



CHAPTER xlviii.

An Act to confer powers on the Barry Railway Company for the acquisition of lands and for other purposes. A.D. 1895.

[20th June 1895.]

WHEREAS it is expedient that the Barry Railway Company (in this Act called "the Company") be empowered to acquire for purposes connected with their undertaking the additional lands herein-after described:

And whereas it is expedient that the Company be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas plans of the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans and books of reference:

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 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:—

1. This Act may be cited as the Barry Railway Act 1895. Short title.
2. The following Acts are (except where expressly varied by this Act) incorporated with and form part of this Act namely:—
The Lands Clauses Acts. Incorporation of general 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; Extending certain provisions of Companies Clauses Acts.

A.D. 1895.

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 the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money by this Act authorised to be raised by shares or 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 ;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to purchase additional lands.

5. Subject to the provisions of this Act the Company may enter upon purchase and take and may hold and use for the purpose of extending their stations sidings warehouses coal wharves depôts and other works and conveniences and for other purposes connected with their undertaking the lands following or some of them situate in the county of Glamorgan so far as the same are delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

Lands in the parish of Cadoxton-juxta-Barry on the south-east side of and adjoining the Company's main line of railway from

a point 5 chains or thereabouts measured along the said main line in the direction of Barry from opposite the booking office of Cadoxton passenger station to the public road leading from Cadoxton-juxta-Barry to Sully;

Lands in the parish of Wenvoe on the western side of and adjoining the Company's main line of railway lying between points 24 chains or thereabouts and 33 chains or thereabouts measured along the said main line in the direction of Hafod from the bridge carrying the public road leading from Wenvoe to St. Andrew's over the said main line;

Lands in the said parish of Wenvoe on the east side of and adjoining the Company's main line of railway from a point 20 chains or thereabouts measured along the said main line in the direction of Hafod from the bridge carrying the public road leading from Wenvoe to St. Andrew's over the said main line to a point 7 chains or thereabouts measured along the said main line in the direction of Barry from the bridge carrying the public road leading from Wenvoe to Wrinstone over the said main line;

Lands in the said parish of Wenvoe on the east side of and adjoining the Company's main line of railway from near the bridge carrying the public road leading from Wenvoe to Wrinstone over the said main line to the public road leading from Wenvoe to Sweldon near the southern entrance to Wenvoe Tunnel;

Lands in the parish of Pentyrch on the western side of and adjoining the Company's main line of railway from a point 2 chains or thereabouts measured along the said main line in the direction of Hafod from the bridge carrying the said main line over the public road near Castell-y-mynach to a point near the bridge carrying the public road over the said main line near Efail-y-castell;

Lands in the said parish of Pentyrch on the western side of and adjoining the said main line from near the bridge carrying the public road over the said main line near Efail-y-castell to a point 3 chains or thereabouts measured along the said main line in the direction of Barry from opposite Creigiau Farmhouse.

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. 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

Power to take easements by agreement.

A.D. 1895:

easement right or privilege (not being an easement right or privilege of water in which any persons other than the parties to the agreement have an interest) required for the purposes of this Act in or 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.

Restriction on taking houses of labouring class.

8. 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 occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes 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.

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

9. The Company may apply towards the purposes of this Act being in every case 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 from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for the general purposes of their undertaking any additional sum or sums not exceeding in the whole seventy thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not to vest until one-fifth part paid up.

10. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share is paid in respect thereof.

Receipt in case of persons not sui juris.

11. If any money is payable under this Act to a holder of shares or 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. A.D. 1895.

12. The proprietors of any ordinary shares or 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. As to votes of proprietors of new shares or stock.

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

13. The Company may in respect of the additional capital of seventy thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole twenty-three thousand pounds but no part of such sum shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such 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 additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same 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. Power to borrow.

14. Section 33 of the Barry Railway Act 1894 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 Appointment of receiver.

A.D. 1895.

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.

Debenture stock.

15. 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.

Former mortgages to have priority.

16. 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.

Application of moneys.

17. All moneys raised under this Act whether by shares 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.

Interest not to be paid on calls paid up.

18. 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.

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

19. 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.

20. Nothing in this Act contained shall exempt the Company or the railways of the Company 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

[58 & 59 VICT.] *Barry Railway Act, 1895.* [Ch. xlviii.]

the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1895.

21. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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.

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]