



CHAPTER cxxxiii.

An Act to authorise the Rhymney Railway Company to make new Railways to raise additional Capital and for other purposes. A.D. 1890.
—
[25th July 1890.]

WHEREAS it is expedient that the Rhymney Railway Company (herein-after called "the Company") be authorised to construct and maintain in connexion with their undertaking the railways herein-after described and to exercise the other powers by this Act conferred upon the Company :

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act 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 books of reference :

And whereas the objects aforesaid 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 :—

1. This Act may be cited for all purposes as the Rhymney Railway Act 1890. Short title.

2. 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 are except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of general Acts.

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Extending
certain pro-
visions of
Companies
Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

And Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock :

are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised.

Interpreta-
tion of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction and in and for the purposes of this Act the expression "the railway" shall mean the railways by this Act authorised and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to
make rail-
ways.

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 railways herein-after described with all necessary and convenient stations sidings approaches roads junctions works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said

plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

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Railway (No. 1) three miles six chains sixteen links in length wholly in the parish of Eglwysilan in the county of Glamorgan commencing by a junction with the Aber Branch Railway of the Company and terminating forty yards or thereabouts measured in a northerly direction from the south corner of the enclosure numbered 765 on the $\frac{1}{2500}$ Ordnance map of the parish of Eglwysilan.

Railway (No. 2) one mile five chains thirty links in length wholly in the parish of Eglwysilan in the county of Glamorgan commencing by a junction with the Walnut Tree Branch Railway of the Company and terminating sixty-six yards or thereabouts measured in an easterly direction from the north-west corner of the enclosure numbered 2285 on the $\frac{1}{2500}$ Ordnance map of the parish of Eglwysilan.

Railway (No. 3) one furlong eight chains ninety links in length wholly in the parish of Eglwysilan in the county of Glamorgan commencing by a junction with the Walnut Tree Branch Railway of the Company and terminating by a junction with Railway No. 2.

Railway (No. 4) two furlongs two chains forty-five links in length wholly in the parish of Eglwysilan in the county of Glamorgan commencing by a junction with the Caerphilly Branch Railway of the Company and terminating by a junction with the Walnut Tree Branch Railway of the Company.

6. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith (that is to say):—

Inclination of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
	Railway No. 1.		
47	Eglwysilan - - -	Public -	1 in 15.
111	Eglwysilan - - -	Public -	1 in 7.

7. The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any

Height and span of bridges.

A.D. 1890. heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
57	Eglwysilan - - -	Railway No. 1. Public -	15 feet	25 feet.

Width of certain roadways.

8. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
47	Eglwysilan - - -	Railway No. 1. Public -	20 feet.
21	Eglwysilan - - -	Railway No. 2. Public -	20 feet.

Land for extraordinary purposes.

9. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Power to take easements &c. by agreement.

10. 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 of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Restriction on taking houses of

11. The Company shall not under the powers of this Act without the consent of the Local Government Board 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. A.D. 1890.
labouring
class.

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

12. The Company may apply for the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised. Power to
apply corpo-
rate funds to
purposes of
Act.

13. In addition to such share capital as the Company are for the time being independently of this Act authorised to raise they may from time to time raise such additional capital as they think requisite for the purposes of this Act not exceeding the sum of forty-five thousand pounds. Power for
the Company
to raise ad-
ditional
capital.

14. The additional share capital by this Act authorised to be raised by the Company shall be raised by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively as the Company from time to time think fit. Mode of
raising ad-
ditional
share capital.

15. The proprietors of any ordinary or preference shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company. As to votes
of proprie-
tors of such
shares.

16. 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 or corporation 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 till
one fifth part
thereof shall
have been
paid.

17. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders New shares
or stock to be
subject to the

A.D. 1890. 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.

Receipt clause in case of persons not sui juris. **18.** If any money is payable to a holder of shares or stock 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.

Power to borrow. **19.** The Company may in respect of the additional capital of forty-five 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 fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be 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 separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority. **20.** All mortgages or bonds 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 bonds and subject to the provisions of the Acts under which those mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this

Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. A.D. 1890.

21. 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 or principal 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 with respect to appointment of a receiver.

22. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of 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. Appointment of a receiver.

23. 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 at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Notice to the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Power to create debenture stock.

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

25. 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 three years from the passing of this Act. Period for compulsory purchase of lands.

26. If the Company fail within the period limited by this Act to complete the railway authorised by this Act 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 the public conveyance of passengers or until the sum Imposing penalty unless railway be opened within the time limited.

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received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in accordance with the provisions of the next following section of this Act or by the Solicitor to the Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and 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 the Paymaster General for and on behalf of the Supreme Court in the bank 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 the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for applica-
tion of
penalty.

27. 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect 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 or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court 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. A.D. 1890.

28. If the railway be 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 railway or otherwise in relation thereto shall cease except as to so much thereof as may be then completed. Period for completion of works.

29. The Company may demand and take for the use of the railway by this Act authorised and for the supply of carriages waggons or trucks thereon any tolls rates and charges not exceeding those which they are from time to time empowered to demand and take in respect of their existing railway and the railway hereby authorised shall in all respects be deemed part of the railway of the Company. Tolls for use of railway.

30. (1.) Every holder of six pounds per centum preferential stock issued under the provisions of the Rhymney Railway Act 1861 (herein-after referred to as "Rhymney 1861 six pounds per centum preferential stock") who shall within six months from the passing of this Act declare in writing his desire to convert his existing holding of that stock under this section shall be entitled to and shall receive in substitution for every one hundred pounds of that stock held by him one hundred and fifty pounds of new four pounds per centum preference stock and thirty pounds of new ordinary stock created under this section. Special provision for holders of 1861 preferential stock.

(2.) All Rhymney 1861 six pounds per centum preferential stock converted in pursuance of the foregoing provisions shall on the first day of October 1890 be by virtue of this Act cancelled and extinguished and on that day there shall be by virtue of this Act without further or other authority created sufficient new preference stock and sufficient new ordinary stock to enable the holders of Rhymney 1861 six pounds per centum preferential stock who shall have declared their desire as aforesaid to receive the amounts of new preference stock and of new ordinary stock which they will be respectively entitled to receive under the provisions of this section.

(3.) Any new preference stock created under this section shall confer the like rights and privileges and be subject to the like provisions as the preference stock created by virtue of the Rhymney Railway (Capital) Act 1889 and any new ordinary stock so created shall confer the like rights and privileges and be subject to the like provisions as existing ordinary stock of the Company.

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(4.) The provisions of sections 8 9 10 11 12 and 13 of the Rhymney Railway (Capital) Act 1889 shall apply to all preference and ordinary stock created under this section.

Interest not to be paid on calls paid up.

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

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

32. 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.

33. Nothing in this Act contained shall exempt the Company or the 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 maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

34. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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