



**CHAPTER ccxxvii.**

An Act to authorise the Barry Railway Company to provide and work steam vessels to raise additional capital and for other purposes. [15th August 1904.]

A. D. 1904.

**W**HEREAS the Barry Railway Company (in this Act called "the Company") have constructed large docks and works at Barry in the county of Glamorgan with special accommodation for the landing and embarking of passengers at all states of the tide and for large vessels and facilities for the shipment and discharge of goods and minerals and with railways connecting their said dock works with the Great Western and other railways in communication with all parts of Great Britain and have expended thereon since the year one thousand eight hundred and eighty-four a sum of five million pounds or thereabouts:

And whereas it would conduce to the public convenience and is expedient that the Company should have powers to provide steam vessels in order to facilitate the transmission of traffic from their railways to ports and places in the Bristol Channel:

And whereas the Company require additional capital for the purposes of this Act and in connection with their authorised undertaking and it is expedient that powers should be conferred upon them to raise additional capital as hereinafter provided and that such further powers should be conferred upon the Company as are hereinafter mentioned:

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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

[Ch. ccxxvii.] *Barry Railway (Steam Vessels)* [4 EDW. 7.]  
*Act, 1904.*

A.D. 1904. — 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 Barry Railway (Steam Vessels) Act 1904.

Incorporation of Part IV. of Railways Clauses Acts 1863. 2. Part IV. (relating to steam vessels) of the Railways Clauses Act 1863 is hereby incorporated with and forms part of this Act.

Extending certain provisions of Companies Clauses Acts. 3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

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 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 ;

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by any subsequent Act shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by stock or borrowing and the proprietors thereof.

Provision of steam vessels. 4.—(1) It shall be lawful for the Company to provide use maintain and work steam vessels for the conveyance of passengers and their luggage perishable merchandise and also such small consignments of other merchandise as are usually carried by steam vessels constructed for and engaged in such passenger traffic as is by this section authorised to ply to and from Barry on the one

hand from and to any ports or places on the south side of the Bristol Channel situate or being between Weston-super-Mare and Ilfracombe both inclusive on the other hand : A.D. 1904.

And also for summer excursion traffic to ply in the Bristol Channel eastward of a line drawn from Tenby on the north to Lundy Island and from Lundy Island to Hartland Point on the south and westward of a line to be drawn from Barry on the north to Weston-super-Mare on the south :

And also for summer excursion traffic arising at Barry or brought over the Barry Railway from Barry to Bristol and Barry to Clevedon both direct and back Provided that the Company shall not carry passengers out of Bristol or Clevedon other than those brought from Barry and that the voyages of such steam vessels shall always commence and ultimately terminate at Barry.

(2) "Summer excursion traffic" means the conveyance (between the first day of May and the thirty-first day of October in any year) of passengers and their luggage and also such small consignments of merchandise as are usually carried in steam vessels constructed for and engaged in such traffic.

(3) If the powers conferred upon the Company by this section shall not be bonâ fide exercised by the Company before the expiration of three years from the passing of this Act then such powers shall cease and determine.

5. The Company may ask demand and recover for the conveyance of passengers luggage and merchandise under the powers of this Act in any steam or other vessels so provided used or worked by them such reasonable rates or sums as they shall think fit. Power to charge for use of steam vessels.

6. The Company may apply towards the purposes of this Act being in all cases purposes to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may also subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of this Act and for the other purposes of and connected with their undertaking any additional capital not exceeding in the whole sixty thousand pounds by the issue at their option of new ordinary stock or new preference stock or instead of issuing ordinary stock by the issue of equal nominal amounts of preferred converted ordinary stock and deferred converted ordinary stock which stock shall form part of the general capital of the Company. Company may apply their funds towards purposes of Act and may raise additional capital.

A.D. 1904.

Receipt in  
case of per-  
sons not sui  
juris.

7. If any money is payable under this Act to a holder of stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to votes  
of proprietors  
of new stock.

8. The proprietors of any ordinary stock to be issued under the authority of this Act shall subject to the provisions of this Act be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original stock of the Company.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference stock.

Power to  
borrow.

9. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until stock to the amount of one half of such additional capital is fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock was issued and accepted and paid up bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns 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.

Appointment  
of receiver.

10. Section 12 of the Barry Railway Act 1903 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section.

The mortgagees of the undertaking 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 ten thousand pounds in the whole.

11. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 44 of the Barry Dock and Railways Act 1884. A.D. 1904.  
Debenture  
stock.

12. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act. Former mort-  
gages to have  
priority.

13. All moneys raised under this Act whether by stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company to which capital is properly applicable and not otherwise. Application  
of moneys.

14. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or any other Act authorised to raise 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. Interest not  
to be paid  
on calls paid  
up.

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

16. The costs charges and expenses of and incidental to preparing applying for and obtaining this Act shall be paid by the Company. Costs of Act.

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