

**CHAPTER lxxxix.**

An Act for conferring further powers on the Vale of Glamorgan Railway Company for the construction of works the raising of money and otherwise in relation to their undertaking and for other purposes.

A.D. 1897.

[15th July 1897.]

WHEREAS by the Vale of Glamorgan Railway Act 1889 (in this Act called "the Act of 1889") the Vale of Glamorgan Railway Company (in this Act called "the Company") were incorporated and were authorised to raise a capital of three hundred and sixty thousand pounds by shares and to borrow not exceeding one hundred and twenty thousand pounds on mortgage and to create and issue debenture stock and to make and maintain the railways therein described and distinguished as Railways Nos. 1 2 3 and 4 and the agreement as set forth in the Second Schedule to the Act for the working of the railways by the Barry Railway Company (in this Act called "the Barry Company") and for other purposes was confirmed and made binding upon the Barry Company and the Company respectively and the respective periods limited for the compulsory purchase of lands for the purposes of the Act and for the completion of the railways were three years and five years from the passing of the Act:

And whereas by the Vale of Glamorgan Railway Act 1892 (in this Act called "the Act of 1892") the powers conferred on the Company by the Act of 1889 for the compulsory purchase of lands for the purposes of that Act were extended and continued in force until but not after the expiration of two years from the twenty-sixth day of August one thousand eight hundred and ninety-two and the powers granted by the Act of 1889 for the construction of the railways thereby authorised were extended for two years from the twenty-sixth day of August one thousand eight hundred and ninety-four and the Company were by section 7 of the Act authorised to pay to any shareholder on the amount from time to

A.D. 1897. time paid up on the shares held by him interest at the rate for the period and subject to the conditions stated in the said section :

And whereas by the Vale of Glamorgan Railway Act 1895 (in this Act called "the Act of 1895") the Company were authorised to make two deviation or substituted railways therein described and distinguished as Railways Nos. 1 and 2 and to abandon Railways Nos. 2 3 and 4 and a portion of Railway No. 1 authorised by the Act of 1889 rendered unnecessary by the construction of the said deviation or substituted railways and further powers for the acquisition of land the raising of money and otherwise in relation to their undertaking were conferred on the Company :

And whereas by the Vale of Glamorgan Railway Act 1896 (in this Act called "the Act of 1896") further powers were conferred on the Company for the completion of their authorised railways :

And whereas the Company have proceeded to exercise the powers of the said Acts and have acquired the lands required for the purposes thereof and have completed the greater portion of their authorised railways :

And whereas it is expedient that the Company be authorised to make and maintain the deviation or substituted railway in this Act described and to abandon the portion of railway herein-after mentioned authorised by the Act of 1895 which will be rendered unnecessary by the construction of the said deviation or substituted railway by this Act authorised :

And whereas it is expedient that the powers of the Company for the completion of the Railway No. 1 authorised by the Act of 1889 be revived and extended as by this Act provided :

And whereas it is expedient that the Company be authorised to apply their funds to the purposes of this Act and to raise additional capital therefor and for the general purposes of their undertaking :

And whereas by the Barry Railway Act 1893 (section 52) the Barry Company on the one hand and the Company on the other hand were authorised from time to time on and subject to such terms and conditions as might be agreed between them to enter into and carry into effect agreements with respect to the apportionment between themselves of the gross receipts and revenues arising from the Vale of Glamorgan Railway and the modification of any existing agreement relating thereto so as to effect a security to the Company for interest dividend or annual or other payments in respect of the shares or stock or loans of the Company and in exercise of such power and authority the Barry Company and the Company have entered into an agreement in accordance with the provisions of the said section :

And whereas it is expedient that such other provisions be made as are in this Act contained : A.D. 1897.

And whereas plans and sections showing the line and levels of the railway 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 or under the powers 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 purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 as the Vale of Glamorgan Railway Act 1897. Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act namely :— Incorporation of general Acts.

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Railways Clauses Act 1863 :

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of 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

A.D. 1897.
—

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

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 as
amended by subsequent Acts.

Interpreta-
tion.

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 some-
thing in the subject or context repugnant to such construction:

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

The expression “the authorised railway” means so much of
Railway No. 1 authorised by the Act of 1889 as was not
abandoned by the Act of 1895 and so much of Railway No. 1
authorised by the Act of 1895 as is not by this Act abandoned
and Railway No. 2 authorised by the Act of 1895;

The expressions “the railways” “the railway” “the Vale of
Glamorgan Railway” and “the undertaking” mean respec-
tively the authorised railway and the substituted railway and
the undertaking of the Company;

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.

Power to
make sub-
stituted
railway.

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 deviation or substituted railway
herein-after described with all proper stations sidings junctions
roads approaches works and conveniences connected therewith or
incidental thereto and may enter upon take and use such of the
lands delineated upon the deposited plans and described in the
deposited books of reference as may be required for those purposes.
The deviation or substituted railway herein-before referred to and
authorised by this Act is wholly situate in the parish of Coity in the
county of Glamorgan and is—

A railway 3 furlongs and $3\frac{1}{2}$ chains or thereabouts in length
commencing by a junction with Railway No. 1 of the Company
authorised by the Act of 1895 in the field or enclosure
numbered 171 in the said parish of Coity on the plans deposited

for the purposes of that Act with the clerk of the peace for the county of Glamorgan and terminating by a junction with the Llynvi and Ogmore section of the Great Western Railway at or near a point 430 yards or thereabouts measured along that railway from and to the north of the bridge carrying such railway over Wild Mill Lane.

A.D. 1897.

5. The substituted railway and the works connected therewith executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Vale of Glamorgan Railway and comprised in the undertaking of the Company.

Substituted railway to form part of railways of the Company.

6. For the purposes of Section 38 (Deposit money not to be repaid except so far as railway is opened) of the Act of 1889 and Section 6 (Providing for release of deposit fund) of the Act of 1892 as amended by this Act and subject to the provisions of this Act the substituted railway shall be deemed to form part of the railways authorised by the Act of 1889.

Applying section 38 of Act of 1889 and section 6 of Act of 1892 to substituted railway.

7. Section 54 (Great Western Company to afford facilities or in default Company to have running powers over certain railways) of the Act of 1889 shall extend and apply to the substituted railway and to the Company and the Great Western Railway Company in relation thereto And for the purposes of that section—

Applying section 54 of Act of 1889 to substituted railway.

(A) The substituted railway shall be deemed to form part of the undertaking of the Company ; and

(B) The substituted railway shall be deemed to form part of Railway No. 1 authorised by the Act of 1889 and the junction of the substituted railway with the Llynvi and Ogmore section of the Great Western Railway shall be deemed to be the junction of Railway No. 1 authorised by the Act of 1889 with the said Llynvi and Ogmore section and the point of junction shall be deemed to be the commencement of Railway No. 1 authorised by the Act of 1889 :

Provided always that in the division of receipts from all traffic passing from the system of the Great Western Company to the system of the Company or vice versâ by means of the junction by this Act authorised the Great Western Company shall be entitled to the same mileage and chainage proportion of the receipts as they would have been entitled to had the traffic passed by the junction of Railway No. 1 authorised by the Act of 1895 the construction of which is by this Act abandoned.

8. The agreement as set forth in the Second Schedule to the Act of 1889 and Section 57 of that Act confirming that agreement

Applying agreement with Barry

A.D. 1897.

Company to
substituted
railway.Period for
compulsory
purchase of
lands.Persons
under dis-
ability may
grant ease-
ments &c.Restriction
on taking
houses of
labouring
class.Deposit
money not
to be repaid
except so
far as sub-
stituted rail-
way opened.

shall extend and apply to the substituted railway and for the purposes of that agreement and section the authorised railway and the substituted railway shall be deemed to be the Vale of Glamorgan Railway.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of one year from the passing of this Act.

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 right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

11.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means and 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 such persons who may be residing with them.

12. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four hundred and twenty-seven pounds being five per centum upon the amount by which the expense of the substituted railway will exceed the expense of the portion of Railway No. 1 authorised by the Act of 1895 which is by this Act abandoned has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum

is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the substituted railway open the same for public traffic and if the Company shall make default in so opening the substituted railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the substituted railway for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the substituted railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the substituted railway so opened bears to the entire length of the substituted railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1897.
—

13. If the Company do not previously to the expiration of the period limited for the completion of the substituted railway complete the same and open it for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the substituted 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 deposit fund has been found sufficient to satisfy all just claims

Application
of deposit.

A.D. 1897.

in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

14. If the substituted railway is not completed within one year 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 substituted railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Extension
of time for
construction
of railway.

15. The powers granted by the Act of 1889 and extended by the Act of 1892 and the Act of 1896 for the construction of the Railway No. 1 authorised by the Act of 1889 are hereby (except as to the portion thereof abandoned by the Act of 1895) revived and further extended and may be exercised by the Company for the period of one year from the twenty-sixth day of February one thousand eight hundred and ninety-seven and Section 38 of the Act of 1889 and Section 6 of the Act of 1892 shall be read and construed as if the period limited by this Act for the completion of the said railway had been the period limited by the Act of 1889 as extended by the Act of 1892 and the Act of 1896 for the completion thereof.

If the said railway be not completed within the said period of one year then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

Application
of section 7
of Act of
1892 to
extended
period for
completion
of works.

16.—(1) Section 7 of the Act of 1892 (Power for Company to pay interest out of capital) shall apply to and the powers thereby conferred may be exercised by the Company for and during the extended period by this Act limited for the completion of the Railway No. 1 authorised by the Act of 1889.

(2) The aggregate amount to be paid for interest in pursuance of that section may be increased and shall not exceed thirty-five thousand pounds instead of twenty-four thousand pounds as therein (c) mentioned and the Company may out of any money by this Act authorised to be raised apply not exceeding eleven thousand

pounds in payment of interest in pursuance of that section and the amount so applied shall not be deemed share capital in respect of which the borrowing powers of the Company under this Act may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount so applied in payment of interest.

A.D. 1897.

17. The Company shall abandon the construction of the following portion of railway authorised by the Act of 1895 which will be rendered unnecessary by reason of the construction of the substituted railway (that is to say) :—

Company
to abandon
portion of
authorised
line.

Railway No. 1 from the point of junction therewith of the substituted railway to the termination of the said authorised Railway No. 1.

18. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1889 or the Act of 1892 or the Act of 1896.

Compensation for
damage to
land by
entry &c.
for purposes
of railway
abandoned.

19. The Company may apply towards the construction of the railway and works by this Act authorised and other purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole forty-eight 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 methods respectively which shares or stock shall form part of the general capital of the Company.

Company
may apply
their funds
towards pur-
poses of Act
and may raise
additional
capital.

20. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor

Shares not to
vest until

A.D. 1897. shall any such share vest in the person accepting the same unless
 one-fifth and until a sum not being less than one-fifth part of the amount of
 part paid up. such share is paid in respect thereof.

Receipt in
 case of per-
 sons not sui
 juris.

21. If any money is payable under this Act to a holder of shares or stock or to a mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to votes
 of proprietors
 of new shares
 or stock.

22. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act 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.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

Power to
 borrow.

23. The Company may in respect of the additional capital of forty-eight 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 sixteen 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 the whole of such capital have been issued and accepted and that one half of such capital 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 and to the extent aforesaid paid up bonâ fide and are held by the persons 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 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. A.D. 1897.

24. Section 30 of the Act of 1895 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. 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 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. Appointment of receiver.

25. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of Section 19 of the Act of 1889. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

26. The principal moneys secured by 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 have priority over the principal moneys secured by any mortgages granted by virtue of this Act. Former mortgages to have priority.

27. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company being in all cases purposes to which capital is properly applicable and not otherwise. Application of moneys.

28. The provisions of Section 52 (Agreements with Vale of Glamorgan Company) of the Barry Railway Act 1893 shall extend and apply to the Barry Company and the Company in relation to any share or loan capital of the Company raised under this Act and those companies may exercise the powers conferred by that section accordingly. Applying section 52 of Barry Railway Act 1893.

29. Except as is by this Act otherwise expressly provided no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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 Interest not to be paid on calls paid up.

A.D. 1897. — 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.

30. 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.

31. Nothing in this Act contained shall exempt any company mentioned in this Act or the railways of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the respective companies.

Costs of Act.

32. All costs charges and expenses preliminary to and of and incident to the preparing applying 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 PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C. or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 191, GRAFTON STREET, DUBLIN.