



**CHAPTER CCXXX.**

An Act to confer further powers upon the Neath Pontardawe and Brynaman Railway Company for the construction of railways and the raising of capital and for other purposes. A.D. 1904.  
[15th August 1904.]

**W**HEREAS it is expedient that the Neath Pontardawe and Brynaman Railway Company (hereinafter called "the Company") should be empowered to make and maintain the new railway and deviations and alterations of their authorised railways described in this Act and to acquire additional lands and to raise additional capital and that the other powers in this Act contained should be conferred upon the Company :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference to the plans 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 of or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Glamorgan and Carmarthen and those plans sections and books of reference are hereinafter respectively referred to as "the deposited plans sections 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 King'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) :—

1. This Act may be cited for all purposes as the Neath Short title. Pontardawe and Brynaman Railway Act 1904.

A.D. 1904.  
—  
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 and Part I. (relating to the construction of a railway) 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 non-payment of calls ;

The remedies of the 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 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 Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by 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 and the expression "the Act of 1895" means the Neath Pontardawe and Brynaman Railway Act 1895 the expression "the Act of 1898" means the Neath Pontardawe and Brynaman Railway Act 1898 and the expression "the Act of 1903" means the Neath Pontardawe and Brynaman Railway Act 1903.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

A.D. 1904.  
Protection of  
gas and water  
mains of local  
authorities.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper stations sidings junctions bridges viaducts tunnels roads 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 books of reference as may be required for those purposes.

Power to  
make rail-  
ways.

The works hereinbefore referred to and authorised by this Act are—

Deviation of authorised railways—

A railway (No. 1) (hereinafter called "Railway No. 1") 4 furlongs 8 chains 75 links or thereabouts in length being a deviation of portions of Railways Nos. 10 and 10A authorised by the Act of 1903 situate wholly in the county of Glamorgan commencing in the parish of Coed-Ffranc at a point on the said Railway No. 10 near its commencement and terminating in the parish of Dyffryn Clydach hamlet by a junction with the said Railway No. 10A near the point where that railway crosses the Tennant Canal near Neath Abbey :

A railway (No. 2) (hereinafter called "Railway No. 2") 2 furlongs 7 chains and 50 links or thereabouts in length being a deviation of Railway No. 2 authorised by the Act of 1903 situate wholly in the parish of Blaenhonddan in the county of Glamorgan commencing by a junction with that railway 12 chains or thereabouts measured in a north-westerly direction from the school building at Bryn-coch and terminating at a point on that railway near Bryn-coch farmhouse.

A.D. 1904.

**New railway—**

A railway (No. 3) (hereinafter called "Railway No. 3") 2 furlongs 30 links or thereabouts in length commencing in the parish of Llangiwig in the county of Glamorgan by a junction with Railway No. 4 authorised by the Act of 1903 at a point 17 chains or thereabouts measured in a south-westerly direction from the Abernant Inn and terminating in the parish of Bettws in the county of Carmarthen at a point 16 chains or thereabouts measured in a north-westerly direction from the said Abernant Inn.

**Alterations of levels of authorised railways—**

An alteration of the levels of a portion of Railway No. 4 authorised by the Act of 1903 in the parishes of Ynys-y-mond (hamlet) Cil-y-Beyll and Rhyndwyglydach hamlet in the county of Glamorgan for a length of 1 mile 4 furlongs and 2 chains or thereabouts from its point of commencement :

An alteration of the levels of a portion of Railway No. 5 authorised by the Act of 1903 in the parishes of Cil-y-Beyll and Ynys-y-mond (hamlet) in the county of Glamorgan for a length of 1 furlong and 2 chains from its point of commencement.

Abandonment of construction of portions of authorised railways.

6. The Company shall abandon the construction of the portions of their authorised railways which have not been made and are rendered unnecessary by the deviations by this Act authorised (that is to say):—

So much of Railways No. 10 and No. 10A authorised by the Act of 1903 as lies between the points of commencement and termination of Railway No. 1 authorised by this Act:

So much of Railway No. 2 authorised by the Act of 1903 as lies between the points of commencement and termination of Railway No. 2 authorised by this Act.

Repeal of part of sections 14 and 20 of Act of 1903.

7. Subsection (10) of section 14 and subsection (5) of section 20 of the Act of 1903 and such other provisions of those sections as will be rendered unnecessary by the construction of the deviations authorised by this Act of Railways No. 2 and Nos. 10 and 10A authorised by that Act are hereby repealed.

Rates to be taken by Company.

8. The works 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 and the provisions of sections 50 to 52 of the Act of 1895 shall apply in respect of the conveyance of merchandise and small parcels upon the said works as if they had been authorised by the Act of 1895. A.D. 1904.

9. If the works 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of railways.

10. The Company may in addition to the lands which they are authorised to acquire by section 35 of the Act of 1903 acquire by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 or other purposes of the Company any quantity of land not exceeding 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. Land for extraordinary purposes.

11. 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.

12. 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. Powers to owners to grant easements &c.

13. And whereas in the construction of the 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 Owners may be required to sell parts only of certain lands and buildings.

[Ch. ccxxx.] *Neath Pontardawe and Brynaman* [4 Edw. 7.]  
*Railway Act, 1904.*

A.D. 1904. 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 jury arbitrators or other authority to whom the question of disputed compensation shall be submitted 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.

Alteration of inclination of certain road.

14. In altering for the purposes of this Act the road numbered on the deposited plans of the Act of 1903 32 in the parish of Cil-y-Beyll the Company may make the same of any inclination not steeper than 1 in 14.

For protection of Rhondda and Swansea Bay Railway Company.

15. Nothing in this Act contained shall authorise the Company to enter upon take or use any part of the property numbered on the deposited plans 2 in the parish of Coed-Ffranc without the consent in writing of the Rhondda and Swansea Bay Railway Company.

For protection of Gertrude Barbara Rich Tennant.

16. For the protection of Gertrude Barbara Rich Tennant or other the owner or owners for the time being of the Tennant Canal Navigation (all of whom are included in the expression "the owner" when used in this section) the following provisions shall apply and have effect (that is to say):—

(1) In the event of the Neath Harbour Float as authorised by the Neath Harbour Act 1874 being completed the Company shall if and when required by the owner construct a bridge under Railway No. 1 over the branch canal numbered on the deposited plans 12 in the parish of Coed-Ffranc and such bridge shall have a span of not less than twenty feet on the square (fourteen feet waterway and six feet tow-path) and a headway above the top water level of the said branch canal of not less than ten feet:

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not

under the powers of this Act acquire any land of the owner in the parish of Dyffryn Clydach otherwise than by agreement: A.D. 1904.

- (3) Subsections 6 to 14 (both inclusive) of section 20 (the marginal note of which is "For protection of Gertrude Barbara Rich Tennant") of the Neath Pontardawe and Brynaman Railway Act 1903 shall extend and apply mutatis mutandis to Railway No. 1 by this Act authorised.

17. For the protection of the Right Honourable Arthur de Cardonnel Baron Dynevor and Henry Francis Compton or other the owner or owners for the time being of so much of the estate in the county of Glamorgan known as the Neath Abbey Estate as is traversed by Railway No. 1 (in this section referred to as "the owner") the following provisions shall unless otherwise agreed have effect (that is to say):— For protection of owners of Neath Abbey Estate.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not enter upon take or use for the purpose of Railway No. 1 any greater quantity of the property of the owner than is necessary for the construction of the said railway and exchange sidings or works connected therewith:
- (2) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company shall not construct Railway No. 1 otherwise than in the line shown by a red line and marked "proposed diversion of Railway No. 1 (1904)" and according to the levels delineated on the plan and sections signed in duplicate by Messieurs Warrens on behalf of the Neath owners and Cuthbert Arthur Brereton on behalf of the Company which plan and sections are in this section referred to as "the signed plan and sections":
- (3) The Company shall carry Railway No. 1 over the private railway of the owner leading to the Emu and other works and over the site of a proposed road alongside the said private railway by means of a bridge having two spans. The said bridge shall be constructed so that the clear span of each of the said two spans shall not be less than twenty-five feet on the square to the said private railway. The said bridge shall have a clear headway of not less than fourteen feet six inches from

A.D. 1904.

the surface of the said proposed road and the level of the rails of the said private railway respectively :

- (4) If in constructing Railway No. 1 the Company shall in any way interfere with the water pipes laid in the roadway leading to the Emu and Sutton's Works from the bridge over the Tennant Canal near to the said Emu Works they shall divert and relay the said pipes in such manner as the owner may require or approve :
- (5) The Company shall carry Railway No. 1 over the road at the entrance to the said Emu Works by means of a bridge having a clear span measured on the square to the said road of not less than fifteen feet and a clear headway of not less than twelve feet from the surface of the said road The Company shall be at liberty to lower the surface of the said road under the said arch to any extent not exceeding three feet six inches below the existing level but so as to give a gradient out of the said works between the said arch and the said canal bridge not steeper than one in fourteen and so as to form easy approaches from the said arch into the said Emu and Sutton's Works by the said road or any diversions thereof which may be approved by the owner :
- (6) The Company shall at a point thirty yards south-westward of the aqueduct over the Tennant Canal leading to the said Emu Works make in the embankment carrying Railway No. 1 an opening having a clear span of not less than fifteen feet and a clear headway of not less than twelve feet :
- (7) The Company shall construct a culvert of not less than three feet six inches in diameter to carry under Railway No. 1 the water flowing in the said aqueduct to the said Emu Works :
- (8) The Company shall at a point between sixty and seventy yards north-eastward of the said aqueduct make in the embankment carrying Railway No. 1 an opening having a clear span of not less than fifteen feet and a clear headway of not less than fifteen feet :
- (9) In case the Neath River Float authorised by the Neath Harbour Act 1874 shall be completed or the branch canal numbered on the deposited plans 12 in the parish of Coed-Ffranc shall be required to be used as such for



traffic the Company shall with all practicable despatch carry Railway No. 1 over the said branch canal by means of a bridge of a clear span of not less than twenty feet measured on the square to the said branch canal and having a clear headway above the water level of the said branch canal of not less than ten feet and provided with proper fenders for protection of barges Upon the completion of such bridge the Company shall remove any embankment or work carrying Railway No. 1 over the said branch canal so as to leave the aforesaid span and headway unobstructed The Company shall not alter the direction of the said canal and shall make adequate provision for the support of the towing-path at the side thereof to a depth of six feet at least below water level :

A.D. 1904.

- (10) The Company shall divert in such manner as the owner may approve the road leading from Neath Abbey and Skewen to the said Emu Works and shall carry the said road across Railway No. 1 on the level The approaches to the said level crossing shall not be steeper than one in twenty :
- (11) The Company shall construct a bridge for carrying a siding on the site of the disused tramway of the owner leading from the Main Colliery Company's railway to the Mines Royal Works over Railway No. 1 The said bridge and the approaches thereto shall be constructed of a clear width between the walls parapets or fences thereof of not less than fifteen feet the gradients of the said bridge and approaches shall if practicable be not steeper than one in one hundred and the said bridge shall be constructed strong enough to carry the heaviest engine in use by the Main Colliery Company :
- (12) The Company shall construct a bridge having a clear width of not less than twenty feet between the walls parapets or fences thereof and with approaches of gradients not steeper than one in twenty for carrying the road leading from Neath Abbey and Skewen to the Emu Mines Royal and Cheadle Works over Railway No. 1 :
- (13) The Company shall to the satisfaction of the owner lower the level of so much of the said private railway as is situate northward of the said Emu Works to such an

A.D. 1904.

extent as may be necessary to carry the same across the said road at the entrance to the said works as lowered in accordance with the provisions of this section :

- (14) The Company shall if and when called upon by the owner so to do and at such point as the owner may require provide an arch for carrying Railway No. 1 so as to accommodate a siding from the said private railway of the owner to Sutton's Works and a tramway from the said works to the said canal such arch having a clear span of not less than twenty-five feet and a clear headway of not less than fourteen feet nine inches above the rail level of the said siding :
- (15) Before commencing the construction of any portion of Railway No. 1 which may interfere with any part of the said private railway or the traffic thereon the Company shall in lieu of the portion of the said private railway shown between the points marked A and B on the signed plan construct to the reasonable satisfaction of the owner on lands to be provided for the purpose by the owner a railway between the points marked C and B on the signed plan commencing by a junction with the siding leading to the said Emu Works and in the line delineated on the signed plan by a full blue line and marked "Proposed diversion" and according to the levels shown on the signed sections or in such other line and according to such other levels as the owner may reasonably require (which railway is in this section referred to as "the diverted railway") Provided that if the said private railway between the said points A and B shall not at the time of constructing the diverted railway be completed ready for the accommodation of traffic the Company shall only be required to construct the diverted railway to such an extent as will make the same as nearly complete as the said portion of private railway :
- (16) In making the junction with the siding referred to in the last preceding subsection the Company shall provide and fix all necessary crossing timbers switches levers and other works apparatus and conveniences and shall not obstruct or interrupt the traffic on the said siding or interfere with the said siding more than shall be absolutely necessary for effecting the said junction :

- (17) The Company shall not remove or interfere with the said private railway or any part thereof or obstruct or interrupt the traffic thereon until they shall have constructed the diverted railway in accordance with the provisions of subsection (15) of this section but when the same shall have been so constructed the Company shall be at liberty to take up and remove the said private railway between the said points A and B and all materials so removed shall thereupon become and be the property of the Company without prejudice to any question of the compensation payable by the Company to the owner in respect of the acquisition of the site of the said private railway and any other land of the owner which may be required to be taken by the Company for the purposes of Railway No. 1 :
- (18) In constructing the diverted railway the Company shall as far as may be reasonably practicable construct and provide the like accommodation works and (unless otherwise required by the owner) as nearly as may be at corresponding points on the diverted railway as are by this section required to be constructed and provided by the Company in constructing Railway No. 1 :
- (19) The Company shall at their own expense when called upon by the owner form such a siding connection between Railway No. 1 and the diverted railway at such a point as may be found practicable and shall at all times thereafter maintain free of expense to the owner (including the cost of signalling on the Company's railway and all standing charges in connection therewith) so much of the said siding connection as shall be on the land of the Company :
- (20) The Company shall at their own expense and to the reasonable satisfaction of the owner make all such alterations of roads and of the said disused tramway as may be necessary for carrying the same over Railway No. 1 at the points referred to in and in accordance with the provisions of this section and shall also make such temporary provision as may be necessary for maintaining as conveniently as practicable the existing means of communication across Railway No. 1 :
- (21) The owner shall be at liberty without any payment to the Company from time to time to place lay and

A.D. 1904.

maintain over all or any of the bridges referred to in this section all such mains pipes tubes wires or apparatus as he may require and shall for those purposes and for purposes of repair renewal and alteration of such mains pipes tubes wires or apparatus be at liberty to open and break up the roadway over the said bridges or any of them reinstating the same with all reasonable despatch and to the reasonable satisfaction of the Company forthwith after the completion of the work necessitating such opening or breaking up :

- (22) If any difference shall arise between the Company and the owner with respect to any of the provisions of this section or any matter or thing herein contained such difference shall be determined by an arbitrator to be agreed upon by them or failing agreement to be appointed by the President of the Institution of Civil Engineers upon the application of either party.

Powers to  
Midland  
Railway  
Company.

**18.** The provisions of section 56 of the Act of 1903 shall extend and apply to the railways by this Act authorised and to all sidings and works connected therewith.

As to deposit.

**19.** Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four thousand eight hundred and fifty pounds four shillings and ninepence New Consols being equal in value to five per centum upon the amount of the estimate of the new railways proposed to be authorised by the Bill for this Act as introduced into Parliament and of the amount by which the expense of the deviations and the alterations of the levels of portions of the Company's authorised railways by this Act authorised will exceed the estimated expense of those portions of railway (which said new railways and deviations and alterations of levels of authorised railways are hereinafter included in the expression "the railways") has been deposited with the court that is to say the Paymaster-General for and on behalf of the Supreme Court in England in respect of the application to Parliament for this Act And whereas three of the said new railways that is to say Railways No. 4 No. 5 and No. 6 so proposed to be authorised were struck out of the Bill during its passage through Parliament And whereas the sum of six hundred and thirteen pounds six shillings and threepence New Consols represents a sum equal to five per centum upon

the estimate of expense of the railways (which last-mentioned sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything in the said recited Act the 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 or 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 railways open the same for public traffic and if the Company shall make default in so opening the 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 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.

A.D. 1904.

20. If the Company do not previously to the expiration of the period limited for the completion of the railways 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 railways or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of the railways conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has

Application  
of money de-  
posited in  
respect of  
railways.

A.D. 1904. — 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 their 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 re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore 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.

Repayment  
of part of de-  
posit money.

21. 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 four thousand two hundred and thirty-six pounds eighteen shillings and sixpence New Consols which represents the amount of the fund deposited in court as aforesaid over and above the deposit fund and the interest thereon shall be transferred or paid to the depositors or to any other person or persons whom they may appoint in that behalf.

Application  
of funds.

22. The Company may apply for the purposes of this Act (being in all cases purposes to which capital is properly applicable) any moneys which by the Act of 1895 the Act of 1898 and the Act of 1903 they have power to raise by shares stock debenture stock or by borrowing and which may not be required for the purposes for which the same were authorised to be raised.

Additional  
capital.

23. The Company may for the purposes of this Act raise additional capital not exceeding in the whole forty-five thousand pounds by the issue of new ordinary shares or stock as the Company from time to time think fit.

Amount of  
new shares  
Shares not to  
be issued un-  
til one-fifth  
paid thereon.

24. The Company shall not issue any share created under the authority of this Act 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 part of the amount of such share is paid in respect thereof.

A.D. 1904.

**25.** The additional capital in new shares or stock created under the authority of this Act shall form part of the capital of the Company.

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New shares or stock to form part of capital of Company.

**26.** 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.

**27.** 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.

**28.** 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 divide ordinary shares in additional capital.

**29.** The Company may in respect of the said additional capital of forty-five 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 Acts of 1895 1898 and 1903 any sum not exceeding in the whole fifteen thousand pounds But no part of such sum of fifteen thousand pounds 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

Power to borrow.

A.D. 1904. 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 if raised by means of stock until stock for one half of the additional capital 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.

Receipt in case of persons not sui juris.

**30.** If any money is payable to a shareholder stockholder mortgagee or debenture stock holder 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.

Debenture stock.

**31.** The Company may create and issue debenture stock subject to the provisions of section 29 of the Act of 1898 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

For appointment of a receiver.

**32.—(1)** Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest shall be and the same is 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.

**(2)** The mortgagees of the Company's 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. A.D. 1904.

**33.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or the general purposes of the Company being in every case purposes to which capital is properly applicable. Application of moneys.

**34.** Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money they are by this Act authorised to raise 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 in the share capital by this Act authorised to be raised 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 in each case determine but subject always to the conditions hereinafter 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 deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the share capital by this Act authorised to be raised for the purposes of this Act and 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 three 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 :

A.D. 1904.

(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 hereinbefore set forth 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 in the share capital by this Act authorised to be raised 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.

Recovery of demands not exceeding 100*l.*

**35.** Proceedings commenced before the first day of January one thousand nine hundred and five for the recovery of any sum not exceeding fifty pounds and proceedings taken on and after that date for the recovery of any demand not exceeding one hundred pounds made under the authority of this Act or any other special Act of the Company or any enactment incorporated herewith or therewith respectively 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.

**36.** 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.

**37.** 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.

**38.** 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. 1904.

DESCRIBING THE LANDS BUILDINGS OR MANUFACTORIES OF WHICH PARTS  
ONLY MAY BE TAKEN.

Name of Parish.	Numbers on deposited Plans.
RAILWAY NO. 1.	
Coed-Ffranc - - - -	9 and 10.
Dyffryn Clydach hamlet - - -	1.

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