



CHAPTER cxlii.

An Act to enable the Barry Railway Company to construct new railways and works and for other purposes. A.D. 1898.
—
[25th July 1898.]

WHEREAS it is expedient that the Barry Railway Company (in this Act called "the Company") should be empowered to make and maintain the railways roads and works described in this Act:

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

And whereas the Company require to take additional lands in the parishes of Barry Llantwit Fardre and Pontypridd in the county of Glamorgan for the purposes of their undertaking:

And whereas plans and sections showing the line and levels of the railways and works authorised by this Act and plans of the additional lands which may be taken under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be taken for the purposes or under the powers of this Act were deposited with the clerk of the peace for the county of Glamorgan and with the clerk of the peace for the county of Monmouth which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid 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

A.D. 1898. — 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 be cited as the Barry Railway Act 1898.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (except where the same are expressly varied by this Act) incorporated with and form part of this Act namely:—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863.

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 means of enforcing 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 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 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.

Interpretation. 4. 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 expression "the Company" means the Barry Railway Company;

The expressions "the railway" or "the railways" mean the railways by this Act authorised.

5. 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 sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railways herein-before referred to and authorised by this Act are—

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Power to
make
railways.

RAILWAYS.

A railway described on the deposited plans as Railway No. 2 (1 mile in length) wholly in the parish of Saint Fagan's in the county of Glamorgan commencing at the point shown on the plans deposited in respect of the Railway No. 1 authorised by the Barry Railway Act 1896 as four furlongs from the commencement of such railway and terminating at the point on the said plans 1 mile 4 furlongs 5·80 chains from the commencement thereof :

A railway described on the deposited plans as Railway No. 3 (2 miles 3 furlongs in length) commencing in the parish of Eglwysilan in the urban district of Caerphilly and county of Glamorgan by a junction with Railway No. 2 authorised by the Act of 1896 at a point one mile one furlong and five chains from the commencement of such authorised railway shown on the deposited plans thereof and terminating in the parish of Bedwas in the county of Monmouth by a junction with the Brecon and Merthyr Railway at a point near the farmhouse known as Dyffryn-isaf :

A railway described on the deposited plans as Railway No. 4 (4 furlongs 6 chains in length) wholly in the said parish of Eglwysilan commencing by a junction with the main line of the Rhymney Railway Company to the northward of the junction of the Aber Branch Railway of the Rhymney Railway Company with the said main line and terminating by a junction with the intended Railway No. 3 herein-before described near the bridge carrying the said main line over the public road leading from Pwll-y-pant to Eneu'r-glyn :

Provided that the railways by this Act authorised and described on the deposited plans as railways numbers 3 and 4 shall be opened simultaneously :

And the Company may abandon and relinquish the construction of so much of the Railway No. 1 authorised by the Act of 1896 as would be situate between the commencement and termination of the Railway No. 2 by this Act authorised.

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For protec-
tion of
Rhymney
Railway
Company.

6. For the protection of the Rhymney Railway Company (herein-after called "the Rhymney Company") the following provisions shall unless otherwise agreed have effect:—

- (1) The Company shall not enter upon or interfere with the railway of the Rhymney Company or any of the lands or works of that company or execute any works whatever under or affecting the same until the Company shall have delivered to the Rhymney Company plans and drawings of such intended works and in the event of the engineer of the Rhymney Company signifying his disapproval of the same within twenty-one days after the delivery of the plans and drawings the same shall be referred to an engineer to be appointed on the application of the Company by the President of the Institution of Civil Engineers and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the engineer of the Rhymney Company or in case of difference of an engineer to be appointed as aforesaid:
- (2) In constructing the railway and works connected therewith through or over the land and property of the Rhymney Company the Company shall not deviate more than forty yards on either side of the centre line shown on the deposited plans where the railway crosses the railway of the Rhymney Company without the previous consent in writing of that company under their common seal:
- (3) The viaduct for carrying the railway over the Rhymney Company's Aber Branch Railway shall be carried over that railway and the sidings and works and land of the Rhymney Company adjoining thereto with such reasonable spans not exceeding forty-six feet each measured on the square as the Rhymney Company shall require with pillars not exceeding nine inches in width at a point two feet nine inches above the rail level of the sidings and above that level the westernmost span over the running lines of the Rhymney Company to be not less than sixty-six feet on the square and with a clear headway above the surface of the rails of the said Aber Branch Railway of not less than fourteen feet six inches and the abutments at either end of such viaduct shall be constructed outside the Rhymney Company's land and such crossing of the said railway and land shall be effected in such a manner as not to injure the stability of the railway and works of the Rhymney Company:
- (4) The arch of the viaduct for carrying the railway over the main line of the Rhymney Railway north of Aber Junction and the land of the Rhymney Company adjoining thereto shall

have a clear span of not less than forty-seven feet and a clear headway above the surface of the rails of the Rhymney Railway of not less than fourteen feet six inches :

- (5) Should it be necessary in constructing the said viaducts or either of them or in consequence of the construction thereof for the Rhymney Company to alter any of the telegraph posts and wires or signals points and connexions on their railways the Rhymney Company shall effect such alterations and the Company shall bear and on demand pay to the Rhymney Company all the expenses of and connected with such alterations :
- (6) The Company shall bear and on demand pay to the Rhymney Company the reasonable expenses of the employment by them during the making of the railway over and adjacent to the Rhymney railway of a sufficient number of inspectors signalmen and watchmen to be appointed by them for watching and protecting their railway and works and for conducting their traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise :
- (7) The Company shall at their sole expense at all times maintain the viaducts bridges junction and other works in this section referred to in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Rhymney Company :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Rhymney Company all losses costs damages and expenses which may be occasioned to them or any of their works lands or property or to the traffic on their railway or to any company or person using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall indemnify and hold harmless the Rhymney Company from all claims and demands on or against them by the reason of such execution or failure and of any such act default or omission :
- (9) In constructing the railways the Company shall not in any way obstruct or interfere with the traffic passing along the Rhymney Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the Rhymney Railway so as

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to impede or prevent the convenient passage of engines carriages and waggons along the same the Company shall pay to the Rhymney Company such damage as they shall sustain by reason thereof:

- (10) With respect to the lands of the Rhymney Company which the Company are by this Act authorised to use enter upon or interfere with for the purposes of the crossings of and junction with the railways of the Rhymney Company the Company shall not except by agreement purchase and take the same but they may purchase and take and the Rhymney Company may and shall sell and grant accordingly an easement or right of using so much of the same as may be necessary for the purposes of constructing and maintaining such crossings junction and works respectively :
- (11) The Company shall pay to the Rhymney Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :
- (12) The Rhymney Company may at any time within two years after the passing of this Act lay down an additional line or additional lines of rails across the railway of the Company at or near the junction of the railway with the railway of the Rhymney Company and if the Rhymney Company so do the Company shall pay to the Rhymney Company any additional cost to which they may be put by reason of the said junction in laying down such additional line or lines of rail and in making maintaining and working additional signals and conveniences in connexion therewith :
- (13) If any dispute shall arise between the Rhymney Company and the Company respecting the matters and provisions aforesaid or any of them such disputes shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Company
to provide
siding accom-
modation
for mineral
traffic.

7. The Company shall both at the junction of their railway with the railway of the Brecon and Merthyr Tydfil Junction Railway Company and at the junction with the railway of the Rhymney Company provide simultaneously with the construction of their said railways siding accommodation sufficient for the interchange of such mineral traffic as may be reasonably expected at the opening of the railways.

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For protec-
tion of
Marquess of
Bute.

8. The Company shall in constructing the railway described on the deposited plans as Railway No. 3 by this Act authorised carry the same across the lands belonging or reputed to belong to the Most Honourable John Patrick Crichton Stuart Marquess of Bute and Earl of Dumfries (herein-after called "the Marquess") between the points one mile four and a half furlongs and one mile five and three-quarter furlongs by means of a viaduct as shown on the deposited plans and shall construct such three of the arches or spans of such viaduct as may be agreed between the Company and the Marquess or failing agreement be determined by arbitration of a clear width of not less than fifty feet measured on the square and with a clear headway of not less than twenty feet and from and after the construction of such arches the Marquess or other the owner or owners for the time being of the land on each side of the viaduct shall subject to the right of the Company to repair and maintain such arches have the free user of the surface of the land under such arches and shall be at liberty to construct and use or permit to be constructed or used any railways or tramways roads drains gas or water pipes under or through the said arches. Provided that any damage thereby caused to the viaduct or other works of the Company and any loss incurred by the Company by reason of such user of the said arches shall be made good by the Marquess but the expression "loss" herein used shall not be deemed to include any rent or profit which but for such user might have accrued to the Company in respect of letting or using the land under such arches

9. The traffic between the new Tredegar works and Cardiff referred to in clause 11 of the agreement between the Rhymney Railway Company and the Brecon and Merthyr Tydfil Junction Railway Company (scheduled to the Brecon and Merthyr Railway (New Lines) Act 1864) shall not be carried by the Company by means of running powers over the Brecon and Merthyr Tydfil Junction Railway Company's lines without the consent of the Rhymney Railway Company.

As to traffic
between
Tredegar
works and
Cardiff.

10. The Company may make the new roads and road diversion shown on the deposited plans and hereafter described viz. :—
New road (A) commencing in the parish of Barry in the urban district of Barry in the county of Glamorgan by a junction with the public road leading from Cadoxton-juxta-Barry to Saint Andrew's Major at a point nine and a half chains or thereabouts measured along the said road south-westward from the bridge carrying the Company's main line over the said public road near Coldbrook Fach farmhouse and terminating in the parish of Saint Andrew's Major in the county of

Power to
make certain
new roads.

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Glamorgan by a junction with the said public road at a point twelve chains or thereabouts north-eastward from the said bridge;

New road (B) in the said parish of Saint Andrew's Major commencing by a junction with the public road leading from Cadoxton-juxta-Barry to Saint Andrew's Major near Coldbrook Fach farmhouse and terminating by a junction with the new road (A) before described at a point near the bridge carrying the Company's main line of railway over the road at a distance of eight and a half chains or thereabouts north of the said first-mentioned bridge:

And when and as soon as the Company shall have constructed the said new roads herein-before described under the letters (A) and (B) they may stop up and extinguish all rights of way over and appropriate the site of a portion of the road from Cadoxton-juxta-Barry to Saint Andrew's Major over which the Company's main line crosses near Coldbrook Fach farmhouse namely so much of the said road as extends from a point four chains or thereabouts north-eastward of the bridge carrying the said main line over the said road to a point four and a half chains or thereabouts south-westward of the said bridge:

A road diversion in the parish of Eglwysilan viz. A diversion of the public road crossed by Railway No. 1 authorised by the Barry Railway Act 1896 and numbered on the plans deposited for that Act 21 in the said parish the diversion commencing at a point six chains or thereabouts measured along the said road in the direction of Walnut Tree from opposite the farmhouse known as Ty Rhiw and terminating at a point fifteen chains or thereabouts measured along the said road in the same direction from opposite the said farmhouse:

And when and so soon as the new road is made the Company may stop up and appropriate the site of so much of the said public road as will be rendered unnecessary by reason of the diversion of the road:

Provided that the Company shall not stop up any portion of road by this Act authorised to be stopped up until they shall have completed and opened to the public the new roads or road diversion respectively authorised by this Act to be made instead thereof and shall have obtained the certificate of two justices that such new or diverted road is duly completed in accordance with the provisions of this Act:

Provided that the Company shall before applying to such justices for such certificate give seven days notice in writing of their intention to apply for the same to the road authority of the district in which such new or diverted road is situate.

11. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

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Lands for
extra-
ordinary
purposes.

12. Subject to the provisions of this Act the Company may enter upon purchase and take and may hold and use for the purposes of their undertaking all or any of the lands hereafter described so far as the same are delineated on the deposited plans and described in the deposited book of reference (that is to say):--

Power to
purchase
additional
lands.

Tidal lands and foreshore in or adjoining the parish of Barry in the urban district of Barry and county of Glamorgan and immediately to the eastward of the eastern breakwater of the dock undertaking of the Company (including Bendrick Rock) and extending along the foreshore for a distance of fifteen chains or thereabouts eastward of the said rock;

Lands in the parish of Llantwit Fardre in the county of Glamorgan on the east side of and adjoining the Company's Treforest Branch Railway from the junction of the said Treforest Branch Railway with the Company's main line of railway to a point twenty-three chains or thereabouts measured along the said Treforest Branch Railway in the direction of Treforest;

Lands in the said parish of Llantwit Fardre on the west side of and adjoining the Company's main line of railway from the junction of the Treforest Branch Railway with the said main line to a point eight and a half chains or thereabouts measured along the said main line in the direction of Hafod;

Lands in the parish of Pontypridd in the urban district of Pontypridd in the county of Glamorgan on the north-east side of and adjoining the Company's main line of railway lying between the points one chain or thereabouts and nine chains or thereabouts measured along the said main line in the direction of Hafod from the mile post on the said main line denoting seventeen and three-quarter miles from Barry;

Lands in the said parish of Pontypridd in the urban district of Pontypridd on the north-east side of and adjoining the Company's main line of railway from a point five and a half chains or thereabouts measured along the said main line in the direction of Barry from the mile post on the said main line denoting eighteen miles from Barry to a point eight and a half chains or thereabouts measured along the said main line in the direction of Hafod from the said mile post:

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Provided that the said tidal lands or foreshore in or adjoining the parish of Barry shall not be used for erecting thereon dwelling-houses or any works exceeding forty feet in height above the coping level of the existing dock of the Company or any works of an injurious character without the consent in writing of the Honourable Ivor Churchill Guest or his sequels in estate first had and obtained.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

14. Whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the arbitrator arbitrators umpire or jury assessing or determining the compensation under that Act be severed from the remainder of such properties 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 compellable 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 and other parties interested therein by severance or otherwise :

If for twenty-one days after the service of notice to sell and convey any portion of the said properties the owner or other person interested shall fail to notify to the Company his contention that such portion cannot be severed from the remainder of the property without causing material detriment thereto then the Company may proceed to take such portion only :

But if within such twenty-one days he shall by notice to the Company allege that such portion cannot be severed from the remainder without causing such material detriment as aforesaid then the arbitrator arbitrators umpire or jury shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

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Provided that if in the opinion of the arbitrator arbitrators umpire or jury any such portion cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice and may if they think fit proceed de novo to take the whole or any other portion of the property :

Provided also that if in the opinion of the arbitrator arbitrators umpire or jury any such portion can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then they may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person:

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

15. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction
on taking
houses of
labouring
class.

For the purpose of this section the expression "labouring class" means 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 income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands.

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Penalty on
Company if
railways not
completed.

17. If the Company fail within the period limited by this Act to complete the railways which they are by this Act authorised to make and complete the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which default is made is completed and opened for the public conveyance of traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

18. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part

thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

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19. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of railways.

20. The railways and the works connected therewith executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Barry Railway and comprised in the undertaking of the Company.

Railways to form part of railways of the Company.

21. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent and approval. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

22. The Company may if they think fit raise the additional capital or any part thereof which they are authorised by section 9 of the Barry Railway Act 1895 and by section 30 of the Barry Railway Act 1896 respectively to raise by shares or stock by the issue of equal nominal amounts of preferred converted ordinary stock and deferred converted ordinary stock and such preferred and deferred converted ordinary stock shall be created and issued in the same manner and subject so far as applicable to the same provisions as the preferred and deferred converted ordinary stock authorised to be created and issued under the powers of section 37 of the Barry Railway Act 1894.

Further provision with reference to raising capital under Company's Acts of 1895 and 1896.

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Company
may apply
their funds
towards
purposes of
Act and
may raise
additional
capital.

23. The Company may apply towards the construction of the railways and works by this Act authorised and other 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 other purposes of and connected with their authorised undertaking any additional capital not exceeding in the whole two hundred and forty 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.

Receipt in
case of
persons not
sui juris.

24. 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 pro-
priators of
new stock.

25. 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 shares or 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.

26. The Company may in respect of the additional capital of two hundred and forty 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 eighty thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole forty thousand pounds in respect of each one hundred and twenty thousand pounds of the said additional capital but no part of either such sum of forty thousand pounds shall be borrowed until stock for one-half of the said additional capital of one hundred and twenty thousand pounds in respect of which it is to be borrowed is fully 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 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.

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27. Section 22 of the Barry Railway Act 1897 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.

Appointment
of receiver.

28. 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.

Debenture
stock.

29. 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Former
mortgages
to have
priority.

30. 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.

31. No interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

32. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most

Saving rights
of the Crown
in the fore-
shore.

A.D. 1898.

Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Recovery of
demands
under 50*l*.

33. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

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

34. 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.

Provision as
to general
Railway
Acts.

35. Nothing in this Act contained shall exempt the Company or the railway 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.

Costs of Act.

36. 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 SCHEDULE referred to in the foregoing Act.

A.D. 1898.

DESCRIBING BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY
ARE REQUIRED BY THE COMPANY.

Parish.	Number on deposited Plan.
Urban District of Caerphilly (parish of Eglwysilan).	55 and 57.

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