



CHAPTER cclxii.

An Act for empowering the Cardiff Railway Company A.D. 1898.
to construct new railways in the county of Glamorgan
to make further provisions as to the capital of the
Company and for other purposes. [12th August 1898.]

WHEREAS under the Bute Docks (Transfer) Act 1886 the Bute 49 & 50 Vict.
c. lxxxvi.
Docks Company were incorporated and became the owners
of the Bute Docks at Cardiff in the county of Glamorgan :

And whereas by the Cardiff Railway Act 1897 the Company were 60 & 61 Vict.
c. ccvii.
authorised to construct certain railways in the county of Glamorgan
and the name of the Company was changed and is now the Cardiff
Railway Company :

And whereas it would be of public and local advantage to
empower the Cardiff Railway Company to construct the lines of
railway in this Act described :

And whereas it is expedient to empower the Cardiff Railway
Company to raise further capital and to authorise the conversion
of the ordinary stock of the Company into preferred ordinary
stock and deferred ordinary stock and to increase the number of
directors of the Company and to make such other provisions as
this Act contains :

And whereas the objects of this Act cannot be attained without
the authority of Parliament :

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

May it therefore please Your Majesty that it may be enacted
and be it enacted by the Queen's most Excellent Majesty by

A.D. 1898. — 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) :—

I.—PRELIMINARY.

Short title. 1. This Act may be cited as the Cardiff Railway Act 1898 and the Bute Docks and Cardiff Railway Acts 1865 to 1897 may be cited together with this Act as the Bute Docks and Cardiff Railway Acts 1865 to 1898.

Incorporation of general Acts. 2. The Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 and Part I. (Construction of a Railway) of the Railways Clauses Act 1863 (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act.

Interpretation. 3. In this Act unless the context otherwise requires—
 “The Act of 1897” means the Cardiff Railway Act 1897 ;
 “The Company” means the Cardiff Railway Company :

Terms and expressions to which by any of the Acts wholly or in part incorporated herewith meanings are assigned have in this Act the same respective meanings.

II.—RAILWAYS.

(i.) *New Railways and Works.*

Power to make railways and to acquire lands. 4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter on take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

A railway No. 1 (in this Act called “Railway No. 1”) 1 mile 7 chains in length commencing by a junction with the railway authorised by the Bute Docks Act 1894 at a point five hundred yards or thereabouts measured in a south-westerly direction from the easternmost corner of the Roath Dock and four hundred and thirty-three yards or thereabouts measured in an easterly direction from the southernmost corner of the said dock and terminating at a point two hundred and twenty yards or thereabouts measured in a north-easterly direction from the easternmost of the two boundary posts which indicate the point of junction between the Company’s railway and the Roath

branch of the Taff Vale Railway and one hundred and forty yards or thereabouts in a north-easterly direction from a point where the centre line of Swansea Street intersects the centre line of Caerphilly Street ;

A railway No. 2 (in this Act called "Railway No. 2") 3 furlongs 6·80 chains in length commencing at a point four hundred and thirty-three yards or thereabouts measured in a north-easterly direction from the easternmost corner of the Roath Dock and two hundred and fifteen yards or thereabouts measured in a southerly direction from a point where the centre line of Swansea Street intersects the centre line of Menelaus Street and terminating by a junction with Railway No. 1 at its termination ;

A railway No. 3 (in this Act called "Railway No. 3") 2 miles 3 furlongs 4 chains in length commencing by a junction with Railway No. 1 at its termination and terminating by a junction with Railway No. 7 authorised by the Act of 1897 at a point in the field numbered 10 upon the $\frac{1}{2500}$ Ordnance survey map of the parish of Roath dated 1880 one hundred and forty-five yards or thereabouts measured in a north-westerly direction from the south corner of the said field and two hundred yards or thereabouts measured in a south-westerly direction from the easternmost corner of the said field ;

A railway No. 4 (in this Act called "Railway No. 4") 1 furlong 30 chains in length commencing by a junction with Railway No. 1 authorised by the Bute Docks (Further Powers) Act 1886 at a point two hundred and ninety-three yards or thereabouts measured in a northerly direction from the easternmost corner of the Roath Dock and one hundred and eighty yards or thereabouts measured in a north-easterly direction from the northernmost corner of the said dock and terminating by a junction with Railway No. 2 at the commencement thereof ;

A railway No. 5 (in this Act called "Railway No. 5") 9·80 chains in length commencing by a junction with Railway No. 2 authorised by the Bute Docks (Further Powers) Act 1886 at a point two hundred and fifty-three yards or thereabouts measured in a north-easterly direction from the easternmost corner of the Roath Dock and three hundred yards or thereabouts measured in an easterly direction from the northernmost corner of the Roath Dock and terminating by a junction with Railway No. 2 at the commencement thereof ;

A railway No. 6 (in this Act called "Railway No. 6") 2 furlongs 6·60 chains in length commencing by a junction with the Great Western Railway at a point one hundred and thirty-five

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yards or thereabouts measured along the said Great Western Railway in a south-westerly direction from the centre of the bridge carrying the Roath branch of the Taff Vale Railway over the Great Western Railway and terminating by a junction with Railway No. 3 at a point in the centre of the Newport Road sixty yards or thereabouts measured along the said road in a south-westerly direction from the centre of the bridge carrying the said road over the Roath Brook;

A railway No. 7 (in this Act called "Railway No. 7") 1 mile 6 furlongs 8·50 chains in length commencing in the parish of Llanishen by a junction with Railway No. 7 authorised by the Act of 1897 at a point in the field or inclosure numbered 646 upon the $\frac{1}{2500}$ Ordnance survey map of that parish dated 1880 one hundred and forty yards or thereabouts measured in an easterly direction from the centre of the bridge carrying the Rhymney Railway over the Roath branch of the Taff Vale Railway and thirty-five yards or thereabouts measured in a north-easterly direction from the centre of the bridge carrying the Roath branch of the Taff Vale Railway over the road leading from Cardiff along the western side of Roath Park and terminating in the same parish by a junction with Railway No. 1 authorised by the Act of 1897 at a point in the inclosure numbered 475 upon the $\frac{1}{2500}$ Ordnance survey map of that parish dated 1875 sixty-five yards or thereabouts measured in a north-easterly direction from the south-west corner of the said inclosure:

Provided that the powers conferred by this Act for the construction of Railway No. 6 shall not be exercised by the Company except with the consent of the Great Western Railway Company.

Additional
powers as
to lands.

5. Subject to the provisions of this Act the Company may in addition to the other lands which they are authorised to acquire by this Act enter on take and use for the purposes of this Act all or any of the lands following delineated upon the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands in the parish of Llanishen adjoining and on the west side of the Rhymney Railway and extending along that railway from a point one hundred and thirty-three yards northwards to a point two hundred and eighty-three yards northwards from the centre of the viaduct carrying that railway over the public road near the former site of the Llanishen brickworks and extending westwards from the Rhymney Railway one thousand one hundred and sixty yards or thereabouts.

6. Persons empowered by the Lands Clauses Consolidation Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other 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 said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Power to grant easements.

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

Period for compulsory purchase of lands.

8.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district 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 unless and until the Company—

Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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

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

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purpose of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this

section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion

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

Lands for
extra-
ordinary
purposes.

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

Power to
deviate.

10. In making the railways the Company may deviate to any extent not exceeding the limits of deviation shown on the deposited plans.

Period for
completion
of works.

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

Power to
alter
roads &c.
temporarily.

12. During the execution of the works by this Act authorised and for the purposes and subject to the provisions of this Act the Company may from time to time alter divert or stop up temporarily any public streets roads bridges and watercourses in any of the lands shown on the deposited plans and specified in the deposited books of reference and any sewers drains gaspipes waterpipes and electric or other machinery or apparatus in or under any such public streets roads and bridges doing as little damage as may be and providing substitutes for any sewers drains gaspipes or waterpipes or electric or other machinery or apparatus so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section :

Provided that the Company shall not alter divert or in any way interfere with any electric apparatus or other property belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply otherwise than in accordance with the provisions of that section.

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13. And whereas in order to avoid in the execution and maintenance of the railway authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier he shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The costs of the reference shall be in the discretion of the referee :
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by

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reason of the exercise of the powers granted by this enactment:

- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Acts :
- (10) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Owners may be required to sell parts only of certain lands and buildings.

14. And whereas in the construction of the railways by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only

without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any

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such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

For protection of Corporation of Cardiff.

15. For the protection of the mayor aldermen and burgesses of the county borough of Cardiff (in this section called "the corporation") the following provisions shall have effect except so far as the corporation and the Company may otherwise agree (that is to say):—

- (1) In this section the expression "water mains" includes water conduits water mains and pipes hydrants valves and water apparatus and appliances belonging to the corporation :
- (2) The Company shall not enter upon take or use or in any way interfere with either permanently or temporarily any portion of Swansea Street or Singleton Road or that portion of the land numbered on the deposited plans 48 49 and 51 in the parish of Roath authorised to be purchased by the corporation under the powers of the Cardiff Corporation Act 1894 :
- (3) The Company shall pitch with stone from the ground level to three feet above high water level of ordinary spring tides to the reasonable satisfaction of the corporation the slope of so much of the embankment carrying Railway No. 1 as lies between two points situate respectively five furlongs and five furlongs seven chains from the commencement of that railway measured along the centre line thereof as shown on the deposited plans and shall take all reasonable precautions to prevent the fall or deposit of any débris from the said railway or the said embankment or work into the open invert or outfall channel of the main outfall sewer of the corporation between those points and shall forthwith remove any such débris as may fall into or be deposited in such invert or channel and if the Company construct such railway they shall cover in the main sewer outfall basin to the reasonable satisfaction of the corporation :

- (4) The bridge to carry Railway No. 3 across Newport Road shall be a flat girder bridge having throughout a clear span of not less than seventy feet and a clear headway of not less than seventeen feet and six inches above the present level of the surface of the said road where crossed by the railway as shown on the deposited plans and sections :
- (5) At each of the distances of one furlong 7·60 chains and four furlongs two chains or thereabouts on Railway No. 3 measured from the commencement and along the centre line of that railway as shown on the deposited plans the Company shall construct and maintain (in line with the bridges to be constructed under the Great Western Railway in accordance with the provisions of subsections 21 and 22 of section 6 of the Great Western Railway (Additional Powers) Act 1896) a flat girder bridge having throughout in the case of the bridge at the first-named distance a clear minimum span of fifty feet and a clear minimum headway of sixteen feet above the surface of the intended road and in the case of the bridge at the second-named distance a clear minimum span of forty feet and a clear minimum headway of sixteen feet above the surface of the said intended road :
- (6) Where the Railway No. 3 crosses the Roath Brook the Company shall construct and maintain a flat girder bridge having a width of not less than fifteen feet and a headway of not less than ten feet above the level of the bed of the said brook as shown on the deposited plans so as to form a free and unobstructed channel for the passage of all tidal and flood waters :
- (7) In order to admit of the present footpath numbered on the deposited plans 54 in the parish of Roath leading from Roath Mill to Penylan being widened in continuation of the improvements at Waterloo Road the Company shall construct and maintain a bridge over Railway No. 3 where crossed by the said footpath having throughout a clear width between the parapets of not less than fifty feet and having its centre line in such position as may be required or determined upon by the Right Honourable Godfrey Charles Lord Tredegar and the corporation ;

In the construction of the said bridge provision shall be made for carrying two water mains not exceeding twelve inches diameter and the Company shall afford all reasonable facilities for laying these mains when required by the corporation free of all charge :

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- (8) The Company shall at a point distant about one mile six furlongs 1·20 chains from the commencement of Railway No. 3 measured along the centre line thereof as shown on the deposited plans construct and maintain a bridge over Railway No. 3 having throughout a clear width between the parapets of not less than forty feet. In the construction of such bridge provision shall be made for carrying a water main not exceeding twelve inches diameter and the Company shall afford all reasonable facilities for laying the main when required by the corporation free of all charge :
- (9) The bridge to be constructed under Penylan Road numbered on the deposited plans 61 in the said parish of Roath and which will be also under Convent Road numbered 62 in the same parish as proposed to be altered shall have throughout between the parapets a clear width of not less than fifty feet :
- (10) The bridge to carry Railway No. 7 over the road in the western side of Roath Park situate partly in the parish of Llandaff and partly in the parish of Llanishen shall be a flat girder bridge and shall have throughout a clear span of not less than forty feet and a clear headway of not less than eighteen feet above the surface of the said road where crossed by that railway :
- (11) The bridge to carry Railway No. 7 over the road numbered on the deposited plans 17 in the parish of Llanishen shall be a flat girder bridge and shall have throughout a clear span of not less than forty feet and a clear headway of not less than sixteen feet above the surface of the said road where crossed by that railway :
- (12) The Company shall construct and maintain a bridge having between the parapets a clear width throughout of not less than twelve feet to carry over Railway No. 7 the public footpaths leading from the West Road of Roath Park and numbered on the deposited plans 4A in the parish of Llanishen and numbered 6 in the parish of Llandaff :
- (13) The Company shall construct and maintain a flat girder bridge having throughout a clear span of not less than forty feet over the Railway No. 7 so as to enable the said road numbered on the deposited plans 8 in the said parish of Llanishen leading from Allensbank Road to and past the Jews' Cemetery to be continued to the said West Road of Roath Park ;

In the construction of the said bridge provision shall be made for carrying two water mains not exceeding twelve inches in diameter and the Company shall afford all reasonable facilities

for laying these mains when required by the Corporation free of all charge : A.D. 1898.

- (14) The sewers in Penylan Road and Convent Road where Railway No. 3 will pass thereunder shall be respectively reconstructed by the Company upon such lines levels and rate or rates of inclination and of the same form and dimensions and of the like material as the existing sewers and so as to form a continuous line therewith but the Company shall not interfere with the existing sewers respectively until they shall have made provision to the reasonable satisfaction of the corporation for the uninterrupted flow of the sewage in the said respective existing sewers during such reconstruction :
- (15) The span of every bridge carrying any of the railways over any street shall be measured at right angles to the centre line of such street and no portion of any pier parapet fence or abutment shall project beyond the line of the street :
- (16) Every bridge in this section referred to carrying any of the railways under any road or intended road shall be constructed and maintained of sufficient strength to admit of a fifteen ton steam roller passing thereover and any such bridge carrying any of the said railways over or across any road or intended road shall be constructed and maintained in such a manner as to prevent the dripping of water therefrom on any part of the roadway or footways thereunder and the abutments thereof shall be faced with the best quality white glazed bricks and the under surface of the superstructure painted white and every bridge shall have on either side of it a substantial parapet or close screen not less than seven feet in height above the level of the rails or of the road surface as the case may be and the Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of such bridge parapet or screen any placard or advertisement other than a placard or advertisement relating solely to the business of the Company and if any such placard or advertisement other than as aforesaid be so affixed or exhibited the corporation may cause the same to be removed at the cost of the Company :
- (17) The provisions contained in subsections 13 and 14 of section 11 of the Cardiff Railway Act 1897 so far as they relate to Roath Park or the road adjoining shall extend and apply mutatis mutandis to and in relation to the works to be executed and the powers to be exercised under the powers of this Act and to the Company and the corporation in relation thereto and shall be deemed to be incorporated with this section accordingly :

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- (18) Except where expressly varied by or inconsistent with this section the provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the water mains and to the corporation in respect thereof as though the corporation were a water company or society :
- (19) In every case in which the railways will cross or interfere with any sewer or water main of the corporation and in every case in which any embankment bridge or work of the Company will be constructed in such proximity to any sewer or water main of the corporation as in the opinion of the borough engineer or the water engineer (as the case may require) to endanger the safety thereof or to cause injury thereto the Company shall bear the cost necessarily and properly incurred by the corporation in strengthening and securing the said sewer or water main from all injury which may arise thereto by reason of the execution of any works by the Company and shall for ever afterwards uphold and maintain such strengthening and securing works and the portion of the sewer or water main so crossed endangered or interfered with in good and sufficient repair to the reasonable satisfaction of the corporation and the Company shall allow the corporation and their contractors and their respective officers servants and workmen at all reasonable times and with all necessary materials to have free access to any part of any such sewer and water main respectively :
- (20) In every case in which any railway of the Company crosses or interferes with any water main of the corporation the culvert to be constructed over such main may be constructed by the corporation if they so elect on their giving to the Company twenty-one days' notice in writing to that effect prior to the actual construction of such culvert by the Company but at the cost of the Company and so that the corporation shall proceed with such construction with all due despatch so as not to delay the execution of the works of the Company :
- (21) If any water main be rendered unnecessary by reason of the pulling down of the buildings supplied thereby the Company shall reimburse the corporation the cost of such water main and the Company shall not under the powers of this Act take more than four houses in Tongwynlais nor more than ten in Spring Gardens Terrace :
- (22) The piers or abutments of every bridge carrying any railway over any road in which any water main is laid or any sewer is constructed shall be carried to such a depth (not being less than the depth of the lowest part of the water main or

sewer where it passes under such bridge) and shall be so constructed as not to endanger the safety of such water main or sewer nor prevent the corporation at any time reconstructing relaying or repairing the same respectively Any relaying alteration or diversion of any existing or the substitution of any new for any existing water main or sewer executed under or rendered necessary by the exercise of the powers of this Act may be effected by the corporation at the cost of the Company provided the corporation give to the Company notice in writing in that behalf within twenty-one days after the date of the submission of the plans sections and specifications relating thereto as required by this section and any new or additional water main and any increased length of any existing water main so rendered necessary shall be provided by the corporation at the cost of the Company :

- (23) Every such relaying alteration diversion and substitution effected by the corporation shall be done to the reasonable satisfaction of the engineer of the Company :
- (24) If any railway bridge or the abutments thereof or if any railway crossing or interfering with any water main of the corporation is in any manner whatsoever interfered with damaged or otherwise affected by any works of the corporation in connexion with any such water main the corporation shall not be liable for any such damage or otherwise and no demand whatsoever shall be made upon them in respect thereof unless such damage shall be occasioned wilfully :
- (25) The Company shall not without the previous consent of the corporation under the hand of the town clerk use any explosive substance in the construction of any portion of the authorised railways situate within forty feet of any water main and the corporation are hereby authorised to give the required consent subject to such conditions as to them may seem expedient and subject to the payment and satisfaction by the Company of all damages costs and expenses to be sustained by the corporation in respect of any such main or work by the use of any explosive substance whether within or beyond the said distance such damages to be recovered by action in any court of competent jurisdiction and the corporation shall not incur any liability by giving any such consent :
- (26) All the works to be executed by the Company in any way affecting Roath Park or any lands buildings erections water main street sewer drain electric light apparatus or property of the corporation shall (subject in the case of any water main to the right of the corporation to execute the same as herein-before

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provided) be executed by and at the cost of the Company or if the corporation so elect by them at the said cost and if executed by the Company the same shall be carried out under the superintendence and to the reasonable satisfaction of the corporation in accordance with the plans sections and specifications reasonably approved of by them before the commencement of the work. Provided that if they fail for a period of twenty-eight days after the submission of the said plans sections and specifications to express in writing their disapproval thereof or their requirements in relation thereto the corporation shall be deemed to have approved thereof. The Company shall reimburse the corporation the reasonable cost incurred by them in such superintendence. Provided also that nothing herein contained shall empower the corporation to execute or construct any works which when constructed will form part of the railway or undertaking of the Company :

(27) Nothing in this Act shall interfere with the rights or powers of the corporation in relation to the making of new sewers and drains or the laying of new water mains or electric wires pipes or apparatus and if the corporation at any time desire to construct or lay any sewer drain water main electric wire pipe or apparatus under any railway constructed on any land acquired by the Company under the powers of this Act the Company shall free of any charge or compensation give the corporation all reasonable facilities for carrying out the work required for the purposes of this subsection but all such work shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the Company :

(28) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execution by the corporation of any such works and the acquisition of land therefor :

(29) If any difference arise between the Company and the corporation touching anything to be done or not to be done or any moneys to be paid under the provisions of this section such difference shall be settled by an engineer appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers :

(30) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of the Acts or parts of Acts incorporated herewith or of any Public Acts

relating to the water supply and works which may exist for the protection or benefit of the corporation. Provided that the corporation shall not be entitled to proceed under more than one enactment with respect to one and the same matter.

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16. For the protection of the Taff Vale Railway Company (in this section called "the Taff Vale Company") the following provisions shall have effect (that is to say):—

For protec-
tion of Taff
Vale Railway
Company.

(1) The Company shall not enter upon or interfere with the railways or works of the Taff Vale Company (which expression in this section includes any railways of the Aberdare Railway Company leased to or vested in the Taff Vale Company) or any of the lands or works of or leased to or vested in the Taff Vale Company or execute any works whatever under or affecting the same until the Company shall have delivered to the Taff Vale Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer of the Taff Vale Company or if he shall have failed for twenty-eight days after delivery of the plans and drawings to approve the same or in case of his disapproval thereof within the said twenty-eight days until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer of the Taff Vale Company or in case of difference of an engineer to be appointed by the Board of Trade:

(2) Any bridge carrying Railway No. 2 over the Roath Branch Railway of the Taff Vale Company shall be so constructed as to enable the Taff Vale Company upon their own land to lay down two additional lines of rails on the eastern side and two additional lines of rails on the western side of the existing two lines of rails and every span of such bridge shall have a clear headway throughout of not less than fourteen feet six inches from the existing rails of the Taff Vale Company:

(3) Should it be necessary in consequence of the construction of any of the works by this Act authorised for the Taff Vale Company to alter or remove any telegraph or telephone posts and wires on or connected with their said railway at or near the said works the Company shall bear and on demand pay to the Taff Vale Company the expenses of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or substituting other telegraph or telephone posts or wires therefor:

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- (4) The Company shall bear and on demand pay to the Taff Vale Company the reasonable expense of the employment by them during the making of the railways over under and adjacent to the railways of the Taff Vale Company of a sufficient number of inspectors signalmen and watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise :
- (5) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Taff Vale Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on the railways of the Taff Vale Company or to any company or persons using the same or otherwise during and in consequence of the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Taff Vale 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 :
- (6) The Company shall at their sole expense at all times maintain the bridges (other than existing bridges which are not interfered with) and all other works by which the railways by this Act authorised shall be carried over or under or affecting the property of or leased to or vested in the Taff Vale Company in substantial repair good order and condition to the reasonable satisfaction in all respects of the engineer of the Taff Vale Company and if and whenever the Company fail so to do after one month's notice from the Taff Vale Company for that purpose or in case of urgency the Taff Vale Company may make and do in and upon as well the land of the Company as their own lands all such works and things as shall be reasonably requisite in that behalf for insuring such repair and the sum from time to time certified by their engineer or in case of dispute settled by arbitration to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered by the Taff Vale Company from the Company :

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- (7) In constructing the railways by this Act authorised the Company shall not in any way obstruct or interfere with any traffic passing along the railways of the Taff Vale Company and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the railways of the Taff Vale Company so as to impede or prevent the convenient passage of engines waggons or carriages along the same the Company shall pay to the Taff Vale Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue :
- (8) Where any railways or works by this Act authorised are laid out so as to pass through or over any lands or property of or leased to or vested in the Taff Vale Company the Company shall so construct the same as to occupy as little as may be reasonably practicable of such lands and except for the purposes of such construction and for the purposes of construction of bridges over or under the railways of the Taff Vale Company the Company shall not take or acquire any lands of or leased to or vested in the Taff Vale Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the land of or leased to or vested in the Taff Vale Company or to alter vary or interfere with the railways of the Taff Vale Company or with any of the works thereof further or otherwise than is necessary for the construction widening and maintenance of such works as aforesaid and of the bridges over or under those railways without the consent in writing in every instance for that purpose first had and obtained of the Taff Vale Company under their common seal and with respect to any of the lands of or leased to or vested in the Taff Vale Company which the Company are by this Act authorised to purchase take use enter upon or interfere with for the purpose of such bridges or works the Company shall not purchase or take any greater or other estate in any such land than an easement or right of using such land in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the consideration to be paid by the Company to the Taff Vale Company for such easement shall unless agreed upon between them be settled by arbitration :
- (9) If any dispute shall arise between the Taff Vale Company and the Company respecting any of the matters and provisions aforesaid such dispute shall unless otherwise agreed or otherwise provided by this section be settled by an arbitrator to be agreed

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upon between the parties or in case of such difference to be appointed on the application of either party by the President of the Institution of Civil Engineers in London.

For protec-
tion of Great
Western
Railway
Company.

17. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say):—

(1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of the Great Western Company or execute any works whatever under or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings to approve the same until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer of the Great Western Company or in case of difference of an engineer to be appointed by the Board of Trade:

(2) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railways by this Act authorised over and adjacent to the railways of the Great Western Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise:

(3) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs 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 Company or of any persons in their employ or of their contractors or otherwise

and the Company 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: A.D. 1898.

(4) The Company shall at their sole expense at all times maintain the bridge and other works by which the Railway No. 3 shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineer of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company or in case of urgency the Great Western Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for insuring such repair and the sum from time to time certified by the said engineer of the Great Western Company to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction:

(5) In constructing the railways by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the said Great Western Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue:

(6) Except for the purpose of the crossing of Railway No. 3 the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of the Great Western Company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the said railway without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their

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common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossing or otherwise the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment :

(7) The Company shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement :

(8) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

18. For the protection of the Rhymney Railway Company (herein-after called "the Rhymney Company") the following provisions shall have effect (that is to say) :—

(1) The Company shall not enter upon or interfere with the railway of the Rhymney Company or any of the lands or works of that company until the Company shall have delivered to the Rhymney Company plans and drawings of the intended works and those plans and drawings shall have been approved in writing by the engineer of the Rhymney Company or in the event of his failure for fourteen days after the delivery of the plans and drawings to approve the same until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the engineer of the Rhymney Company or in case of difference in manner herein-after provided :

For pro-
tection of
Rhymney
Railway
Company.

A.D. 1898.
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- (2) In constructing the Railway No. 7 under the northern arch of the Rhymney Company's Viaduct No. 33 on the deposited plans in the parish of Llanishen the Company shall construct a retaining wall on the south side thereof so as to protect the adjoining pier of the viaduct and shall not interfere with but shall leave clear space for the future extension by the Rhymney Company of the abutment and pier of the viaduct for fourteen feet on each side so as to allow of four lines of railway being hereafter carried over the viaduct :
- (3) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Rhymney Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during and in consequence of the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the Rhymney 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 :
- (4) Notwithstanding anything in this Act the Company shall not except by agreement take or acquire any land of the Rhymney Company but the Company may purchase and the Rhymney Company shall grant to the Company such easement or right of using the lands of the Rhymney Company as shall be necessary for making and maintaining Railway No. 7 under the northern arch of the Rhymney Company's said viaduct in manner aforesaid :
- (5) The Company shall pay to the Rhymney Company by way of purchase or compensation for the easement or right aforesaid such an amount as may be agreed upon or in case of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement :
- (6) If any difference shall arise between the Rhymney Company and the Company under the foregoing provisions of this section (except subsection (5)) such difference shall be determined by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

19. The agreement dated the twenty-third day of July one thousand eight hundred and ninety-eight between the Company of

Confirming
agreement with
Llandaff and

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Dinas Powis
Rural District
Council.Penalty
imposed
unless the
line is
opened
within
the time
limited.

the one part and the Llandaff and Dinas Powis Rural District Council of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

20. If the Company fail within the period limited by this Act to complete the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

21. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred on the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if

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

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22. The Company may demand and take for the use of the railways or any part thereof by any other company or person with engines and carriages such reasonable tolls as they think fit.

Tolls for use of railways by other companies.

23. The railways by this Act authorised shall for the purposes of tolls rates and charges and all other purposes be part of the undertaking of the Company and sections 21 to 25 of the Act of 1897 shall apply to the Company in respect of the railways by this Act authorised as if they were re-enacted in this Act.

Tolls &c. on railways.

III.—CAPITAL.

(i.) *New Capital.*

24. The Company may for the purposes of this Act from time to time raise subject to the provisions of Part II. of the Companies Clauses Act 1863 any sum or sums not exceeding in the whole three hundred thousand pounds by the issue of new ordinary shares or stock Provided that the preferred ordinary stock of 1896 shall be entitled to dividend in priority to any shares or stock issued under the authority of this Act Subject nevertheless to the right of the Company to issue stock or shares to rank pari passu with the preferred ordinary stock of 1896 and carrying non-cumulative dividends not exceeding four pounds per centum per annum to a nominal amount not at any time exceeding altogether one-half of the nominal amount for the time being of ordinary shares or stock bonâ fide subscribed for and issued by the Company after the twenty-sixth day of May one thousand eight hundred and ninety-six and paid or liable to be paid for to the full amount in cash.

Additional capital.

25. No share shall be issued under the authority of this Act of a less nominal value than ten pounds.

No share less than ten pounds.

26. No share created under the authority of this Act shall be issued nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Shares not to vest until one-fifth part paid up.

27. If any money is payable under this Act to a holder of shares or stock or mortgages or debenture stock being a minor idiot or

Receipt in case of persons not sui juris.

A.D. 1898. lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

Votes of proprietors of new shares or stock.

28. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

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

29. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall except as otherwise provided by this Act or by the resolution creating the same be subject and entitled to the same provisions liabilities powers rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description issued under subsection (5) of section 5 of the Bute Docks (Transfer) Act 1886 and as if the new shares or stock were shares or stock in that capital. Provided that no such resolution shall confer on any such new shares or stock or on the holders thereof any greater powers rights or privileges than are attached to the capital issued under subsection (5) of section 5 of the above-mentioned Act.

Preferred ordinary stock of 1896 to be deemed ordinary stock for purposes of ascertaining dividend.

30. For the purpose of the ascertainment and declaration of dividends on the ordinary stock of the Company the preferred ordinary stock of 1896 and any other preferred ordinary stock issued under this Act and ranking therewith shall without prejudice to the non-cumulative preferential dividend to which such stock is or may be entitled be ordinary stock of the Company so that the Company shall be deemed for the purposes of the Trustee Act 1893 and for all purposes to pay such dividend on their ordinary stock as they could have paid if the dividend paid on such preferred ordinary stock as aforesaid had been equally distributed over the whole of the ordinary stock for the time being created and issued.

Power to borrow on mortgage.

31. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole one hundred thousand pounds (that is to say) when a sum of one hundred and fifty thousand pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when the further sum of one hundred and fifty thousand pounds has been

bonâ fide paid up and certified as herein-after mentioned Provided that such borrowing powers in respect of each sum of one hundred and fifty thousand pounds of such additional capital shall not be exercised by the Company until they shall prove to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of one hundred and fifty thousand pounds in respect of each sum of fifty thousand pounds intended to be borrowed and on production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

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32. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any principal moneys secured by any mortgages granted by virtue of this Act.

Saving for existing mortgages.

33. Section 68 of the Act of 1897 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section.

Appointment of receiver.

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver but in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

34. The Company may create and issue debenture stock subject to the provisions of section 10 of the Bute Docks (Transfer) Act 1886 Notice of the effect of that section shall be endorsed or stated on all certificates of debenture stock and on all mortgages.

Power to create debenture stock.

35. The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

Provisions of Companies Clauses Acts extended to new capital.

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The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

and also Parts I. II. and III. of the Companies'Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by subsequent Acts shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock debenture stock or borrowing and the proprietors thereof respectively.

Application of moneys raised.

36. All moneys raised by this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Power to apply capital already authorised.

37. The Company may apply to any of the purposes of this Act to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Power to pay interest out of capital during construction.

38. Notwithstanding anything in this Act or in any Act incorporated therewith it shall be lawful for the Company out of any money by this Act authorised to be raised or applied as aforesaid to pay interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of shares or stock in the capital of the Company by this Act authorised on the amount from time to time paid up on the shares or stock held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by persons who or whose

executors administrators or assigns are legally liable for the same; A.D. 1898.

- (B) No interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;
- (C) The aggregate amount to be so paid for interest shall not exceed twenty-five thousand pounds and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company under this Act may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid;
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares or stock to be issued under the powers of this Act and in every certificate of such shares or stock;
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any holder of shares or stock of the Company on the amount of the calls made in respect of his shares or the amount paid up in respect of his stock as the case may be but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

(ii.) *Powers for Conversion of Ordinary Stock.*

39. In the following provisions of this Act the expression "ordinary stock" means any ordinary stock of the Company already issued or which may hereafter be issued exclusive of the preferred ordinary stock of 1896 and of any other preferred ordinary stock or shares which may at any time be issued ranking *pari passu* therewith. Definition of ordinary stock.

40. The Company may at any time and from time to time after the passing of this Act pursuant to the resolution of an extraordinary general meeting of the Company create ordinary stock of two classes to be called respectively "Cardiff Railway Preferred Converted Ordinary Stock" and "Cardiff Railway Deferred Converted Ordinary Stock" (herein-after referred to respectively as "Preferred Converted Stock" and "Deferred Converted Stock") to be issued in accordance with the provisions of this Act in Conversion of ordinary stock into preferred and deferred stocks.

A.D. 1898.

substitution for ordinary stock from time to time created and issued and the following provisions shall apply to and in the case of any stock created under the powers of this section (that is to say) :—

- (1) Preferred converted stock and deferred converted stock shall be issued only in substitution for ordinary stock as follows that is to say fifty pounds of preferred converted stock and fifty pounds of deferred converted stock shall be issued in substitution for any one hundred pounds of ordinary stock and so in proportion for any greater or smaller amount of ordinary stock :
- (2) Such issue and substitution may be made on the request in writing of any holder of ordinary stock but not otherwise and the directors may from time to time make rules with respect to the notice to be given of such application and the date on which such issue shall take place or at or from which such substitution shall take effect :
- (3) The certificates for any ordinary stock for which preferred converted stock and deferred converted stock are substituted shall before the issue of such last-mentioned stocks be delivered up to the Company to be and shall be cancelled by them and certificates for preferred converted stock and deferred converted stock respectively shall be issued gratis in exchange therefor by the Company to the holder of such ordinary stock :
- (4) The Company shall notwithstanding the conversion under the powers of this Act of any ordinary stock continue to ascertain and declare their dividends on the amount of ordinary stock which would have been entitled to dividend if no such conversion had taken place and the dividend so declared shall for all purposes be held to be the dividend upon such ordinary stock of the Company :
- (5) The sum which would from time to time be payable in any year ending the thirty-first day of December by way of dividend on any ordinary stock for which preferred converted stock and deferred converted stock are substituted if the substitution had not taken place shall be applied in payment of dividend on such preferred converted stock and deferred converted stock in manner following (that is to say) First in or towards payment of a fixed maximum dividend on the preferred converted stock at such rate not exceeding four pounds per centum per annum as shall be determined by the resolution creating the same and the whole of the remainder (if any) in payment of dividend on the deferred converted stock The dividends on the respective stocks may be paid half-yearly any payment made in respect of the first half of any year being in the case of preferred

converted stock made on account of the maximum rate for the whole year : A.D. 1898.

- (6) If in any year ending on the thirty-first day of December the sum which in that year would have been payable by way of dividend on any ordinary stock shall not be sufficient for payment in full of the maximum dividend aforesaid on the preferred converted stock substituted for such ordinary stock no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company :
- (7) In respect of dividend to the extent of the maximum aforesaid preferred converted stock shall at all times have priority over deferred converted stock created or to be created and issued and shall to the extent of such maximum rank *pari passu* with ordinary stock created or to be created and issued and preferred converted stock along with ordinary stock shall to all intents rank after all preference shares and stock of the Company created or to be created and issued :
- (8) Preferred converted stock and deferred converted stock from time to time shall respectively confer and have all such other rights qualifications privileges liabilities and incidents (except so far as regards the right to dividend which shall be as hereinbefore provided) as from time to time would have attached and been incident to the ordinary stock for which it is substituted if the substitution had not taken place :
- (9) Preferred converted stock and deferred converted stock shall respectively confer the same rights of voting as would have been conferred by an equal nominal amount of ordinary stock :
- (10) The terms and conditions on which any preferred converted stock and deferred converted stock is issued shall so far as practicable be stated on the certificates thereof :
- (11) Trustees executors administrators and all other holders in any representative or fiduciary capacity of ordinary stock of the Company are hereby expressly authorised to apply for accept and hold any stock issued in substitution therefor under the powers of this Act and are hereby indemnified for all acts *bonâ fide* done by them in pursuance of the provisions of this enactment :
- (12) Preferred converted stock and deferred converted stock shall respectively be held on the same trusts and subject to the charges and liabilities as those on and subject to which the ordinary stock in substitution for which the same are issued was held immediately before the substitution and every deed or

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other instrument and every testamentary or other disposition shall take effect with reference to the whole or a proportionate part as the case may be of the substituted stock or stocks :

(13) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the transfer and transmission of shares shall mutatis mutandis apply to and in the case of preferred converted stock and deferred converted stock :

(14) If the Company under the powers and provisions of this section create and issue any preferred converted stock and deferred converted stock the forms of accounts and of returns prescribed by and referred to in the Regulation of Railways Act 1868 and in the Regulation of Railways Act 1871 or in any Act amending the same shall from time to time continue to be made up so as to show the amount of ordinary stock authorised created and received as if such substitution had not taken place but the statement of capital account shall set forth in addition to the particulars required by the First Schedule to the Act first named the amount of preferred converted stock and deferred converted stock respectively.

IV.—MISCELLANEOUS.

As to
number of
directors.

41. The number of directors of the Company may be any number not less than five and not exceeding fifteen and sections 18 and 19 of the Bute Docks (Transfer) Act 1886 shall be read as if the number fifteen were therein inserted instead of the number nine accordingly.

Explanation
of section 66
of Act
of 1897.

42. After the sum of one hundred and fifty thousand pounds has been borrowed by the Company in exercise of the powers of section 66 of the Act of 1897 the Company may borrow the remainder (namely sixteen thousand six hundred and sixty-six pounds) of the whole sum which they are authorised by the said section to borrow when the remaining additional capital in shares or stock (namely fifty thousand pounds) authorised by the said Act has been bonâ fide paid and certified in manner provided by the said section.

Limiting
section 57 of
Bute Docks
Act 1894.

43. Notwithstanding anything contained in the Act of 1897 or in this Act section 57 of the Bute Docks Act 1894 shall be read and have effect as applying only to the dock works of the Company and shall not in any way affect the obligations and liabilities of the Company as common carriers in respect of any of their railways neither shall that section be read or have effect as applying to any coal coke culm or pitwood or to the waggons or carriages used for the conveyance of the same whether such waggons or carriages belong to or are hired by the consignors or consignees.

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44. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

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

Provision as
to general
Railway
Acts.

46. All rates rents tolls and charges payable to or receivable by the Company under this Act may be recovered by them either summarily or at their option by action in any court of competent jurisdiction.

Recovery of
rates and
tolls.

47. All costs charges and expenses of and incident to the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of
Act.

A.D. 1898.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS HOUSES OR OTHER BUILDINGS OR MANUFACTORIES OF WHICH
PORTIONS MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	No. on deposited Plans.
	RAILWAY No. 3.
Parish of Roath	23 42 45 53 55 56 57 58 63 64 65 66
	RAILWAY No. 6.
Parish of Roath	30 31 32 33 34 42 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99
	RAILWAY No. 7.
Parish of Llanishen	1 6 11 28 30

THE SECOND SCHEDULE.

A.D. 1898.

AGREEMENT made this twenty-third day of July one thousand eight hundred and ninety-eight between the CARDIFF RAILWAY COMPANY (herein-after called "the Company") of the one part and the LLANDAFF AND DINAS POWIS RURAL DISTRICT COUNCIL (herein-after called "the Council") of the other part.

WHEREAS the Company are promoting a Bill (herein-after called "the Bill") in the present session of Parliament for the purpose (amongst others) of authorising them to construct certain new railways of which Railway No. 7 will be in the district of the Council and would or might if constructed interfere with certain roads footpaths and means of communication as well as with certain sewer and water pipes manholes and lampholes of the Council or in which they are interested Now for the purpose of protecting the interests of the Council and avoiding opposition by them to the Bill it is hereby agreed between the Council and the Company (in the event of the Bill being passed and the said Railway No. 7 being constructed) as follows:—

1. The Company shall take all reasonable precautions and make and maintain all such works as may be reasonably necessary for preventing as far as possible any injury to any sewage or water works or pipes of the Council and make good all damage that may be occasioned thereto by the construction of the said railways.

2. In any case not herein specially provided for in which the works of the Company shall cross or overlie any sewer of the Council the Company shall bear any costs reasonably incurred in strengthening and securing such sewer and in repairing all damage which may from time to time be occasioned thereto by reason of the construction of the said works of the Company and the Company shall allow the Council their officers agents workmen and contractors with or without materials to have free access at all times to any part of any such sewer so crossed or overlaid as aforesaid.

3. The Company will construct a bridge having a span of not less than twelve feet and a height of not less than fifteen feet to the crown of the arch for carrying Railway No. 7 over the footpath No. 38 on the plans in the parish of Llanishen.

4. All the aforesaid works shall be carried out by the Company at their expense and to the reasonable satisfaction of the surveyors for the time being of the Council and the sheets of the deposited plans hereby referred to are to be considered as annexed to and forming part of the contract.

5. If any difference or dispute shall arise between the Company and the Council touching any matter or thing herein contained such difference or dispute shall be determined by an engineer to be named if the parties cannot agree by the President for the time being of the Institution of Civil Engineers in London and the costs of and incidental to such determination shall be borne as such engineer shall direct.

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6. The Council shall not oppose the Bill.


7. The Company shall use their best endeavours to procure this Agreement to be scheduled to and confirmed by the Bill when passed into law subject to such alterations if any as Parliament may think fit to make therein.

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

The common seal of the Cardiff Railway Company was
hereunto affixed in the presence of

HENRY A. ROBERTS

Secretary.


A circular seal with a dashed border containing the text "Seal of the Cardiff Railway Company." }

Seal of the
Cardiff Railway
Company.

The common seal of the Llandaff and Dinas Powis Rural
District Council was hereunto affixed in the presence of

M. WARREN

Clerk.

A circular seal with a dashed border containing the text "Seal of the Llandaff and Dinas Powis Rural District Council." }

Seal of the
Llandaff and
Dinas Powis
Rural District
Council.

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