

CHAPTER xxvi.

An Act to confer further powers upon the Brecon and Merthyr Tydfil Junction Railway Company. A.D. 1888.

[28th June 1888.]

WHEREAS it is expedient that the Brecon and Merthyr Tydfil Junction Railway Company (who are meant when the term "the Company" is hereinafter used) should be authorised—

To purchase and acquire additional lands for the purposes of their undertaking; and

To consolidate their various preference or guaranteed stocks into a smaller number of stocks:

And whereas it is expedient that the other provisions hereinafter contained should be made:

And whereas plans showing the additional lands authorised to be taken under the powers of 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 all such lands were duly deposited with the clerk of the peace for the county of Monmouth and the said documents are hereinafter respectively referred to as the deposited plans and books of reference:

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

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

1. This Act may be cited as the Brecon and Merthyr Railway Act 1888. Short title.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (excepting where the same are expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

A.D. 1888.

Extending certain provisions of the Companies Clauses Consolidation Act.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The remedies of creditors of the Company against the shareholders;

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;

shall be applicable to the new stock or stocks hereby authorised to be created and to the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Power to Company to purchase lands.

5. Subject to the provisions of this Act and for the purposes of their undertaking the Company may enter upon and take compulsorily or by agreement the lands hereinafter described which are delineated upon the deposited plans and described in the deposited books of reference:—

In the parish of Machen in the county of Monmouth—

Certain lands lying between a point 9 chains or thereabouts west of the mile post on the main line of the railway of the Company indicating $5\frac{1}{2}$ miles from Bassaleg and a point $8\frac{1}{2}$ chains or thereabouts west of the mile post thereon indicating 6 miles from Bassaleg such lands being situate on the north side of and adjoining to the said line of railway;

Certain lands lying between a point 12 chains or thereabouts west of the mile post on the said line of railway indicating 6 miles from Bassaleg and a point $8\frac{1}{2}$ chains or thereabouts west of the mile post thereon indicating $6\frac{1}{4}$ miles from Bassaleg such lands being situate on the south side of and adjoining to the said line of railway;

Certain lands lying between a point 11 chains or thereabouts north-west of the mile post on the said line of railway indicating $6\frac{1}{4}$ miles from Bassaleg and the mile post thereon indicating $6\frac{1}{2}$ miles from Bassaleg such lands being situate on the west side of and adjoining to the said line of railway;

Partly in the said parish of Machen and partly in the parish of Bedwas in the county of Monmouth—

Certain lands lying between a point 3 chains or thereabouts south of the mile post on the said line of railway indicating $6\frac{1}{2}$ miles from Bassaleg and a point 7 chains or thereabouts east of the mile post thereon indicating 7 miles from Bassaleg such lands being situate on the north-east and north side of and adjoining to the said main line of railway;

In the said parish of Bedwas—

Certain lands lying between a point 7 chains or thereabouts west of the mile post on the said line of railway indicating 7 miles from Bassaleg and a point 5 chains or thereabouts west of the mile post thereon indicating $7\frac{1}{2}$ miles from Bassaleg such lands being situate on the north side of and adjoining to the said line of railway;

Certain lands lying between a point 5 chains or thereabouts west of the mile post on the said line of railway indicating 8 miles from Bassaleg and a point 13 chains or thereabouts west of that mile post such lands being situate on the south side of and adjoining to the said line of railway;

Certain lands lying between a point 3 chains or thereabouts east of the mile post on the said line of railway indicating $8\frac{1}{4}$ miles from Bassaleg and a point 5 chains or thereabouts east of the mile post thereon indicating $8\frac{1}{2}$ miles from Bassaleg such lands being situate on the north side of and adjoining to the said line of railway;

Certain lands lying between a point 1 chain or thereabouts east of the mile post on the said line of railway indicating $8\frac{1}{2}$ miles from Bassaleg and a point 7 chains or thereabouts west of that mile post such lands being situate on the south side of and adjoining to the said line of railway;

Certain lands lying between a point 14 chains or thereabouts west of the mile post on the said line of railway indicating $8\frac{1}{2}$ miles from Bassaleg and a point 4 chains or thereabouts west of the mile post thereon indicating $8\frac{3}{4}$ miles from Bassaleg such lands being situate on the south side of and adjoining to the said line of railway;

Certain lands lying between a point 9 chains or thereabouts south-east of the mile post on the said line of railway indicating 9 miles from Bassaleg and a point 10 chains or thereabouts north of that mile post such lands being situate on the south-west and west side of and adjoining to the said line of railway;

Certain lands lying between a point 7 chains or thereabouts south of the mile post on the said line of railway indicating $9\frac{1}{4}$ miles

A.D. 1888.

from Bassaleg and the mile post thereon indicating $9\frac{1}{2}$ miles from Bassaleg such lands being situate on the west side of and adjoining to the said line of railway ;

A strip of land part of "Mynydd Dimlaith" Common lying between a point $15\frac{1}{2}$ chains or thereabouts south of the mile post on the said line of railway indicating 10 miles from Bassaleg and a point 14 chains or thereabouts south of that mile post such lands being situate on the east side of and adjoining to the said line of railway and all rights of common and other rights over the portion of the said land are hereby extinguished ;

Certain lands lying between a point 14 chains or thereabouts south of the mile post on the said line of railway indicating 10 miles from Bassaleg and a point 4 chains or thereabouts north of the mile post thereon indicating $10\frac{1}{4}$ miles from Bassaleg such lands being situate on the east side of and adjoining to the said line of railway ;

Certain lands lying between a point 3 chains or thereabouts south of the mile post on the said line of railway indicating $10\frac{1}{2}$ miles from Bassaleg and a point 8 chains or thereabouts south of the mile post thereon indicating $10\frac{3}{4}$ miles from Bassaleg such lands being situate on the east side of and adjoining to the said line of railway ;

Certain lands lying between a point 3 chains or thereabouts south of the mile post on the said line of railway indicating 11 miles from Bassaleg and a point 1 chain or thereabouts north of that mile post such lands being respectively situate on the east and west sides of and adjoining to the said line of railway ;

Certain lands lying between a point 7 chains or thereabouts north of the mile post on the said line of railway indicating 11 miles from Bassaleg and a point $2\frac{1}{2}$ chains or thereabouts south of the mile post thereon indicating $11\frac{1}{4}$ miles from Bassaleg such lands being situate on the east side of and adjoining to the said line of railway ;

Certain lands lying between a point 6 chains or thereabouts south of the mile post on the said line of railway indicating $11\frac{1}{2}$ miles from Bassaleg and a point 2 chains or thereabouts south of that mile post such lands being situate on the east side of and adjoining to the said line of railway ;

Certain lands lying between the mile post on the said line of railway indicating $11\frac{1}{2}$ miles from Bassaleg and a point 8 chains or thereabouts north of the mile post thereon indicating $11\frac{3}{4}$ miles from Bassaleg such lands being situate on the east side of and adjoining to the said line of railway ;

Certain lands lying between a point 2 chains or thereabouts south of the mile post on the said line of railway indicating 12 miles from Bassaleg and a point 6 chains or thereabouts south of the mile post thereon indicating 12¼ miles from Bassaleg such lands being situate on the west side of and adjoining to the said line of railway;

Certain lands lying between a point 4 chains or thereabouts north of the mile post on the said line of railway indicating 12¼ miles from Bassaleg and a point 10 chains or thereabouts north of that mile post such lands being situate on the east side of and adjoining to the said line of railway.

Limiting amount of Mynydd Dimlaith Common to be taken.

6. The Company shall not under the powers of this Act purchase or acquire a greater quantity of Mynydd Dimlaith Common in the parish of Bedwas than four perches.

Corrections of errors omissions &c.

7. If any omission misstatement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or books of reference the Company may apply to two justices of the peace for the county of Monmouth for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to such justices that the omission misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the said county and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Company may enter on take hold and use those lands accordingly.

Power to take easements &c. by agreement.

8. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

A.D. 1888.

Period for compulsory purchase of lands.

9. The powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

As to taking houses of labouring class.

10. The Company shall not except with the previous consent in writing of the Local Government Board under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Providing for consolidation of guaranteed and preferential stocks.

11. The directors of the Company may from time to time but not later than the thirty-first day of December one thousand eight hundred and ninety-five prepare a scheme or schemes for the consolidation of the guaranteed stocks and of the preferential stocks of any description or of any of such stocks respectively and for the conversion of those stocks into other stocks of such names and of such amounts and with such guaranteed preferential contingent or non-contingent dividends and such other privileges and conditions attached thereto as the scheme or schemes may define and in case of the withdrawal or rejection or partial rejection of any such scheme they may prepare other or modified schemes in lieu thereof and the following provisions shall apply to any such scheme:—

Circulation of scheme.

(1) The directors shall send a copy of the said scheme to all the proprietors of the stocks to which the scheme relates and the said scheme shall be accompanied with a notice that the same will be submitted to the consideration of a meeting of the proprietors of the said stocks;

Meetings of proprietors.

(2) Not sooner than one month nor later than two months after the circulation of such scheme the directors shall either convene one meeting of all such proprietors or separate meetings of the proprietors of the several stocks to which the scheme relates as the directors may deem most advisable and shall submit the said scheme to the said meeting or if there be separate meetings they shall submit to each of such meetings the portion or portions of the scheme relating to the stock represented thereat and at such meeting or meetings the

votes of the proprietors of each class of stock shall be taken separately and if the proprietors present in person or by proxy at any such meeting and holding one-fourth in value of any such class of stock shall object to the said scheme the same so far as it relates to such class of stock shall not be carried into effect but such objections shall not apply to or affect the adoption of the scheme so far as relates to any other stock comprised therein and the scheme shall be declared to be approved with respect to every class of stock the proprietors of which do not object to the scheme in manner aforesaid;

Concurrence of Company.

(3) The scheme so approved shall be submitted by the directors to an extraordinary general meeting of the Company specially convened with notice of the matter and if the scheme is approved by a majority of the votes of the proprietors present thereat in person or by proxy it shall be carried into effect by the directors but if the whole or any portion thereof is disapproved of by such majority the scheme or the portion or portions thereof so disapproved of shall not be proceeded with:

Providing for execution of scheme.

And for the purpose of carrying any such scheme into effect the directors shall have the following powers:—

(A) They may create new stocks and attach to the same guaranteed or preferential dividends: Provided that the aggregate amount of the dividends payable upon the new guaranteed stock or preference stock so created shall not exceed the aggregate amount of the dividends payable upon the stock in substitution for or in respect of which those new stocks are so created: Provided also that the directors shall not issue any guaranteed stock except in redemption of or in substitution for guaranteed stock;

(B) They may call in and cancel the certificates for the stock so consolidated and issue fresh certificates for the new or substituted stock;

(C) They may receive or pay as the case may be sums of money on account of any excess or deficiency in any aggregate amount of ten pounds or multiple of ten pounds.

Consolidated stock to be held on same trusts &c.

12. The consolidated stock shall be held by the persons to whom the same is issued subject to the same trusts (if any) powers testamentary and other dispositions provisions and incumbrances in all respects as the stocks for which it may have been substituted were subject to immediately before the substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the substituted stock as the case may be.

Receipt in case of persons not sui juris.

13. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the

A.D. 1888.

guardian or committee of his estate shall be a sufficient discharge to the Company.

Classification table to be open for inspection. Copies to be sold.

14. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandize train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandize are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which may have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Provision as to general Railway Acts.

15. Nothing in this Act contained shall exempt the Company or the railways of the Company 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.

Costs of Act.

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

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