



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. cxxii.

An Act to authorize the *Neath and Brecon* Railway Company to acquire certain Lands at and near *Swansea*; to transfer to the Company the *Oystermouth* Tramway and Part of the *Brecon Forest* Tramway; and to confer other Powers on the Company. [15th July 1867.]

WHEREAS by "The *Dulas Valley Mineral* Railway Act, 1862," (in this Act called "the Act of 1862") the *Neath and Brecon* Railway Company (in this Act called "the Company"), by their then Name of "the *Dulas Valley Mineral* Railway Company," were authorized to make and maintain a Railway from the *Vale of Neath* Railway, near *Neath* in the County of *Glamorgan*, to the *Drim Common* in the County of *Brecon*: And whereas by "The *Neath and Brecon* Railway Act, 1863," (in this Act called "the Act of 1863") the Name of the Company was changed to "*Neath and Brecon* Railway Company," and they were authorized to deviate and improve their Line of Railway authorized by the Act of 1862, and to make and maintain an Extension Railway from the Termination of the then authorized Line of the *Dulas Valley Mineral* Railway on the *Drim Common* to the *Brecon and Merthyr*

25 & 26 Vict.  
c. exciii.

26 & 27 Vict.  
c. cxxx.

*The Neath and Brecon Railway (Additional Powers) Act, 1867.*27 & 28 Vict.  
c. cccxvi.

*Tydfil Junction* Railway in the Parish of *Saint John the Evangelist* near the Town of *Brecon*: And whereas by "The *Neath and Brecon* Railway Act, 1864," (in this Act called "the Act of 1864,") the Company were authorized to extend their Railway to the *Central Wales Extension* Railway, and to construct a Branch to the *Banwen* and

27 & 28 Vict.  
c. ccxciii.

*Maesmarchog* Collieries: And whereas by "The *Swansea Vale and Neath and Brecon Junction* Railway Act, 1864," an Obligation was imposed on the Company to run Trains and carry Traffic to and from *Swansea* over the Railways of the *Swansea Vale and Neath and Brecon Junction* and *Swansea Vale* Railway Companies, and by the same Act those Companies and the Company were respectively autho-

29 & 30 Vict.  
c. ccxii.

ized to enter into Working and Traffic Agreements: And whereas by "The *Swansea Vale and Neath and Brecon Junction* Railway (Lease) Act, 1866," the Company have acquired the *Swansea Vale and Neath and Brecon Junction* Railway: And whereas it is expedient that Accommodation should be provided at and near the Shipping Places in *Swansea* Harbour for the Traffic on the Company's Railway and the Railways communicating therewith, and that the Company should be authorized to acquire for those Purposes the Lands herein-after described: And whereas it is expedient that Provision should be made for the Transfer to the Company of the *Oystermouth* Railway or Tramroad, and of the Portion of the *Brecon Forest* Tramway herein-after described: And whereas it is expedient that the Company should be empowered to raise Money for the Purposes of this Act: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "*The Neath and Brecon Railway (Additional Powers) Act, 1867.*"

8 & 9 Vict.  
cc. 18. & 20.  
and  
23 & 24 Vict.  
c. 106. incor-  
porated.

2. "The *Lands Clauses Consolidation Act, 1845,*" and "The *Lands Clauses Consolidation Acts Amendment Act, 1860,*" (except the Provisions of those Acts with respect to the Purchase and taking of Lands otherwise than by Agreement), and "The *Railways Clauses Consolidation Act, 1845,*" (except where expressly varied by this Act,) are incorporated with and form Part of this Act.

Parts of  
8 & 9 Vict.  
c. 16. and  
26 & 27 Vict.  
c. 118. incor-  
porated.

3. The Clauses and Provisions of "The *Companies Clauses Consolidation Act, 1845,*" with respect to the following Matters, (that is to say,)

The Distribution of the Capital of the Company into Shares;  
The Transfer or Transmission of Shares;

The

The Neath and Brecon Railway (Additional Powers) Act, 1867.

- The Payment of Subscriptions and the Means of enforcing the Payment of Calls;  
 The Forfeiture of Shares for Nonpayment of Calls;  
 The Remedies of Creditors of the Company against the Shareholders;  
 The borrowing of Money by the Company on Mortgage or Bond;  
 The Conversion of the borrowed Money into Capital;  
 The Consolidation of Shares into Stock; and  
 The Provision to be made for affording Access to the Special Act;

And Part I. and Part II. of "The Companies Clauses Act, 1863," are incorporated with this Act, and shall apply to all Shares and Stock created, and to Mortgages granted, and Money borrowed, under this Act.

## 4. In this Act—

The Expression "the Company" shall mean the *Neath and Brecon Railway Company*;

The Expressions "the Railway" and "the Undertaking" respectively shall mean the Railways and Works and the Undertaking of the Company by this Act and the recited Acts respectively authorized;

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 be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpreta-  
tion of  
Terms.

5. The Company may, in addition to any other Sums of Money which they are by this or any other Act authorized to raise, from Time to Time raise by the Creation and Issue of new Ordinary Shares or Stock and new Preference Shares or Stock in their Capital, or, at the Option of the Company, by any of those Modes, the Sums following; (that is to say,)

1. For the Acquisition of the Lands by the Sixteenth Section of this Act authorized to be acquired, any Sum not exceeding Thirty thousand Pounds;
2. For the Purposes authorized by Section Seventeen of this Act, any Sum not exceeding Thirty thousand Pounds;
3. For the Purposes authorized by Section Eighteen of this Act, any Sum not exceeding Fifteen thousand Pounds.

Power to  
create new  
Shares.

6. The Company shall not issue any Share under the Authority of this Act, nor shall any Share vest in the Person accepting the same,

unless

New Shares  
not to issue  
until One  
Fifth  
paid up.

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unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Calls.

7. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Votes of Proprietors of new Shares.

8. The Proprietors of any Ordinary Shares created under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the Company.

Preferential Shares not to confer Votes or Qualification.

9. No preferential Shares or Stock of the Company issued after the passing of this Act shall confer any Right of voting, or any Qualification, except so far as the Company resolve that such preferential Shares or Stock shall confer any such Right or Qualification.

Power to borrow on Mortgage.

10. In addition to the Powers of borrowing by any other Act given to the Company, they may from Time to Time, for the Acquisition of the Lands by the Sixteenth Section of this Act authorized to be acquired, and in respect of the additional Capital of Thirty thousand Pounds by this Act authorized to be raised for that Purpose, borrow on Mortgage any Sum not exceeding Ten thousand Pounds; and they may also from Time to Time for the Purposes authorized by the Seventeenth Section of this Act, and in respect of the additional Capital of Thirty thousand Pounds by this Act authorized to be raised for those Purposes, borrow on Mortgage any Sum not exceeding Ten thousand Pounds; and they may also from Time to Time for the Purposes authorized by the Eighteenth Section of this Act, and in respect of the additional Capital of Fifteen thousand Pounds by this Act authorized to be raised for those Purposes, borrow on Mortgage any Sum not exceeding Five thousand Pounds.

Restrictions on borrowing.

11. No Money shall be borrowed under the Powers of this Act until the whole of the respective additional Capital in respect of which the same is by this Act authorized to be borrowed is subscribed for, issued, and accepted, and One Half thereof 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 the whole of such respective additional Share Capital has been subscribed for, issued, and accepted, and that One Half thereof respectively has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such respective Capital has been paid on account thereof before or at

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at the Time of the Issue or Acceptance thereof, and that such respective Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their 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.

12. All Mortgages and Bonds granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages and Bonds, have Priority over any Mortgages to be granted by virtue of this Act.

Existing  
Mortgages  
to have  
Priority.

13. Every Provision in any Act whereby the Company is authorized to raise Money by borrowing 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 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.

Repealing  
Provisions of  
former Acts  
as to  
Appoint-  
ment of  
Receiver.

14. The Mortgagees of the Company 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 authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, 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.

Arrears may  
be enforced  
by Appoint-  
ment of a  
Receiver.

15. All Monies raised under this Act, whether by Shares or borrowing, shall be applied only for the respective Purposes for which under the Provisions of this Act the same are respectively authorized to be raised.

Application  
of Monies.

16. Subject to the Provisions of this Act, the Company may by Agreement acquire, enter upon, use, and appropriate to the Purposes of their Undertaking all or any of the Lands following; (that is to say,)

Lands to be  
acquired.

Certain Lands in the Town, Parish, and Franchise of *Swansea*, bounded on the East by the River *Tawe*, on the South-west by the Half-tide Basin at *Swansea*, and on the North and North-west by the *Low Level* Railway and Lands belonging or reputed to belong to the *Swansea* Harbour Trustees, which Lands are now held on Lease and occupied by *John Dickson*.

[Local.]

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17. The

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Power to  
agree for  
Transfer to  
Company of  
Oystermouth  
Tramway.

17. The Company, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, may agree for the Purchase by or Lease to the Company of the *Oystermouth* Railway or Tramroad authorized by the Act of the Forty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-five, and all the Property, Estate, and Effects belonging thereto or connected therewith, or any Parts thereof, and of all the Powers, Rights, Privileges, and Authorities with respect to the same, for such Term or Period, for such Consideration, and upon such Terms and Conditions as may be mutually agreed upon; and at the Time agreed on for the Sale or Lease to take effect, and upon the Execution of a Deed duly stamped, and in which the Consideration is truly stated, the Premises agreed to be sold or leased shall be transferred to and vest in the Company for such Estate and Interest of the conveying or demising Parties in the said Premises as is comprised in the said Deed.

Power to  
agree for  
Transfer to  
Company of  
Portion of  
Brecon  
Forest  
Tramway.

18. The Company, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, may agree with the Owner or Owners for the Time being of the *Brecon Forest* Tramway for the Purchase by or Lease to the Company of that Portion of the said Tramway which extends from the Foot of the Incline thereon on the East Side of the River *Tawe* in the Parish of *Ystradgynlais* to the Company's Railway at *Capel Coelbren* in the same Parish in the County of *Brecon*, and all the Property, Estate, and Effects belonging to or connected with such Portion of Tramway, or which such Owner or Owners as aforesaid may be authorized to make, and of all the Powers, Rights, Privileges, and Authorities of such Owner or Owners as aforesaid with respect to the same, for such Term or Period, for such Consideration, and upon such Terms and Conditions as may be mutually agreed upon; and at the Time agreed on for the Sale or Lease to take effect, and upon the Execution of a Deed duly stamped, and in which the Consideration is truly stated, the Premises agreed to be sold or leased shall be transferred to and vest in the Company for such Estate and Interest of the conveying or demising Parties in the said Premises as is comprised in the said Deed.

Transfer not  
to affect  
Third  
Parties.

19. No such Transfer under this Act shall take away, alter, or in any way affect any of the Duties, Obligations, Restrictions, or Liabilities to which the transferred Premises but for such Transfer might by any Law or Statute be subject, but all Persons and Corporations other than the Company shall have the same Rights, Privileges, Powers, and Remedies against the Company after and notwith-

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notwithstanding the Transfer as they might have had against the Transferors respectively if such Transfer had not been made.

20. From and after any such Transfer under this Act, all the Rights, Powers, Privileges, and Authorities by any Act conferred on the Transferors respectively shall, during the Term or Period comprised in such Transfer, apply to and be vested in the Company, and may lawfully be used, exercised, and enjoyed by the Company and the Directors thereof, and their Officers, Agents, and Servants respectively, and the Corporate Seal of the Company shall be used when necessary in reference thereto in like Manner as if the Company had been originally named or referred to in those Acts.

Powers of Transferors may be exercised by Company.

21. After any such Transfer shall have been effected the Company, as representing the Owner or Owners of the Tramway, may maintain, regulate, work, and use all or any Part or Parts thereof, and the Works and Conveniences connected therewith, and may demand and take Tolls, Rates, and Charges thereon not exceeding the Tolls, Rates, and Charges authorized to be taken on the Railway of the Company.

Tolls.

22. The Lands, Tramways, Works, and Property from Time to Time acquired by the Company under this Act shall, for all Purposes of Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the Undertaking, Railway, Works, and Property of the Company as if the Company had by the recited Acts been authorized to acquire, make, and maintain the same.

Lands and Tramways to form Part of Company's Undertaking.

23. Nothing in this Act contained shall in any way affect any of the Rights, Powers, or Privileges of the *Llanelly* Railway and Dock Company as respects Traffic at present or heretofore exercised, or the Use of such as at present or heretofore enjoyed by them for the Purposes of Traffic over or along the *Oystermouth* Tramroad: Provided that nothing in this Act contained shall affect any Proceedings which may be pending between the *Llanelly* Railway and Dock Company and the Proprietor or Proprietors of the *Oystermouth* Railway or Tramroad.

Saving Rights of *Llanelly* Railway and Dock Company, and Proprietors of *Oystermouth* Tramway.

24. The Tolls or other Consideration to be paid for the Use of the *Oystermouth* Railway or Tramway by the *Llanelly* Railway and Dock Company shall, if not agreed upon between them and the Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade on the Application of either Party, and the Decisions of any such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of and incident to such Arbitration and Award shall be defrayed as the

Tolls to be paid by *Llanelly* Railway and Dock Company.

Arbitrator

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Arbitrator shall direct; and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Interest not to be paid on Calls paid up.

**25.** The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of his Shares in the Capital of the Company; provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provision in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Deposit for future Bills not to be paid out of Capital.

**26.** The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

**27.** Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

**28.** The Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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