is made for the purpose of raising that sum.

Mode of raising money.

55. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 Any moneys borrowed by the Corporation under the provisions of the Local Loans Act 1875 shall be a charge upon and shall be paid out of the revenue of their tramway undertaking and the borough fund and borough rate and such revenue borough fund and borough rate shall be deemed to be the local rate as defined by the Local Loans Act 1875 And all moneys so borrowed shall be discharged within the periods herein-after in this Act respectively prescribed and if the Corporation at any time form a sinking fund for the repayment of moneys so borrowed all sums paid into the same shall be as soon as may be invested in the manner in which sinking funds are by this Act authorised to be invested or partly in one way and partly in another or others.

Certain regulations of Public Health Act not to apply.

56. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of provisions of Public Health Act as to mortgages.

57. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage :

Section 237. Register of mortgages :

Section 238. Transfer of mortgages.

Periods for discharge of loans.

58. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as “the prescribed period”) following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is “Power to borrow” within thirty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purposes (B) in the said section mentioned within the limit there prescribed within thirty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of the borrowing of the same :

As to moneys borrowed with the approval of the Board of Trade within such period as they may think fit to sanction. A.D. 1897.

59.—(1.) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of sinking funds or partly by one of those methods and partly by another or others of them. Mode of repayment of money borrowed on mortgage.

(2.) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of such sinking

A.D. 1897. — fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(7.) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

Saving for
existing
mortgages.

60. All mortgages created before the passing of this Act on the security of the borough fund and borough rate shall during the subsistence thereof have priority over any mortgage or charge granted under this Act.

Corporation
not to regard
trusts.

61. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment
of receiver.

62.—(1.) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Power to
reborrow.

63. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys

they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. A.D. 1897.

64.—(1.) The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by action on behalf of the Crown in the High Court. Annual return to Local Government Board.

(2.) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall (mutatis mutandis) apply to appropriations and annual repayments.

65. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be treated as capital. Proceeds of sale of surplus lands to be treated as capital.

A.D. 1897. — be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Protection of lender from inquiry.

66. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Separate tramway account.

67. The Corporation shall keep a separate account of all their receipts credits payments and liabilities on account of their tramway undertaking to be called "the Tramway Account" which account shall be subject to the same provisions as to audit examination inspection copies extracts and production of vouchers as other accounts of the Corporation.

Application of revenue.

68. The Corporation shall apply all money from time to time received by them in respect of the tramway undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First—In payment of the working and establishment expenses and cost of maintenance of the tramway undertaking :

Secondly—In payment of the interest on moneys borrowed by the Corporation under this Act :

Thirdly—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed under this Act :

Fourthly—In payment of all other the expenses of the Corporation in relation to their tramway undertaking not being expenses properly chargeable to capital :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their tramway undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

69. Any deficiency in the revenues or receipts of the Corporation on account of their tramway undertaking shall be from time to time made good out of the borough fund or borough rate in such manner as the Corporation may from time to time determine.

Provisions as to arbitration.

70. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to such arbitration.

71. The provisions of the Summary Jurisdiction Acts shall apply to the recovery of any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

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As to
recovery of
penalties.

72. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade.

Orders and
byelaws to
be signed
&c.

73. With respect to notices and to the delivery thereof by or to the Corporation the following provisions shall have effect (that is to say):—

Form and
delivery of
notices.

(1.) Every notice shall be in writing and shall be signed by the town clerk if given by the Corporation and by their clerk or secretary if given by the local or road authority or by any company:

(2.) Any notice to be delivered by or to the Corporation to or by any local or road authority body or company may be delivered by being left at the principal office of such authority body or company or at the town clerk's office (as the case may be) or by being sent by post in a prepaid letter addressed to their respective clerk or secretary at their principal office or to the town clerk at his office.

74. Notwithstanding anything in this Act contained the Corporation and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Act and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power or mechanical power by any such general Act aforesaid.

Saving for
general Acts.

75. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Act 1872 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

Costs of Act.

A.D. 1897. SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART I.—AGREEMENT OF 4TH AUGUST 1896.

AN AGREEMENT made the 4th day of August 1896 between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF NEATH in the County of Glamorgan (herein-after called "the Corporation") of the one part and WALTER WHITTINGTON of Neath aforesaid printer and stationer of the other part.

WHEREAS the undertaking known as the Neath and District Tramways situate at and near Neath aforesaid and the property of the Neath and District Tramways Company Limited are announced for sale by public auction in one lot as a going concern at the Mart Tokenhouse Yard London on Friday the 7th day of August 1896 pursuant to orders of the Chancery Division of Her Majesty's High Court of Justice made on the 2nd of March 1896 and the 8th June 1896 :

And whereas the Corporation are desirous of becoming the purchasers of the said undertaking and property but are unable to do so without first obtaining a special Act of Parliament for that purpose and they have accordingly applied to the said Walter Whittington to attend the said sale on behalf of himself and certain other persons associated with him (herein-after collectively referred to as "the Syndicate") with the object of bidding for and acquiring the said undertaking and property and holding the same from the 29th day of September 1896 for the use and benefit of the said Syndicate and as from the 29th day of September 1897 in trust for the Corporation which the said Walter Whittington has consented to do subject to the terms and conditions herein-after appearing :

Now these presents witness that for the considerations herein mentioned it is mutually covenanted and agreed by and between the said parties to these presents :—

1. That the said Walter Whittington or (him failing) some other member of the said Syndicate shall attend the aforesaid sale by auction and shall bid for the tramway line and for the land houses and stables lettered respectively (A) and (B) in the particulars of sale hereunto annexed such sums not exceeding in any event seven thousand pounds as he shall be authorised and directed in that behalf by any one of the three representatives of the Corporation who were on the 31st day of July last appointed to attend such sale and shall (in the event of his being declared the highest bidder at a price not exceeding the before-mentioned sum) pay the deposit money subscribe the bidding paper and take all other measures and do all acts that may be necessary for perfecting the purchase by him or by the said Syndicate of the said undertaking and property including the purchase by valuation of the properties mentioned in the paragraphs marked (C) and (D) in the aforesaid particulars.

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2. The Syndicate from the time of sale until the completion of the transfer to the Corporation herein-after provided for or until this Agreement shall be determined under clause 8 hereof (whichever event shall first occur) shall carry on the said tramway undertaking as it has been carried on heretofore as a going concern and as if they the Syndicate were directors thereof with unfettered discretion as to its management. Save nevertheless that no substantial outlay whether in the way of renewals of the permanent way or of the purchase of new rolling stock horses or plant shall be incurred by the Syndicate without the consent of the Corporation or of their surveyor for the time being first had and obtained. Should any renewal of the permanent way be made either by the consent or direction of the Corporation or at the instance of the Glamorgan County Council (as the road authority for the administrative county of Glamorgan) or should any new rolling stock horses or plant be purchased with the approval of the Corporation the cost thereof shall be recouped by the Corporation to the Syndicate and shall form a part of the consideration mentioned in Article 4 hereof. All works of renewal shall be executed to the satisfaction of the surveyor for the time being of the Corporation.

3. The Syndicate shall sell and the Corporation shall purchase as from the 29th day of September 1897 the said undertaking and property together with any other property which the Syndicate may in the meantime with the approval of the Corporation acquire conditionally upon these presents being sanctioned and confirmed by an Act of Parliament to be obtained by the Corporation as mentioned in Article 7 hereof (subject to such alterations (if any) as Parliament may think fit to make therein).

4. The consideration for the said sale to the Corporation shall be the actual sums which may be paid by the Syndicate for the said undertaking and property including the amount of the aforesaid valuation and the expenses of and incidental to the completion of the purchase thereof and resale to the Corporation and the amount of the loss (if any) which may be sustained by the Syndicate in carrying on the said undertaking between the 29th day of September 1896 and the 29th day of September 1897. In the event of a profit being made by the Syndicate during that period in working the lines after payment of all working expenses and fair maintenance of the stock and plant such profit shall be applied to and for the absolute benefit of the Syndicate. Should such profit be less than the amount payable by the Syndicate for interest calculated at the rate of 5% per centum per annum and bank charges (if any) on the capital which they may expend on the said purchase working and other purposes herein-before mentioned the Corporation will reimburse the Syndicate the difference between such interest and bank charges (if any) and the actual profit so made as aforesaid.

5. Within one month from the Royal Assent being given to the Bill mentioned in Article 7 the Syndicate shall furnish to the Corporation if required so to do an abstract of their title. Such title shall be limited as mentioned in conditions 8 9 10 and 11 at the said sale by auction and to the assurances and receipts (if any) given to the said Walter Whittington or to the said Syndicate on completion of their purchase as aforesaid and the said Corporation shall without requisition or objection accept such title.

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6. The purchase by the Corporation shall be completed and the aforesaid consideration paid at the offices of the solicitor of the Syndicate for the time being on the 29th day of September 1897 from which date until actual completion interest on the said consideration shall be payable by the Corporation at the rate of 5*l.* per centum per annum.

7. The Corporation shall in the next session of Parliament promote a Bill for the confirmation of this Agreement and authorising the Corporation to acquire the said undertaking and property on the terms hereof The Corporation shall bonâ fide take all such steps and do all acts in their power to obtain the sanction of the ratepayers of the said borough and also of Parliament to the said purchase and Bill.

8. If such Bill shall not be passed into law during the year 1897 this Agreement shall thereupon be determined and no claim for compensation damages or otherwise shall in that event arise.

In witness whereof the said Walter Whittington hath hereunto set his hand and seal and the Corporation have hereunto caused their common seal to be affixed the day and year first above mentioned.

The common seal of the mayor aldermen
and burgesses of the borough of Neath
was affixed to and these presents were
signed by Hopkin Morgan Esquire ex-
mayor of the said borough in pursuance
of a resolution of the town council duly
passed and in the presence of
EDWIN C. CURTIS
Town Clerk
Neath.

HOPKIN MORGAN
Ex-Mayor.

Seal of
the Neath
Corporation.

Signed sealed and delivered by the above-
named Walter Whittington in the
presence of
C. VALENTINE PEGGE
Solicitor
Neath.

W. WHITTINGTON.

L.S.

PART II.—AGREEMENT OF 31ST AUGUST 1896.

AN AGREEMENT made the 31st day of August 1896 between the within-mentioned MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF NEATH (herein-after called "the Corporation") of the one part and the within-named WALTER WHITTINGTON of the other part.

WHEREAS the sale by auction within referred to duly took place on the 7th day of August instant and the Neath and District Tramway Line and the land

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houses and stables marked (A) and (B) in the particulars of sale were sold to the said Walter Whittington at the price or sum of 7,200*l.* to which sum he the said Walter Whittington was authorised and directed by the representatives of the Corporation in the sale room to bid although such sum exceeded by 200*l.* the amount mentioned in the within Agreement :

And whereas at the quarterly meeting of the town council of the said borough of Neath held on the 13th day of August instant it was unanimously decided that the Corporation should ratify and confirm the proceedings at the said sale and the purchase of the said tramway line land houses and stables by the said Walter Whittington at the price of 7,200*l.* and that the within-written Agreement should be modified accordingly :

Now these presents witness that in pursuance of the premises the Corporation do hereby ratify confirm and approve the transactions at the said sale by auction and the purchase by the said Walter Whittington thereat of the said tramway line land houses and stables for the purposes mentioned and set out in the within-written Agreement and do hereby declare that the said Agreement shall be construed throughout as if the maximum sum to be bid by the said Walter Whittington were therein stated at 7,200*l.* instead of 7,000*l.*—the within-written Agreement in all other respects being hereby confirmed and to be made applicable to the purchase by the said Walter Whittington of the said tramway undertaking for the within described purposes at the price or sum of 7,200*l.*

In witness whereof the said Walter Whittington hath hereunto set his hand and seal and the Corporation have hereunto caused their common seal to be affixed the day and year first above written.

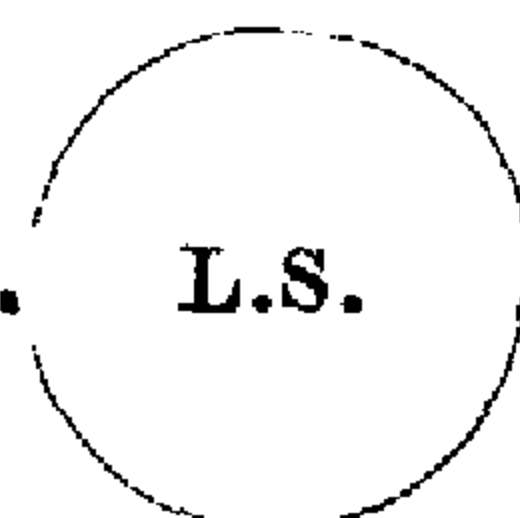
The common seal of the mayor aldermen
and burgesses of the borough of Neath
was affixed to and these presents were
signed by Hopkin Jones Esquire mayor
of the said borough in pursuance of a
resolution of the town council duly
passed and in the presence of
EDWIN C. CURTIS
Town Clerk
Neath.

HOPKIN JONES
Mayor.



Signed sealed and delivered by the above-
named Walter Whittington in the
presence of
C. VALENTINE PEGGE
Solicitor
Neath.

W. WHITTINGTON. L.S.



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SECOND SCHEDULE.

LANDS FOR GENERATING STATION.

I.—A piece of land in the town and parish of Neath abutting on London Road and Cresswell Road and known as the Tramway Dépôt ; and

II.—A piece of land in the hamlet of Coedffranc in the parish of Cadoxton-juxta-Neath in the county of Glamorgan bounded on the west by the Bible Christian Chapel and on the north by the main road leading from Swansea to Neath.

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