CHAPTER xxi.

An Act to enable the Rhondda Valley and Hirwain Junction Railway Company to make a deviation in and extension of their authorised undertaking; and for other purposes. [13th May 1872.]

A.D. 1872.

WHEREAS by "The Rhondda Valley and Hirwain Junction Railway Act, 1867," (herein-after called "the Act of 1867,") the Rhondda Valley and Hirwain Junction Railway Company (herein-after called "the Company") were incorporated and authorised to make and maintain certain railways in the county of Glamorgan: 30 & 31 Vict. c. clxxxviii.

And whereas it is expedient that the Company be empowered to abandon the construction of portions of the said railways and to construct the railways herein-after described:

And whereas it is expedient that the powers granted to the Company by the Act of 1867 for the compulsory purchase of lands which have expired should be revived, and that the time limited for the completion of the railways by that Act authorised should be extended:

And whereas of the share capital of the Company created under the powers of the Act of 1867 a sum of one hundred and twenty-one thousand five hundred pounds remains unissued, and it is expedient that the Company be authorised to attach to a portion of such unissued capital a preferential dividend:

And whereas plans and sections showing the lines and levels of the proposed railways, and the lands which the Company are by this Act empowered to acquire for the purposes thereof, and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for the county of Glamorgan, and those plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference:

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And whereas the objects 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 for all purposes as "The Rhondda Valley and Hirwain Junction Railway Act, 1872."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. and II. (relating respectively to construction of a railway and extension of time) of "The Railway Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 something in the subject or context repugnant to such construction. The expressions "the undertaking" and "the railway" in "The Railways Clauses Consolidation Act, 1845," mean respectively the railways by this Act authorised; and the expression "superior courts" or "courts 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 common simple contract debt, and not a debt or demand created by statute.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

(1.) A railway (No. 1), two miles four furlongs and sixty links or thereabouts in length, wholly in the parish of Ystradyfodwg in the county of Glamorgan, commencing by a junction with railway No. 1 authorised by the Act of 1867, and terminating by a junction with the Pond Railway, near Hirwain Ironworks:

(2.) A railway (No. 2), seven chains and seventy links or thereabouts in length, wholly in the parish of Ystradyfodwg, commencing at the point of junction of railway No. 3 authorised by the Act of 1867 with the Pond Railway, and terminating by a junction with railway No. 1 authorised by this Act.

For protection of the Aberdare Canal Company.

5. The Company shall not, in the making of railway No. 1, take any land used by the company of proprietors of the Aberdare Canal Navigation (in this Act called "the Canal Company") as a pond upon Hirwain Common at any greater distance than forty-five feet on the north side from the centre line of that railway, as shown upon the deposited plans; and if the Company shall take any part of such pond, so as to diminish the capacity thereof for storing water, the Company shall enlarge or excavate such pond to such an extent as that the same shall be capable of containing a quantity of water at least as great as the same pond can hold at present, and such excavation shall be made simultaneously with the making of the works which shall diminish the capacity of the said pond.

Power to Company to apply authorised capital.

6. The Company may from time to time apply towards the execution of the purposes of this Act any money which they are by the Act of 1867 authorised to raise, and which is not for the time being required for the purposes of that Act.

Power to divide shares.

7. Subject to the provisions of this Act the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

8. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the pre-

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ferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

9. Each preferred half share shall be entitled, out of the profits of each share, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, 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.

Half shares to be registered and certificates issued.

10. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

11. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

12. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon, if the same had not been forfeited, shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

13. No preferred half share created under the authority of this Act shall be cancelled or surrendered to the Company.

Half shares to be half

14. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether

preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

shares in capital.

Period for compulsory purchase of lands for purposes of this Act.

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

Powers in Act of 1867 for compulsory purchase of lands extended.

16. The powers granted to the Company by the Act of 1867 for the compulsory purchase of lands are hereby revived and further extended, and may be exercised by the Company for and during a period of three years from the passing of this Act, and on the expiration of that period those powers shall cease.

Extension of time for completion of railways authorised by Act of 1867.

17. The time limited by the Act of 1867 for the completion of the railways thereby authorised shall be and the same is hereby further extended and enlarged until the expiration of three years from the passing of this Act: Provided always, that such extension of time shall not release the Company from the provisions of section twenty-eight of the Act of 1867.

Time limited for completion of line.

18. If the railways authorised by the Act of 1867 shall not be completed within three years from the passing of this Act, and if the railways authorised by this Act shall not be completed within five years from the passing thereof, then on the expiration of such periods respectively the powers by the Act of 1867 and this Act granted to the Company for making and completing such railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railways as to tolls and otherwise to form part of Company's undertaking.

19. The Company may demand and receive for and in respect of the railways authorised by this Act the same tolls, rates, and charges as they are now empowered to receive in respect of their existing undertaking, and such railways shall in all respects be deemed part of the undertaking of the Company.

Company may abandon portions of authorised railways.

20. The Company shall abandon the construction of such portions of the railways authorised by the Act of 1867 as are herein-after mentioned; (that is to say,)

1. So much of the railway authorised by the Act of 1867, and therein distinguished as railway No. 1, as is situate between the points of the commencement of railway No. 1 authorised by this Act and the termination of the railway No. 1 authorised by the Act of 1867:
2. The whole of the railway authorised by the Act of 1867, and therein distinguished as railway No. 2.

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Compensation for damage to land by entry, &c. for purposes of railways abandoned.

21. The abandonment by the Company, under the authority of this Act, of any portion of any railways or works, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway or other works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the last-mentioned Act or the Act of 1867.

Compensation to be made in respect of portions of railways abandoned.

22. Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Railway not exempt from provisions of present and future general Acts.

23. Nothing herein contained shall be deemed or construed to exempt 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 authorised by this Act.

Interest not to be paid on calls paid up.

24. The Company shall not, out of any money by this Act authorised to be raised by preference shares or preferred half shares, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always,

that this Act shall not 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 Act, 1845."

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

25. The Company shall not, out of any money by this Act authorised to be raised by preference shares or preferred half shares, 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 any company to construct any other railway, or to execute any other work or undertaking.

Expenses of Act.

26. 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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