ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxcvii.

An Act to enable the *South Wales Mineral* Railway Company to extend their Undertaking.

[29th *July* 1864.]

WHEREAS the *South Wales Mineral* Railway Company (who are herein-after referred to by the Expression "the Company") were incorporated in the Year One thousand eight hundred and fifty-three, "for making a Railway from the *South* "*Wales* Railway at *Britonferry* to *Glyncorrwg* in *Glamorganshire*," and the Powers of the Company have been varied and extended by the *South Wales Mineral* Railway Acts, 1855 and 1861: And whereas it is expedient that the *South Wales Mineral* Railway Company should be authorized to make the Railways and Tramway herein-after mentioned, and respectively numbered 1 and 3, and that the Railway herein-after also mentioned and numbered 2, which the Company have already constructed on Land of which they are Lessees for a long Term of Years, should have the Authority of Parliament: And whereas Plans and Sections of the Railways and Tramway, with a Book of Reference to the Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands intended to be taken, or through which the Works have been or are intended to be made, have been deposited with the Clerk of the Peace for *Glamorganshire*: And whereas the Purposes aforesaid

16 & 17 Vict. c. cxcvii.

18 & 19 Vict. c. xxiii.

24 & 25 Vict. c. ccx.

said cannot be accomplished 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:

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, shall be incorporated with and form Part of this Act.

Power to make Railways according to deposited Plans.

2. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway (No. 3.) and Tramway herein-after described, with all proper Works, Approaches, and Stations, and also to maintain the Railway (No. 2.) herein-after also described, in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes; namely,

1. A Tramway, to be partly situate in the Parish of *Glyncorrwg*, and partly situate in the Parish of *Llangonoyd*, to commence by a Junction with the *South Wales Mineral* Railway at a Point thereon about Four hundred and fifty Yards in a South-west Direction from a Place called *Cymmer*, to pass thence along the Valley of the *Afon*, and to terminate in the said Parish of *Llangonoyd* near a Farmhouse called *Blaen Afon*:
2. A Railway, to be wholly situate in the Parish of *Glyncorrwg*, to commence by a Junction with the *South Wales Mineral* Railway at its Termination at *Glyncorrwg*, and to terminate at the River *Corrwg*:
3. A Railway, (to be also wholly situate in the said Parish of *Glyncorrwg*) to commence by a Junction with the said intended Railway lastly herein-before described near the Termination thereof, and terminating near a Farmhouse called *Blaen Corrwg*:

All which said Works will be in *Glamorganshire*.

Railways as to Tolls to form Part of South Wales Mineral Railway.

3. The Company may demand and receive for and in respect of the Railways and Tramway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking as if it were Part of such Undertaking, and the Railways and Tramway shall in all respects be deemed Part of the *South Wales Mineral* Railway.

4. In

As to Inclinations of Road in Llangynwd.

4. In carrying the Road numbered on the said deposited Plans 14 in the Parish of *Llangynwd* it shall be lawful for the Company to make the Inclination on the one Side of the Bridge not less than One in Eight, and level on the other Side: Provided that the Inclinations of the said Road when altered for the Purposes of the Railway shall be as good as the present Inclinations thereof.

Lands for extraordinary Purposes.

5. The Quantity of Land to be taken by the Company adjoining or near to the Railways for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Six Acres.

Period for Completion of Works.

6. The Railway (No. 3.) and the Tramway and Works by this Act authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty if Line not completed.

7. If the said Railway and Tramway are not completed and opened for public Traffic within the Period of Four Years from the passing of this Act, the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Lines shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the said Railway and Tramway by unforeseen Accident or by Circumstances beyond their Control (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be sufficient Evidence), the Company shall not be liable to the Payment of the same Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Company may apply their Funds towards Purposes of Act.

8. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their respective Undertakings.

Power to Company to raise additional Capital by new Shares.

9. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums, not exceeding in the whole Thirty thousand Pounds, by the Creation of new Shares in their Undertaking, which Shares shall form Part of the general Capital of the Company.

10. The

Privileges may be attached to new Shares.

10. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, with or without other Privileges, which the Company may think fit, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares; and for the Purpose of redeeming the same or any Part thereof the Company may create and issue from Time to Time fresh Shares with or without any special Advantages: Provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not prejudicially affect any Rights of or Dividends guaranteed to the existing Shareholders of the Company.

Limit of Amount and Number of Calls.

11. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year: Provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any 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 up in respect thereof.

As to Votes of Proprietors of new Shares.

12. The Proprietors of any Shares 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 by such Shares would have entitled them to if the same had been original Shares of the Company.

Power to borrow on Mortgage.

13. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money, not exceeding Ten thousand Pounds, by Mortgage of their Undertaking, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which

Proof

Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

14. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Arrears may be enforced by Appointment of a Receiver.

15. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Sums raised under this Act.

16. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this Act authorized.

8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

17. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Remedies of the Creditors of the Company against Shareholders; and with respect to Access to the Special Act;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

With respect to Cancellation and Surrender of Shares; and

With respect to additional Capital;

shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act.

Interest not to be paid on Calls paid up.

18. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

19. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

20. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relative to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Short Title.

Expenses of Act.

21. This Act may be cited as "The *South Wales Mineral* Railway Act, 1864;" and all the Expenses of obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

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