CHAPTER lxxxv.

An Act for authorising the Rhondda and Swansea Bay Railway Company to purchase additional lands to extend the period limited by the Rhondda and Swansea Bay Railway Act 1882 for the purchase of certain lands and for other purposes. [16th July 1885.]

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WHEREAS by the Rhondda and Swansea Bay Railway Act 1882 (in this Act called the "Act of 1882") the Rhondda and Swansea Bay Railway Company (in this Act called "the Company") were incorporated with a share capital of four hundred and fifty thousand pounds and power to borrow on mortgage not exceeding one hundred and fifty thousand pounds and were empowered to make the railways and other works therein described in the county of Glamorgan:

And whereas by the Rhondda and Swansea Bay Railway (Swansea Extension) Act 1883 (in this Act called "the Act of 1883") the Company were authorised to extend their railway to Swansea and to raise additional capital not exceeding one hundred and thirty-five thousand pounds and to borrow on mortgage not exceeding forty-five thousand pounds:

And whereas the Company are proceeding with the construction of the railways and works authorised by the Acts of 1882 and 1883 and it is anticipated that a portion thereof will be shortly completed and open for public traffic:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the purchase of additional land and the raising of additional capital and the borrowing of further moneys:

And whereas it is expedient that the time limited by the Act of 1882 for the compulsory purchase of the lands herein-after mentioned be extended:

And whereas plans and sections showing the lands which may be taken compulsorily under the powers of this Act and also books

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of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Rhondda and Swansea Bay Railway Act 1885.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say)—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

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

and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares additional capital and debenture stock as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be some-

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

Additional lands.

4. Subject to the provisions of this Act the Company may for all or any of the purposes of their undertaking or connected therewith enter upon hold and use the lands buildings and properties hereinafter mentioned and respectively shown upon the deposited plans and described in the deposited books of reference or some of them or some part or parts thereof respectively (that is to say):—

1. Lands in the parish of Ystradyfodwg lying to the north-west of the Railway No. 1 authorised by the Act of 1882.
2. Lands in the parish of Michaelston-super-Avon:
   (*a.*) On the south-east side of and adjoining the Cwmavon Railway which land lies between the said railway and the works in that parish known as the Western Mill; and
   (*b.*) Certain lands and buildings on the north-west side of and adjoining the Cwmavon Railway (which last-mentioned land also adjoins the public road leading from Aberavon to Pontrhydyfen).
3. Lands in the parish of Margam:
   (*a.*) On the south-east and east side of the Cwmavon Railway and lying to the westward of the turnpike road leading from Taibach to Aberavon; and
   (*b.*) Certain land and buildings adjoining and lying between the River Avon and the Cwmavon Railway and also adjoining the north-east side of the aforesaid turnpike road.

Prohibiting purchase of labouring class dwellings.

5. The Company shall not without the consent of the Local Government Board under the powers of this Act for the purchase of additional lands purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose

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income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

6. The powers of the Company 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.

Power to take easements &c. by agreement.

7. 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 in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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

8. And whereas portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the Company's undertaking and it may happen that such portions may be severed from the remainder of the property without any material detriment to the use and enjoyment of such property Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings mentioned in the First Schedule to this Act annexed whereof parts only are required for the purposes of this Act may (if such portion can in the judgment of the jury or arbitrator or other authority assessing or determining the compensation therefor be severed from the remainder of the said property without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Power to apply funds.

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

Power to raise additional capital.

10. The Company (in addition to any capital which they are by the Act of 1882 and the Act of 1883 authorised to raise) may from

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

Shares not to be issued until one fifth paid.

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

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

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

Dividends on new shares or stock.

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

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

14. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

15. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty thousand pounds and of that sum they may from time to time borrow any sums not exceeding ten thousand pounds in respect of each thirty thousand pounds of their capital but no part of either of such sums of ten thousand pounds shall be borrowed until shares for so much of the portion of thirty thousand pounds of additional capital in respect of which it is to be borrowed as is to be raised by means

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of shares are issued and accepted and one half of such portion of additional capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for such portion of the said sum of thirty thousand pounds of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

16. The principal moneys secured by all mortgages granted by the Company in pursuance of the Act of 1882 or the Act of 1883 before the passing of this Act and subsisting at the passing hereof shall during their continuance have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Repealing provisions as to appointment of a receiver.

17. The provisions of the Act of 1883 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

For appointment of a receiver.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth of the amount for the time being owing by the Company upon mortgage.

Debenture stock.

19. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created

and issued or granted by the Company under the Act of 1882 and the Act of 1883 and this and any subsequent Act respectively shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of money.

20. All moneys by this Act authorised to be raised by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and of the Act of 1882 and the Act of 1883 to which capital is properly applicable.

Extension of time for purchase of lands.

21. The powers granted by the Act of 1882 for the compulsory purchase and taking for the purposes of the railways and works authorised by that Act of the lands mentioned in the Second Schedule to this Act annexed are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the tenth day of August one thousand eight hundred and eighty-five.

Interest not to be paid on calls paid up.

22. No interest or dividend shall be paid out of any money by this Act authorised to be raised to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

23. 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 to 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.

Provision as to general railway Acts.

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

Costs of Act.

25. 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.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Describing Lands and Buildings of which Portions only are required by the Company.

Parish of	Nos. on deposited Plan.
	Additional Lands.
Ystradyfodwg - -	11, 15, 17, 18 and 19.
Michaelston-super-Avon -	1, 2, 3, 4 and 5.

THE SECOND SCHEDULE.

Lands shown on Plans and specified in Book of Reference deposited in respect of the Act of 1882.

Parish.	Nos. on deposited Plan of 1882.
	Railway No. 1.
Ystradyfodwg -	1, 2, 3, 4, 5, 6, 6*a*, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 98*a*, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114*a*, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 153.

Parish.	Nos. on deposited Plan of 1882.
Glyncorrwg - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38.
Llangynwyd - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11*a*, 12, 13, 14, 15 and 15*a*.
Michaelstone-super-Afon -	7, 8, 9, 19, 20, 20*a*, 21, 21*a*, 22, 23, 24, 25, 26, 27, 28, 29, 29*a*, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 60*a*, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116 and 117.
Baglan - - -	1, 2, 3, 4, 5, 6, 7, 7*a*, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24*a*, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 71*a*, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 83*a*, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 94*a*, 95, 95*a*, 95*b* and 96.
Railway No. 2.	
Baglan - - -	95*a*, 95*b*, 96, 97, 105 and 84.
Railway No. 5.	
Margam - - -	33, 53, 55 and 62.
Railway No. 6.	
Margam - - -	1 and 2.
Michaelstone-super-Afon -	1, 2, 3, 4 and 5.
Cwmavon Railway and Land.	
Margam - - -	14 and 15.
Aberavon - -	4 and 5.

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