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Cap. ccxxxix.

An Act to enable the *Swansea Vale and Neath and Brecon Junction* Railway Company to construct a Branch to *Abercrave*; and for other Purposes.

[5th *July* 1865.]

WHEREAS the *Swansea Vale and Neath and Brecon Junction* Railway Company were incorporated by the "*Swansea Vale and Neath and Brecon Junction* Railway Act, 1864," (in this Act called "the Act of 1864,") and authorized to make and maintain a Railway to connect the *Swansea Vale* and *Neath and Brecon* Railways: And whereas the Construction of the Branch Railway herein-after described would be attended with great local and public Advantage, and the Company are willing and it is expedient that Powers should be conferred upon them to construct the same, and to raise the Capital required for that Purpose: And whereas Plans and Sections of the Railway and Works by this Act authorized, and Books of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in which the same is to be made, have been deposited with the respective Clerks of the Peace for the Counties of *Glamorgan* and *Brecon*, and those Plans, Sections, and Books of Reference are herein-after referred to as "the deposited 27 & 28 Vict. c. ccxciii.

Plans, Sections, and Books of Reference:" And whereas it is expedient that the Provisions in this Act with respect to Traffic Arrangements should be sanctioned: And whereas the aforesaid Purposes 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; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as the "*Swansea Vale and Neath and Brecon Junction* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict, cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," and Parts I. and II. of "The Companies Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts respectively are expressly varied or excepted by this Act,) are incorporated with this Act.

Interpretation of Terms.

3. The several Words and Expressions to which by the Acts and Parts of Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and the Expression "Superior Court," "Court of competent Jurisdiction," or other like Expression 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.

Power to raise additional Money by new Shares.

4. The Company may from Time to Time raise (in addition to the Sums authorized to be raised by Shares under the Powers of the Act of 1864) any Sums, not exceeding in the whole Fifteen thousand Pounds, by the Creation and Issue of Ordinary Shares or Stock, either of One Class or of different Classes, and of such Amounts as will allow the same to be conveniently appropriated and disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; but the Company shall not issue any Share, nor shall any Share vest in the Person accepting the same, unless and until Twenty *per Centum* of the nominal Amount of such Share shall have been paid up in respect thereof.

Limit of Amount and Number of Calls.

5. 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

than Three Fourths of the Amount of each Share shall be called up in any One Year.

Power to borrow on Mortgage.

6. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Five thousand Pounds, in addition to the Sum which they are authorized to borrow under the Act of 1864, 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 subscribed for *bonâ fide*, and One Half of the Amount of that Capital is actually paid up, and the Company shall 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 additional Capital are issued, that Half of such Capital has been paid up, and that Twenty *per Centum* was paid up on account of each separate Share at or before the Issue thereof, and that such Shares were taken *bonâ fide*, and are held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

7. All Mortgages already granted by the Company and now in force shall, during the Continuance thereof respectively, have Priority over all Mortgages granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

8. The Mortgagees of the Company under this Act may enforce the Payment of the Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is One thousand Pounds.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

9. 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 the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the Consolidation of the Shares into Stock, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the Money borrowed into Capital, with respect to the making of Dividends, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, shall be incorporated with this Act, and shall in all Particulars not otherwise provided for by or under the Powers of this Act respectively apply to all Shares and Capital created,

created, and to all Monies borrowed, and Mortgages granted under the Powers of this Act.

Application of Monies.

10. The Company shall apply any Money in their Hands, and also any Money that may be raised under the Authority of this Act by the Creation of Shares and by borrowing, for the Purpose of carrying the Provisions of this Act and the other Acts of the Company into execution, and for no other Use or Purpose whatsoever.

Power to take and use Lands for Works authorized by Act.

11. For the Purposes of the Railway and Works by this Act authorized, and subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think requisite; and, subject to the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Land, they may by Agreement purchase and use any Rights, Easements, or Privileges in or affecting those Lands or any of them, without taking any other Estate or Interest therein.

Powers for compulsory Purchases limited.

12. 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.

Lands for extraordinary Purposes.

13. The Quantity of Land near or adjoining the Railway which the Company may purchase by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Half an Acre.

Power to Company to construct Works authorized by this Act.

14. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands shown on the deposited Plans and specified in the deposited Books of Reference, the Railway and Works shown on the deposited Plans and next herein-after described.

Description of Works authorized by this Act.

15. The Railway and Works shown on the deposited Plans and by this Act authorized to be made and maintained by the Company comprise the following Railway, with all proper Stations and other Works and Conveniences in connexion therewith; (that is to say,)

A Railway commencing in the Parish of *Ystradgynlais* by a Junction with the authorized Line of the *Swansea Vale and Neath and Brecon Junction* Railway at a Point in an Enclosure numbered 165 in the Plan deposited in respect of that Railway with the Clerk of the Peace for the County of *Brecon* in the Month of *November* One thousand eight hundred and sixty-three,

and

and terminating in the same Parish at or near to the Bridge carrying the Tramway or Tramroad belonging to the *Abercrave* Colliery and Works over the River *Tawe*.

Limiting Time for Completion of Railway.

16. The Railway shall be completed within Five Years from the passing of this Act, and upon the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

17. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, Four thousand and fifty-one Pounds New Three *per Centum* Bank Annuities, exceeding in Value the Sum of Three thousand six hundred Pounds, being Eight *per Centum* on Forty-five thousand Pounds, the estimated Expense of the Railways originally proposed to be authorized by this Act, has been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery, pursuant to the said Act, in respect of the Application to Parliament for this Act; but inasmuch as Part of the Undertaking so originally proposed is relinquished, the Estimate of Expense of the Railway authorized by this Act is reduced to the Sum of Fifteen thousand Pounds: Therefore, notwithstanding anything contained in the said recited Act, so much of the said Sum of Four thousand and fifty-one Pounds New Three *per Centum* Bank Annuities as was at the Time of the Transfer thereof equal to the Sum of One thousand two hundred Pounds, being Eight *per Centum* on the said reduced Estimate so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, such Portion of the said Annuities transferred as aforesaid as was at the Time of such Transfer equal to the Sum of One

thousand two hundred Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of One thousand two hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand two hundred Pounds if the Company shall not within the Time limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Portion of the said Annuities so transferred as aforesaid as was equa to the Sum of One thousand two hundred Pounds at the Time of such Transfer, and the Interest or Dividends thereof, shall be paid to or on the Application of the Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Annuities and the Interest and Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Court of Chancery may order Payment of surplus Deposit.

18. The Court of Chancery may order that the Balance of the said Sum of Four thousand and fifty-one Pounds New Three Pounds *per Centum* Bank Annuities (after deducting so much thereof as was at the Time of the said Transfer equal to the Sum of One thousand two hundred Pounds), and any Dividends thereon, may be transferred and paid to the Persons or the Majority of the Persons named in the said

said Warrant or Order, or the Survivors or Survivor of them, and upon such Order being made the said Sum of Four thousand and fifty-one Pounds New Three Pounds *per Centum* Bank Annuities, except such Portion thereof as was at the Time of the said Transfer equal to the Sum of One thousand two hundred Pounds, and the Dividends thereon, shall be transferred and paid accordingly.

Tolls on Railways.

19. Subject to the Provisions of this Act and of the Act of 1864, the Company from Time to Time may demand and take in respect of all Passengers, Animals, and Things conveyed on the Railway by this Act authorized to be made and used by them, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, and all other Matters with respect to Traffic thereon, the Tolls, Fares, Rates, and Charges which by the Act of 1864 the Company are authorized to demand and take for like Traffic, Services, and Matters on and with respect to their Railway by that Act authorized, and with and subject to the like Powers and Provisions as if the Railway by this Act authorized to be made and used by the Company were Part of their Railway authorized by the Act of 1864.

Railway to form Part of Company's Undertaking.

20. In all respects not by or under the Provisions of this Act otherwise provided for the Railway by this Act authorized shall be and be deemed to be Part of the Undertaking of the Company.

Certain Sections of 27 & 28 Vict. c. ccxciii. etxended to this Act.

21. Sections 33 to 37, both inclusive, of the Act of 1864, with respect to Working and other Agreements between the Company and the *Neath and Brecon* Railway Company, shall extend and apply to the Railway by this Act authorized.

Interest not to be paid on Calls paid up.

22. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of his Shares in the Capital of the Company: Provided, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provision in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Deposit for future Bills not to be paid out of Capital.

23. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the

the Company to construct any Railway, or execute any other Work or Undertaking.

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

24. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

25. The Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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