



CHAPTER lxxvii.

An Act to confer further powers upon the Taff Vale Railway Company and for other purposes. A.D. 1886.

[25th June 1886.]

WHEREAS it is expedient that the Taff Vale Railway Company (in this Act called "the Company") should be empowered to make the new railway in this Act mentioned or referred to :

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

And whereas the undertaking of the Penarth Harbour Dock and Railway Company (in this Act called "the Penarth Company") is under the authority of Parliament leased for a long term of years to the Company and it is expedient that the Company should be empowered to grant leases of certain lands forming part of that undertaking as herein-after provided :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and also for providing increased station siding and warehouse accommodation and additional plant and rolling stock and for the general purposes of their undertaking :

And whereas the objects of this Act cannot be attained 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) :—

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Short title.

Incorporation of general Acts.

1. This Act may be cited for all purposes as the Taff Vale Railway Act 1886.

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 Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 ;

The Railways Clauses Consolidation Act 1845 ;

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 ;

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 payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The borrowing of money on mortgage or bond ;

The conversion of the borrowed money into capital ;

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 cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

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 :—

The expression “the railway” means the railway by this Act authorised ;

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

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

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Power to
Company to
make rail-
way.

The railway herein-before referred to and authorised by this Act is situate in the county of Glamorgan and is—

A railway one mile five furlongs nine chains and seventy-five links in length commencing in the parish of Llanwonno by a junction with the Rhondda Fach Branch of the Taff Vale Railway at or near the engine shed on that branch at Ferndale and terminating in the parish of Ystradyfodwg on the western side of the River Rhondda Fach at a point one hundred yards or thereabouts measured in a north-westerly direction from the locomotive shed at the Mardy Colliery of Locket's Merthyr Steam Coal Company Limited.

5. With respect to tolls rates and charges and for all other purposes whatever the railway shall be part of the Company's railway and the Company may demand tolls rates and charges in respect thereof accordingly not exceeding the tolls rates and charges authorised by the Act Local and Personal 6 and 7 William the Fourth chapter 82 as altered or varied by the Taff Vale Railway Act 1857.

Tolls &c.

6. The quantity of land which the Company may acquire for the extraordinary purposes mentioned in the Railways' Clauses Consolidation Act 1845 shall not exceed one acre.

Land for
extraordi-
nary pur-
poses.

7. And whereas in the construction of the railway and 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 Lands Clauses Consolidation Act 1845 the owners of and persons interested in the houses or other buildings or manufactories herein-after described or referred to 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

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

A.D. 1886. 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.

The lands buildings and manufactories above referred to are the following (that is to say) :—

Number on deposited Plan.	Description of Property.
	<i>Parish of Aberdare.</i>
27	Colliery yard and sidings.
	<i>Parish of Ystradyfodwg.</i>
26	Colliery sidings.
28	Colliery yard.
31	Colliery sidings.

Restriction on displacing persons of labouring class.

8. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

The expression “labouring class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to owners to grant easements.

9. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said Acts with respect to lands and rent-charges as 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.

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10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Period for compulsory purchase of lands.

11. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway :

Imposing penalty unless railway opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of Her Majesty's Paymaster-General for and on behalf of the Supreme Court of Judicature in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided :

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the " London Gazette " shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit :

Providing for application of penalty in compensation to parties injured by non-completion of railway.

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect

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of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
completion
of railway.

13. If the railway is not completed within two and a half 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 to be exercised except as to so much thereof as is then completed.

Power to
grant leases
of Penarth
lands.

14. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Company from time to time may grant leases for such term or terms as they may think fit but not exceeding the period unexpired at the date of such lease of the lease to the Company of the undertaking of the Penarth Company of any of the lands forming part of the undertaking of the Penarth Company leased to them and not required or likely to be required for the purposes of the Company to any persons corporations or companies (such corporations or companies being capable at law to accept such leases) who shall covenant to improve such lands by laying out money in the construction or erection of graving docks gridirons patent slipways warehouses shipbuilding yards sheds houses or other buildings thereon calculated to promote the business of the Company and they may also grant to such lessees the use during their respective leases of such waterway quay room and wharfage room and other easements as may be requisite or convenient for the purpose of the trade or business to be carried on in or at the warehouses buildings or works to be erected or constructed by such lessees Any lease heretofore granted by the Company of any such lands as aforesaid shall be deemed to have been granted under the authority of this section.

Terms and
conditions of
such leases.

15. Every such lease shall be made without fine and may be made with and subject to such exceptions reservations yearly or other rents or payments covenants conditions powers and provisions whatsoever

as the parties thereto mutually agree on Provided always that by every such lease due provision shall be made for securing the payment performance and observance by the lessees thereunder of the rent (if any) covenants and provisions in and by the same respectively reserved and contained and on their part to be respectively paid performed and observed Provided also that a duplicate or counterpart of every such lease shall be executed by the lessees therein named and be delivered to the Company.

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16. Anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding the Company shall not be bound to sell or dispose of any lands which may be included in any such lease or the reversion thereof.

Company not to be bound to sell lands demised.

17. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking being in every case purposes to which capital is properly applicable any additional capital not exceeding in the whole the sum of three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively.

Power to raise additional capital.

18. The Company shall not issue any share created under the authority of this Act of a less nominal amount than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one fifth part thereof shall have been paid up.

19. One fifth of the amount of a share shall be the greatest amount of a call and two 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.

Calls.

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

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

21. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds but no part of the said sum of one hundred thousand pounds shall be borrowed until shares for so much of the additional capital by this Act authorised as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have

Power to borrow.

A.D. 1886. 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 the said capital 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 separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of such capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued accepted and 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 if such capital is raised by shares that such persons or corporations 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 shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

22. 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 interest or 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 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 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.

Priority of existing mortgages.

23. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 But notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

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Debenture
stock.

25. All moneys raised under this Act whether by shares or stock or debenture stock or borrowing shall be applied only to the purposes of this Act being in every case purposes to which capital is properly applicable.

Application
of moneys.

26. The Company may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to them and which may not be required for the purposes to which they are by any such Act made specially applicable.

Power to
apply cor-
porate funds
to purposes
of Act.

27. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not
to be paid on
calls paid up.

28. 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.

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

29. Nothing in this Act contained shall exempt the Company or their railway 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

Provision as
to general
railway Acts.

A.D. 1886. maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act. **30.** 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.

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