



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. lxx.

An Act to enable the *Duffryn Llynvi* and *Porth Cawl* Railway Company to raise a further Sum of Money ; and to amend the Acts relating to the said Railway, and to the Bay of *Porth Cawl*, in the County of *Glamorgan*. [19th June 1840.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from or from near to a certain Place called Duffryn Llynvi, in the Parish of Llangonoyd in the County of Glamorgan, to or near to a certain Bay called Pwll Cawl otherwise Porth Cawl, in the Parish of Newton Nottage in the same County ; and for extending and improving the same Bay, by the Erection of a Pier and other suitable Works for that Purpose*, whereby certain Persons were incorporated, under the Name of "The *Duffryn Llynvi* and *Porth Cawl* Railway Company," for the Purpose of making and maintaining such Railway or Tramroad and other Works, and for improving and extending the said Bay by the Erection of a Pier or Jetty, and by other Means, as in the said recited Act is mentioned : And whereas another Act was passed in the Tenth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to alter, amend, and enlarge the* [Local.] 17 K Powers

6 G. 4. c. 104.
10 G. 4. c. 38.

Powers of an Act passed in the Sixth Year of the Reign of His present Majesty, for making and maintaining the Duffryn Llynvi and Porth Cawl Railway and other Works connected therewith: And whereas by the said first-mentioned Act the said Company of Proprietors were authorized and empowered to raise and contribute amongst themselves, in manner therein mentioned, any Sum or Sums of Money for making and completing the said Railway or Tramroad, Pier, and other Works thereby authorized, not exceeding in the whole the Sum of Forty thousand Pounds; and in case the said Sum of Forty thousand Pounds should be found insufficient for the Purposes aforesaid, then the said Company of Proprietors were thereby empowered to borrow and take up at Interest by way of Mortgage a further Sum of Twenty thousand Pounds in manner therein mentioned: And whereas the said Company of Proprietors have proceeded in the Execution of the said recited Acts, and have raised, by Subscription amongst themselves and by Mortgage respectively, the said Sums of Forty thousand Pounds and Twenty thousand Pounds by the said recited Acts authorized to be raised by them: And whereas the said Company of Proprietors have constructed and opened to the Public the said Railway or Tramroad, but the said Pier or Jetty and other Works by the said Acts authorized to be made, for the Extension and Improvement of the said Bay, have not been hitherto completed, and it is expedient that for the Completion thereof, and for the Repair and Maintenance of the said Railway, the said Company should be authorized to raise a further Sum of Money, but the same 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, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things contained in the said recited Acts, (except such of them, or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for, or inconsistent with or repugnant to the Provisions herein contained,) shall extend and be construed to extend to this Act, and to the Purposes and Things hereby authorized or required to be effected and done, and shall operate and be in force in respect to the Objects and Purposes of this Act as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act, with reference to the Purposes and Things hereby authorized or required to be effected and done, and the Objects and Purposes of this Act.

Powers of former Acts extended to this Act, except as hereby altered.

Power for the Company to raise 20,000*l.* by Mortgage.

II. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, by an Order of any General or Special Meeting of the said Company, if they shall think fit, from Time to Time to borrow and take up at Interest on the Credit of the said Undertaking, and either before or after they shall have raised any Sum or Sums by the Creation and Issue of new Shares as herein-after mentioned, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the several Sums authorized to be raised by the said

recited Acts; and the said Company, after such Order, are hereby empowered, at their Expence, to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of the said recited Acts or this Act, or any Part thereof, as a Security for any such Money to be borrowed as aforesaid, with Interest to or for the Benefit of the Party who shall advance the same, or his Trustees; and a Copy of the Order of any General or Special General Meeting of the said Company authorizing the borrowing of any such Money, certified by One Member of the Committee, or the Clerk of the said Company, to be a true Copy, shall be sufficient Evidence of the making of such Order for raising such additional Sum of Money; and all such Mortgages, Assignments, and Charges shall be under the Common Seal of the said Company, by Deed duly stamped, in which the Consideration for the same shall be truly stated, and may, *mutatis mutandis*, be in the like Form as the Mortgages by the said first-recited Act authorized were thereby directed to be, but with any such Variation or special Provisions therein as the Circumstances shall, in the Judgment of the Committee of the said Company, render necessary or expedient; and all and every the Persons and Person, Corporations and Corporation, to whom any Mortgages or Mortgage shall be granted under this Act, shall be equally entitled one with another, and without any Preference by reason of Priority in the Time of holding any such Meeting, or in the Date of any such Mortgage, or on any other Account whatsoever; and the Powers, Provisions, and Directions in the said recited Acts respectively contained, for or in relation to the transferring and registering of every Mortgage created under the Powers therein contained, and every Transfer thereof, and the Powers, Remedies, Regulations, and Provisions in the said recited Acts respectively contained in relation to the Mortgages thereby authorized, and for recovering or otherwise concerning the Principal and Interest thereby secured, shall apply to the Mortgages to be created under the Powers of this Act, and the Principal Monies hereby authorized to be raised, and the Interest thereof: Provided always, that every Transfer of any Mortgage created or to be created under the Provisions of the said recited Acts or of this Act respectively shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated.

III. And be it further enacted, That where any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so borrowed, with the Interest thereof; and in such Case the Company shall cause to be inserted in such Mortgage the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby secured, and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage.

Company
empowered
to fix Periods
for Repay-
ment of
Money bor-
rowed on
Mortgage
under the
Powers of
this Act.

IV. And

Holders of
Mortgages
for unlimited
Periods may
demand Pay-
ment after
Twelve
Calendar
Months from
their Date.

IV. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed on Mortgage under the Authority of this Act, the Party entitled to any such Mortgage may and he is hereby authorized to demand Payment of the Principal Monies thereby secured at or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage, upon giving Six Calendar Months Notice in Writing to the Clerk or other Officer of the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice to the Person for the Time being entitled to such Mortgage, or by publishing such Notice in the *London Gazette*, and in some One or more Newspaper or Newspapers usually circulated in the County of *Glamorgan*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in the Payment of the said Principal Money and all Interest then due in pursuance of such Notice.

For further
securing the
Repayment
of Principal
Money
borrowed.

V. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage as aforesaid, or of any Part of such Principal Monies at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, and subject and without Prejudice to any other Remedies for the Recovery of the Monies due upon such Mortgages respectively under the said recited Acts and this Act respectively, or otherwise, and particularly subject to the Provision in the said secondly recited Act contained, requiring the said Company, in the Event and Manner therein expressed, to set aside and apply One Tenth at least of the net annual Income and Profits of the said Undertaking for the Purpose of paying off and redeeming the Principal Money due and owing upon Mortgage as therein mentioned, and which Provision will, under the Provisions of this Act, extend to and include any Mortgages to be created under the Powers of this Act, and also subject to any Modifications or Restrictions of this present Provision which shall be expressly contained in any such Mortgages, it shall be lawful for Two or more Justices of the Peace acting for the County of *Glamorgan*, (not being interested in the Matter in question,) and they are hereby respectively required, whilst all or any Part of the said Principal Monies shall remain unpaid as aforesaid, on Request to them made on behalf of any Party or Parties entitled to any Mortgages already made or hereafter to be made under the Provisions of the said recited Acts and this Act respectively, and to whom any Principal Sums of Money amounting in the whole to the Sum of Five thousand Pounds shall be then due thereon, by an Order under their Hands, to appoint some Person to receive the whole or such Parts of the said Rates, Tolls, or Sums as are liable to pay the said Principal Monies so due and unpaid as aforesaid, and the Money so to be received by such Person is hereby declared to be so much Money
received

received by or for the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, and as between themselves, in proportion to the respective Amounts for the Time being due to them, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest due thereon, shall be fully satisfied and paid, and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

VI. And whereas it was by the said secondly recited Act enacted, that it should be lawful for all or any and every the Person and Persons, Body and Bodies Politic or Corporate, to whom any Mortgage or Mortgages should have been made or given, or should thereafter be made or given by virtue of the said first-recited Act or that Act, or either of them, or who should be entitled to the Money due thereon, or his, her, or their Assignee or Assignees, at any Time or Times before the Twenty-fifth Day of *December* One thousand eight hundred and thirty-four, to become, in manner in that Act particularly mentioned, a Subscriber or Subscribers to and Proprietor or Proprietors of the said Undertaking, in proportion to the Amount due or secured on any such Mortgage or Mortgages, and on giving up the same to be cancelled; be it therefore enacted, That the same or any corresponding or similar Right or Privilege shall not, by virtue of this Act, belong to or be capable of being exercised by any Person or Corporation for the Time being entitled to any Mortgage or Mortgages which may be created under the Powers of this Act, and that no such Mortgagee shall be entitled to become a Subscriber for any Share or Shares in the Capital of the said Company in substitution or exchange for such Mortgage or Mortgages.

Provision in secondly recited Act, enabling Mortgagees to become Subscribers, not to extend to Mortgagees created under the Powers of this Act.

VII. And be it further enacted, That it shall be lawful for the said Company, after an Order shall have been made for that Purpose by any Annual or Special General Meeting, and they are hereby empowered to borrow and take up at Interest, from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to lend the same, and either before or after they shall have raised any Sum or Sums by the Creation and Issue of new Shares as herein-after mentioned, the whole or any Part of the said Sum of Twenty thousand Pounds hereby authorized to be raised, and which shall not have been previously raised by Mortgage under the Powers for that Purpose in this Act contained, at such Rate of Interest as may be agreed upon, and to secure the Repayment of the said Principal and Interest Monies, by Bonds under the Common Seal of the said Company, payable at such Day or Days as the said Company and the Person or Persons lending the Money may mutually agree upon, and subject and without Prejudice to any Mortgage and Mortgages made or to be made under the Powers of the said recited Acts or this Act respectively, or any of them; and all and every the Persons or Person to

Power to borrow on Bond.

[*Local.*]

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whom

whom such Bonds or Bond shall be executed shall proportionately, according to the respective Amounts of the Monies secured by the said Bonds, and without Preference or Priority among them, be entitled, but subject and without Prejudice, as last aforesaid, to be paid out of the Rates, Tolls, and Duties, or other Effects of the said Company, according to the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference by reason of the Priority of the Date thereof, or otherwise; and that an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name or Names, and proper Addition or Additions, of the Person or Persons to whom the same shall have been made or given, and of the Sum thereby secured, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in a Book or Books to be kept by the Clerk of the said Company, which said Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every the Body and Bodies Politic and Corporate, Person and Persons, being the Obligee or Obligees in every such Bond, his, her, or their respective Successors, Executors, Administrators, and Assigns, lawfully and of right may from Time to Time transfer the same, and the Principal Money thereby secured and remaining unpaid, and all Interest due and to accrue thereon, to any Body or Bodies Politic or Corporate, Person or Persons whomsoever; which Transfer shall be by Deed in Writing duly stamped, under the Seal of any Body Politic or Corporate, and under the Hand and Seal or Hands and Seals of any Person or Persons, and may be in the Words or to the Effect following; (that is to say,)

Bonds may
be trans-
ferred.

Form of
Transfer.

‘ I [or We] of in consideration of the
 ‘ Sum of to me [or us] paid by
 ‘ of do hereby transfer unto the said
 ‘ his [or her or their] Executors, Administrators, and Assigns, a
 ‘ certain Bond, numbered under the Common
 ‘ Seal of the *Duffryn Llynvi* and *Porth Cawl* Railway Company,
 ‘ bearing Date the Day of for
 ‘ securing unto of the Sum of
 ‘ with Interest thereon after the Rate of *per Centum*
 ‘ *per Annum*, and all my [or our] Right, Interest, and Property
 ‘ therein. In witness whereof I [or we] have hereunto set my Hand
 ‘ and Seal [or our Hands and Seals, or our Common Seal, *as the Case*
 ‘ *may be*] the Day of in the Year of our
 ‘ Lord :

And every such Transfer shall, within Twenty-eight Days after the Date thereof, if executed in *England* or *Wales*, or otherwise within Twenty-eight Days after the Arrival thereof in *England* or *Wales*, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial thereof to be made in the same Manner as of the original Bond or Bonds, and also, if required, endorse a Certificate of such Entry on such Transfer, for which Entry or Entries and Certificate the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence, and after every such Entry made such Transfer shall entitle such Assignee or

Assignees, his, her, or their Successors, Executors, Administrators, or Assigns, to the full Benefit thereof, and to sue the said Company for Payment of the Monies for the Time being due on the said Bond, in his, her, or their own Name or Names; and it shall not be in the Power of any Body or Bodies Politic or Corporate, or Person or Persons, who shall have made such Transfer, to make void or release any Bond so by him, her, or them transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

VIII. Provided always, and be it further enacted, That, without Prejudice to any Mortgage or Mortgages made or to be made under the said recited Acts and this Act respectively, it shall be lawful for the said Company from Time to Time to pay off and discharge all or any of the said Bonds before the Days respectively appointed for Payment thereof, upon giving Six Calendar Months Notice to the Holder or Holders of the said Bonds respectively so intended to be paid off, or by publishing such Notice in the *London Gazette*, and in One or more Newspaper or Newspapers usually circulated in the County of *Glamorgan*.

Power to pay Bonds before the Time appointed.

IX. And be it further enacted (without Prejudice nevertheless to any such Mortgages as aforesaid), That the Interest which shall become due and payable on any Money to be raised by Bond as aforesaid (if any shall be so raised) shall be paid to the several Bodies and Persons entitled thereto in preference to any Interest or Dividends to become due or payable to the said Company or any of them, under the Provisions of the said recited Acts and this Act respectively; and in case any such Interest, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made of the Clerk of the said Company, or left at the Office of the said Company, then, in addition to such Remedies as the Obligee or Obligees, or Assignee or Assignees of such Bond or Bonds may be entitled to at Law or in Equity, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Glamorgan*, and they are hereby required, on Request to them made by or on behalf of any such Obligee or Obligees, his or their Successors, Executors, Administrators, or Assigns, whose Interest shall be so in arrear, by an Order under the Hands of such Justices, to appoint One or more Person or Persons to receive the whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Acts and of this Act, or any or either of them, until all Interest in arrear on the aforesaid Bonds then subsisting, together with the Costs and Charges of recovering and receiving such Rates, Tolls, and Duties, shall be fully satisfied and paid; and the Monies so to be received by such Person or Persons are hereby declared to be so much Money received by or to the Use of the Body or Bodies Politic or Corporate, Person or Persons, to whom such Interest shall be then due; and after such Interest and Costs shall have been paid or satisfied the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine.

Interest of Money borrowed on Bonds to be paid in preference to Dividends.

X. And

Mortgagees
and Bond
Holders not
to be deemed
Proprietors.

X. And be it further enacted, That no Person or Corporation to whom any Mortgage or Bond already executed or hereafter to be executed under the Provisions of the said recited Acts and this Act respectively shall be made or transferred shall be deemed, in respect of such Mortgage or Bond, a Proprietor of the said Company, or be competent to vote or act as such.

In case
Mortgages
or Bonds are
paid off, the
Company
may raise
the Amount
again.

XI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money hereby authorized to be raised by Mortgages or Bonds, or partly by each of those Modes, and all or any Part of the Principal Sum so raised shall be afterwards paid off by the said Company, or be otherwise discharged, then and in every such Case, and so often as the same shall happen, it shall be lawful for the said Company from Time to Time thereafter again to raise, in lieu of the Principal Money so paid off or discharged, such Sum or Sums of Money as shall be equal to the Principal Money so paid off or discharged, and to raise such further Sum or Sums either by Mortgage or on Bond, or partly by each of such Modes, and in the same Manner, and as fully and effectually as they are hereby authorized in the first instance to raise the Amount which shall have been so paid off or discharged; but nevertheless the said Company shall not in any Event borrow upon Mortgage, Bond, or otherwise in such Manner or to such Extent as that more than the Principal Sum of Twenty thousand Pounds shall be owing at any One Time on Mortgages and Bonds, or either of them, as a Charge upon the said Undertaking, over and above the Sum of Twenty thousand Pounds by the said recited Acts authorized to be raised on Mortgage.

Present
Mortgages
to have
Priority.

XII. Provided always, and be it further enacted, That all Mortgages, Bonds, and other Securities which have been or shall hereafter be executed, made, or entered into pursuant to or by virtue of the Powers in the said recited Acts or either of them contained, shall have a Priority over all Mortgages and Bonds to be made or given with reference to the Sum of Twenty thousand Pounds by this Act authorized to be raised as herein-before mentioned.

Power to
create new
Shares for
the Purposes
of this Act.

XIII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered from Time to Time, by an Order of any General or Special Meeting of the said Company, to be from Time to Time made, to raise by Contribution amongst themselves, or by the Admission of other Persons or Corporations as Subscribers to the said Undertaking, or in part by each of those Means, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of Thirty thousand Pounds, in addition to the several Monies authorized to be raised by the said recited Acts and this Act, and for that Purpose to create and issue such and so many distinct and integral Shares of such Value and Amount as the said Company shall think convenient; and as, in the event of the said Company resolving to give a Preference to the Proprietors of original Shares, will allow a proper Proportion thereof to be appropriated to the then Proprietors of the original Shares in the said Undertaking respectively, according to their respective Shares in the Joint Stock of the said Company, raised
under

under the Powers of the said first-recited Act; and such new Shares so to be appropriated shall, in the event of such Preference being given, be offered to the then Proprietors of Shares in the said Undertaking in equal Proportions, according to the Amount of the Capital Stock of the said Company, which shall be held by them respectively, and the same respectively shall vest in and belong to such of the said then Proprietors of Shares as shall agree to accept the same, and to pay to the Company such Sum or Sums as shall by the Order of such Meeting be directed, at such Times and in such Manner as the same shall be called for by the Committee of Management for the Time being of the said Company; and in case the said Proprietors of original Shares in the said Undertaking shall neglect to accept in Writing the new Shares so to be appropriated to them respectively, or to pay the Sum or Sums of Money which shall be then due thereon, for the Space of One Calendar Month next after Notice in Writing signed by the Clerk of the said Company shall have been given to them, or sent by the Post to them, or shall have been left for them at their respective last or usual Places of Abode, as entered in the Books of the said Company respectively, or in case any such Proprietor or Proprietors shall be incapacitated, or under any legal Disability to take such Shares, or in case any such Proprietor shall not hold such a Number of the original Shares of the said Undertaking as will entitle him to One at least of the new Shares which for the Time being shall be created under the Authority of this Act, or if no such Preference shall be given to the Proprietors of original Shares, then and in every such Case it shall be lawful for the said Company, or for the Committee thereof, and they are hereby empowered, to sell, appropriate, or otherwise dispose of such Shares, or such of them as shall not be so accepted and paid for, unto such Corporations or Persons as may be willing to become Purchasers thereof, for such Sum of Money as the said Company or Committee may be able to obtain for the same.

XIV. And whereas it may happen that in the event of such Preference being given to the Holders of original Shares, and after the Creation of any additional Shares under the aforesaid Power in that Behalf, there may remain a Portion of the Money hereby authorized to be raised, which cannot be divided into such a Number of Shares of the like Amount as any new Shares previously created, as to be capable of being appropriated in equal Proportions amongst the Proprietors of original Shares in the said Undertaking; be it therefore enacted, That in such Case it shall be lawful for the said Company and they are hereby empowered, by an Order or Orders of any General or Special Meeting thereof, to raise from Time to Time such Sum or Sums of Money as shall be equal to such remaining Portion, by creating additional new Shares to an adequate Amount, and of such Value or Amount *per* Share as they shall think fit, and to sell and dispose of such last-mentioned Shares for such Prices or Sums of Money *per* Share as the said Company, or the Committee thereof, may be able to obtain for the same, and unto such Persons or Corporations as may be willing to become the Purchasers thereof.

If any Portion of the Amount authorized to be raised remains after such Creation of Shares, Company may create additional Shares

XV. And be it further enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal
[*Local.*]

Such Shares to be Personal Estate.

Estate, and shall be transmissible and transferrable as such, and shall not be of the Nature of Real Estate; and all such Corporations and Persons as shall become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Proprietors of Shares in the said Undertaking to the Amount or nominal Value of such Shares so by them possessed, as beneficially as the present Proprietors of Shares of One hundred Pounds in the said Undertaking, but in the Proportion nevertheless which the Amounts or nominal Values of such Shares respectively so to be created may bear to the Sum of One hundred Pounds, and shall, when and so soon as the Sums payable to the said Company in respect of such Shares shall have been fully paid, be entitled to a Share of the Profits and Dividends of the said Company in the like Proportion, and shall in the meantime be entitled to such Interest or other Benefits upon or in respect of the Sums for the Time being actually paid upon such Shares, as the said Company may, by a Resolution at any such General or Special Meeting thereof, determine; and all such new Shares so to be created shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Directions, and Management in all respects as if the same had been Part of the original Shares in the Capital of the said Company, except as to the Times of making Calls for the said new Shares, and the Amount of such Calls, which Calls the said Company is hereby empowered to appoint to be of such Amount and payable at such Times as they shall think fit; provided always, that all the Regulations, Provisions, and Authorities contained in the said first-recited Act for enforcing the Calls in respect of the Shares in the Capital Stock of the said Company, and for the Recovery thereof, or of any Arrears thereof, and relating to the Forfeiture of Shares by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Call which shall be made for the said new Shares hereby authorized to be created as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Call.

Power for the Company to give a Preference to Proprietors of additional Shares over the present Proprietors to the Extent of a Dividend not exceeding 5% per Cent.

XVI. Provided nevertheless, and be it enacted, That in case the said Company, at any Annual or Special General Meeting, shall resolve that it would be advisable to secure to the Persons who should purchase or take such Shares as shall be created under the Authority of this Act such Preference in the Payment of a Dividend thereon as is herein-after mentioned, it shall be lawful for such Annual or Special General Meeting to resolve that Dividends after any Rate not exceeding Five Pounds *per Centum per Annum* upon the Amount of all or any of such Shares to be purchased or taken from the said Company after such Resolution shall be paid in respect thereof, before any Dividends shall be paid in respect of the present Shares in the Capital of the said Company; and after such Resolution no Dividends shall be payable in respect of the original Shares in the Capital of the said Company, or any additional Shares which shall have been raised without such Preference, until there shall have been paid in respect of the Shares to which such Preference shall be given a Dividend after the Rate determined by such Resolution; but no Proprietors of Shares to which such Preference shall be given shall, in respect thereof, be entitled to or receive Dividends to a greater

Amount than after the Rate to be determined by such Resolution, unless and until the Proprietors of the said original Shares and any additional Shares sold or taken without such Preference shall, in respect thereof, have received Dividends of equal Amount to the Dividends paid in respect of the Shares to which such Preference shall belong.

XVII. Provided always, and be it further enacted, That no such Preference as aforesaid shall be secured or given to any Person or Persons who shall purchase or take any such Shares as aforesaid, without the Consent in Writing of the Holders of Three Fourths at the least of the Shares created by virtue of the said first-recited Act.

No Preference to such Purchasers without Consent of the then Holders.

XVIII. And be it further enacted, That the respective Persons who shall by virtue of this Act have subscribed for and be the Proprietors of new Shares so to be created as aforesaid shall be entitled to the same Right of voting personally or by Proxy in respect of every One hundred Pounds Capital Stock of the said Company which may be created by virtue of this Act, and may be held by them respectively, and subject to the same Stipulations, Provisions, Restrictions, and Limitations as the Holders of original Shares of One hundred Pounds each are or may be entitled to by virtue of the said recited Acts.

Directing how Proprietors of new Shares shall vote.

XIX. And be it further enacted, That the Money to be raised by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and the Residue of such Money shall be laid out for the Purpose of completing, repairing, and maintaining the Railway, Pier, and other Works by the said recited Acts authorized, and in carrying into execution the said recited Acts and this Act.

Application of Money to be raised under this Act.

XX. And be it further enacted, That the Charges by the said recited Acts or this Act, or either of them, authorized to be made, for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall at all Times be charged equally to all Persons, and after the same Rate *per Mile* or *per Ton per Mile* in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine passing on the same Portion of the Line; and no Charge for or Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Place, or in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Rates for Carriage to be charged equally.

XXI. Provided always, and be it further enacted, That the Rates, Tolls, and Duties authorized by the said recited Acts to be taken in respect of Ships or Vessels entering the said Bay, or for the Use

Rates for the Pier, &c. to be charged equally.

of

of Wharfs, Yards, Quays, or Warehouses, shall at all Times be charged equally and after the same Rate in respect of the same Description of Articles, Matters, or Things, and no Reduction or Advance in the said Rates, Tolls, or Duties shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company.

Company to keep a separate Account of Tolls.

XXII. And be it further enacted, That the said Company shall keep an Account of all Tolls and Rates which shall be actually received by them for the Carriage of all Passengers, Cattle, or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, carried upon the said Railway; and the Overseers of the Poor of the several Parishes through which the said Railway passes shall have Free Access and Liberty to inspect the same at any Time during the first Fourteen Days in the Months of *February* and *August* in each Year; and if the said Company shall refuse to keep such Account, or to permit such Inspection thereof as aforesaid, they shall forfeit and pay to each Overseer who shall demand the Inspection of the said Account, and who shall be refused the Inspection of the same, and for every Failure to keep such Accounts, the Sum of Thirty Pounds, and the further Sum of Twenty Pounds for every Day during which the Failure to permit such Inspection shall continue; and such Penalties shall be recoverable by the Overseers of the Parish in which such Failure shall occur by Action of Debt or on the Case in any of Her Majesty's Superior Courts at *Westminster*, and shall be applied for the Benefit of the Poor of the Parish within which such Failure shall occur.

Company to furnish a Balance Sheet of their annual Receipt and Expenditure, and a Copy thereof to be transmitted to the Clerk of the Peace.

XXIII. And be it further enacted, That on or before the First Day of *January* in each Year a Balance Sheet or Account in Abstract of the total Receipts and Expenditure of all Fees, Tolls, Rates, and Funds which shall have been levied by the said Company during the Year ending on the Thirtieth Day of *April* then preceding, or on some subsequent Day, shall be prepared and duly audited and certified by the Committee for the Time being of the said Company, and the same shall be arranged under the several and distinct Heads of Receipt and Expenditure, and shall contain a Statement of the Balance of the said Account; and a true and correct Copy of such annual Account or Statement shall, on or before the said First Day of *January*, be transmitted by the said Company, free of Charge, to the Clerk of the Peace for the County in which the Chief Office for the Time being of the said Company for the Management of the Funds thereof shall be situate, and the same shall remain with and be kept by such Clerk of the Peace for the Time being, and all Persons shall at all seasonable Times have Liberty to inspect the same, and to have Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace in whose Custody the same may be, the Sum of One Shilling for every such Inspection, and for furnishing Copies of or Extracts from the same Account after the Rate of Sixpence for every One hundred Words: Provided always, that if such Account should not be prepared, audited, and certified, and a Copy thereof transmitted to such Clerk of the Peace, within the Time and in manner herein-before provided, the said Company shall forfeit for

for each such Offence any Sum not exceeding Twenty Pounds, to be recovered and applied in the same Manner as other Forfeitures or Penalties incurred by the said Company are by the said recited Acts directed to be recovered and applied.

XXIV. And whereas by the said first-recited Act it was enacted, that no Action, Suit, or Information should be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance thereof, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under the said Act, unless Fourteen Days previous Notice should be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the said Company, nor unless such Action, Suit, or Information should be brought or commenced within Three Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages then within Four Calendar Months next after the doing or committing such Damage should have ceased, and not afterwards, and should be laid and brought in the County where the Matter in dispute or Cause of Action should arise, and not elsewhere, and the Defendant or Defendants in such Action, Suit, or Information should and might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act, and if it should happen to have been so done, and if any such Action, Suit, or Information should have been brought or commenced before or after the Time to be limited for bringing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs should become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants should have appeared, or if a Verdict should pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should have Treble Costs, and should have such Remedy for recovering the same as any Defendant had for recovering Costs of Suit in any other Case by Law: And whereas it is expedient that such Enactment should be repealed to the Extent herein-after mentioned; be it therefore enacted, That the same shall be and is hereby repealed, except so far as the same requires that Fourteen Days previous Notice should be given to the said Company by the Person or Persons intending to prosecute any such Action, Suit, or Information as therein mentioned: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now existing or depending between the said *Duffryn Llynvi* and *Porth Cawl* Railway Company, and any other Company or Person, or revive any Right which, under the Provision hereby repealed, may have been barred prior to the passing of this Act.

Clause of recited Act respecting Limitation of Actions repealed.

XXV. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the said Company out of the Monies received or to be received by them

For defraying Expences of this Act.

[Local.]

[17 N]

under

under the Authority of the said recited Acts and of this Act, or any of them, in preference to any other Payment.

Railway not
to be exempt
from Provi-
sions of any
general Act.

XXVI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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