



CHAPTER clxix.

An Act to authorise the Neath Pontardawe and Brynaman Railway Company to construct additional railways in the County of Glamorgan to extend the times for the taking of lands for and for the completion of their authorised railways and for other purposes.

A.D. 1898.

[25th July 1898.]

WHEREAS by the Neath Pontardawe and Brynaman Railway Act 1895 (herein-after called "the Act of 1895") the Neath Pontardawe and Brynaman Railway Company (herein-after called "the Company") were incorporated and authorised to make certain railways therein described in the county of Glamorgan:

And whereas by the Neath Pontardawe and Brynaman Railway Act 1896 (herein-after called "the Act of 1896") the Company and the Great Western Railway Company were authorised to enter into agreements for the working by that company of the said railways:

And whereas it is expedient that the Company be authorised to make and maintain the additional railways herein-after described:

And whereas it is expedient that the Company be authorised to pay to their shareholders out of capital interest on the amount from time to time paid up on the shares held by them during the construction of the additional railways by this Act authorised:

And whereas it is expedient that such further powers be conferred upon the Company and such further provisions be enacted as are herein-after contained:

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

[Ch. clxix.] *Neath Pontardawe and Brynaman* [61 & 62 VICT.]
Railway Act, 1898.

A.D. 1898.

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 (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Neath Pontardawe and Brynaman Railway Act 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

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 nonpayment 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 powers of the directors and the powers of the Company to be exercised only in general meeting ;

The making of dividends ; and

The giving of notices :

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by any subsequent Acts.

Interpretation.

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.

Power to make new railways.

4. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels

[61 & 62 Vict.] *Neath Pontardawe and Brynaman* [Ch. clxix.]
Railway Act, 1898.

shown on the deposited sections make and maintain the railways herein-after described with all proper junctions stations sidings bridges approaches roads buildings yards staiths works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes :

A.D. 1898.

The railways and works herein-before referred to and authorised by this Act will be situate in the county of Glamorgan and are—

Railway No. 1 (described on the deposited plans and sections as Railway No. 5)—A railway 4 furlongs 1.25 chains in length commencing in the parish of Rhwng-dwy-Clydach Hamlet by a junction with the tramway or railway from the Midland Railway to the Pontardawe Tin Plate Works of Messieurs William Gilbertson and Company Limited and terminating in the parish of Cil-y-Beyll by a junction with the Railway No. 2 authorised by the Neath Pontardawe and Brynaman Railway Act 1895 :

Railway No. 2 (described on the deposited plans and sections as Railway No. 6)—A railway 2 furlongs 5.9 chains in length wholly in the parish of Rhwng-dwy-Clydach Hamlet commencing by a junction with Railway No. 1 by this Act authorised at its point of commencement and terminating at a point five yards or thereabouts measured in a westerly direction from the slaughter-house of Mr. Daniel Phillips at Pontardawe.

5. The railways by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company.

New railways to form part of Company's undertaking.

6. 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.

7. If the railways by this Act authorised 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.

8. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 including the land authorised to be taken for the like purposes under the Act of 1895 shall not exceed twenty acres but nothing in this Act shall exempt the Company

Lands for extraordinary purposes.

[Ch. clxix.] *Neath Pontardawe and Brynaman* [61 & 62 VICT.]
Railway Act, 1898.

A.D. 1898. 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.

Power to owners to grant easements &c.

9. 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 properties.

10. Whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain houses buildings or works shown on the deposited plans will be sufficient for the purposes of the Company 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 the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties 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 persons interested therein by severance or otherwise.

Restrictions on displacing persons of labouring class.

11.—(1) The Company shall not under the powers of this Act or under the powers of the Act of 1895 extended by 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 next before the passing of this Act or the Act of 1895 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 unless and until the Company-- A.D. 1898.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of *Mandamus* to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High

[Ch. clxix.] *Neath Pontardawe and Brynaman* [61 & 62 VICT.]
Railway Act, 1898.

A.D. 1898. Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect

to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act or the Act of 1895 occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes 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 of such persons who may be residing with them.

12.—(1) All works to be done by the Company in the exercise of the powers conferred by this Act in any way affecting the railway of the Midland Railway Company (herein-after called "the Midland Company") or any works lands or property belonging to the Midland Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that company and according to plans and specifications to

For protection of
Midland
Railway
Company.

A.D. 1898.

be previously submitted to and reasonably approved by him but if he shall not approve such plans and sections or propose any alteration thereof within twenty-eight days after receiving the same he shall be deemed to have approved of the same and the Company shall carry out the work in accordance with such plans and sections and subject to such reasonable alteration as may have been proposed therein by the said engineer or in case of difference as shall be determined by arbitration in the manner herein-after provided.

(2) All such works shall be constructed by and at the expense of the Company and in such manner as to cause as little injury as may be to such railway works lands or property and so as to cause no interruption to the passage or conduct of traffic in the usual manner and at the usual speed over such railway.

(3) The bridge carrying Railway No. 1 by this Act authorised over the Midland Company's railway shall unless the Midland Company otherwise consent in writing be constructed with one clear span of forty-seven feet or two spans of twenty-six feet each as the Company may elect and with a clear headway throughout of fourteen feet three inches.

(4) If any injury or interruption shall arise from or in any way be owing to any of the acts works operations and matters aforesaid the Company shall make compensation to the Midland Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided.

(5) The Company shall bear and on demand pay to the Midland Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Company 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 the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto.

(6) The Company may acquire only such an easement over the railway works and property of the Midland Company as shall be necessary for constructing maintaining and using Railway No. 1 by this Act authorised and shall pay to the Midland Company for such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration.

(7) The amount to be paid to the Midland Company for the acquisition of such easement shall in the event of the Midland

Company and the Company not being able to agree with respect thereto be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement. A.D. 1898.

(8) Any dispute or difference which may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof unless otherwise provided by this section shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Midland Company and the Company or either of them.

13. The powers granted by the Act of 1895 to the Great Western Railway Company to run over and use the railways by that Act authorised shall extend and apply to the railways by this Act authorised and the provisions of sections 57 58 and 60 of the Act of 1895 shall extend and apply to the railways by this Act authorised as fully and effectually in all respects as they applied to the railways authorised by the Act of 1895 and as if the railways by this Act authorised had been authorised by that Act. Running powers to Great Western Railway Company.

14. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of three thousand six hundred and seventy-two pounds equal to five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by the Bill for this Act as introduced into Parliament has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas four of the said railways (that is to say) Railways No. 1 No. 2 No. 3 and No. 4 so proposed to be authorised were struck out of the Bill during its passage through Parliament And whereas the sum of fourteen hundred and thirty-five pounds represents five per centum upon the estimate of expense of the railways by this Act authorised (which last-mentioned sum is herein-after referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or 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 or the executors or administrators of such survivor (which persons survivors survivor or executors or administrators of such survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the said railways open the same for Deposit money not to be repaid except so far as railway opened.

[Ch. clxix.] *Neath Pontardawe and Brynaman* [61 & 62 Vict.]
Railway Act, 1898.

A.D. 1898.

public traffic and if the Company shall make default in so opening the said railways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the said railways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

15. If the Company do not previously to the expiration of the period limited for the completion of the railways by this Act authorised complete the same and open them for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors 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 said railways 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 deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 undertaking 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 transferred to the depositors. Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon

shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. A.D. 1898.

16. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the sum of two thousand two hundred and thirty-seven pounds transferred into court as aforesaid over and above the deposit fund and the interest thereon shall be paid to them or to any other person or persons whom they may appoint in that behalf. Repayment of part of deposit money.

17. The Company may appropriate and apply to all or any of the purposes of this Act to which capital is properly applicable any of the moneys which under and by virtue of the Act of 1895 they have raised or are authorised to raise and which may not be required for the purposes to which they are by that Act made specially applicable. Company may apply their funds to purposes of this Act.

18. The Company may raise by the creation and issue of new shares or stock the sum of forty-two thousand pounds in addition to the moneys which they are authorised to raise by the Act of 1895 and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone or together with any other moneys or capital which the Company may be then authorised so to raise. Power to raise additional capital.

19. The Company shall not issue any share of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Amount of shares &c.

20. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. New shares or stock to be subject to same incidents as other shares or stock.

21. The capital in new shares or stock so created shall form part of the capital of the Company. New shares or stock to form part of capital of Company.

22. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

A.D. 1898.

Restriction
as to votes
in respect of
preferential
shares or
stock.

Power to
divide
ordinary
shares in
additional
capital.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

24. 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 ordinary shares in the additional capital by this Act authorised to be raised into half shares of which one shall be called "preferred half share" and the other "deferred half share" but 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 and the provisions of sections 16 to 22 of the Act of 1895 shall apply to such divided shares as if they had been re-enacted in this Act in respect thereto.

Power to
borrow.

25. The Company may in respect of the said additional capital of forty-two thousand pounds from time to time borrow on mortgage of their undertaking in addition to any other sums which they are authorised to borrow by the Act of 1895 any sum not exceeding in the whole fourteen thousand pounds But no part thereof shall be borrowed until 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 shares for the whole of such additional capital if raised by shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each such share has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one-half of such additional capital if raised by means of stock is fully paid up and the Company have proved to the justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same Upon production to such justice of the books of the Company and of such other evidence as he may think sufficient he shall grant a certificate

that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1898.

26. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

27. The provisions in the Act of 1895 with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal or interest or principal and interest shall be and the same are hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. Repeal of provisions in Act of 1895 for appointment of a receiver.

28. 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 and 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. For appointment of a receiver.

29. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under the Act of 1895 or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

30. All mortgages granted by the Company in pursuance of the powers of the recited Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of that Act have priority over any mortgages granted by virtue of this Act. Existing mortgages to have priority.

31. All moneys raised under this Act whether by shares or stock or borrowing shall be applied only to the purposes of the Act of 1895 and this Act being in each case purposes to which capital is properly applicable. Application of moneys.

A.D. 1898.
Rates for
merchandise.

32. The classification of merchandise traffic (including perishable merchandise by passenger train) and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Great Western Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company as if it had been a railway company named in the appendix to the schedule to the said Order :

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Altering
section 8
of Act of
1895.

33. Subsections 4 5 and 6 of section 8 of the Act of 1895 are hereby repealed and the following subsections shall be substituted therefor (that is to say) :—

(A) The Company shall carry coal from any colliery of the Main Colliery Company at mileage rates which shall be as low per ton per mile as the rates for the time being charged by the Company for the carriage of like traffic over the railways of the Company or any of them or any part thereof respectively but for such traffic conveyed for a less distance than three miles the Company may charge as for three miles and no other short distance charge shall be made :

(B) If the Main Colliery Company shall desire to consign coal raised from their No. 1 pit aforesaid by the railway of the Company the Company shall if required by the Main Colliery Company render all locomotive services for such coal at the colliery and colliery sidings and shall also if required by the Main Colliery Company work the coal traffic of the Main Colliery Company destined for shipment in the Neath River or in the Neath Harbour over the railway of the Main Colliery Company between the Neath Abbey Junction and convenient sidings to be constructed by the Main Colliery Company in connexion with their tipping stages on the River Neath and the gross charge for all the services to be rendered by the Company upon the railways of the Main Colliery Company shall (in default of agreement) be fixed by arbitration as herein-after provided Provided that the aforesaid obligation to work the traffic between the Neath Abbey Junction and the aforesaid tipping stages shall not be binding on the Company

unless the Main Colliery Company shall put and maintain their said railway between such points and the said sidings in proper order and condition for the working of their traffic by the Company's locomotives and obtain all necessary licences and consents for such user by the Company of such railway and sidings.

A.D. 1898.

34. Notwithstanding anything in this Act or any Act wholly or partially incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the railways by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

Power to
pay interest
out of capital
during
construction.

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C) The aggregate amount to be so paid for interest shall not exceed two thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the

[Ch. clxix.] *Neath Pontardawe and Brynaman* [61 & 62 VICT.]
Railway Act, 1898.

A.D. 1898. — 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.

Extending period for purchase of lands for authorised railways.

35. The powers granted by the Act of 1895 for the compulsory purchase and taking of lands for the purposes of the railways thereby authorised are hereby extended and may be exercised at any time within but shall not be exercised after the expiration of three years from the sixth day of July one thousand eight hundred and ninety-eight.

Extending period for completion of authorised railways.

36. The period limited by the Act of 1895 for completion of the railways thereby authorised is hereby further extended for a period of two years from the sixth day of July one thousand nine hundred.

Recovery of demands under fifty pounds.

37. 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.

38. 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.

39. Nothing in this Act contained shall exempt the Company or their 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 to be taken by the Company.

Costs of Act.

40. 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 THE HOUSES BUILDINGS OR MANUFACTORIES OF WHICH
 PARTS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Railway No. 1 authorised by the foregoing Act.	
Rhyng-dwy-Clydach Hamlet - -	1.
Parish of Cil-y-Beyll - -	41.
Railway No. 2 authorised by the foregoing Act.	
Rhyng-dwy-Clydach Hamlet - -	1 13 14 15.

Printed by EYRE and SPOTTISWOODE,
 FOR
 T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
 90, WEST NILE STREET, GLASGOW; or
 HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.