ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. lxviii.

An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Deviation of a Portion of their Line of Railway, and to abandon Parts thereof, and to grant further Powers to the Company; and for other Purposes.

[30th *June* 1856.]

WHEREAS the *Carmarthen and Cardigan* Railway Company were incorporated by an Act passed in the Year One thousand eight hundred and fifty-four, called " The *Carmarthen and Cardigan* Railway Act, 1854," and by that Act were authorized to construct and maintain a Railway from the *South Wales* Railway at or near the Borough of *Carmarthen* to the Town of *Newcastle Emlyn*, with a view of being thereafter extended to the Town and Harbour of *Cardigan*, and were empowered to raise for that Purpose a Capital of Three hundred thousand Pounds by Shares, and of Eighty thousand Pounds by Bond or Mortgage: And whereas an Act was passed in the last Session of Parliament, having the Short Title of " The *Carmarthen and Cardigan* Railway Deviation Act, 1855," whereby the said *Carmarthen and Cardigan* Railway Company

17 & 18 Vict. c. ccxviii.

18 & 19 Vict. c. cxxxi

were

were empowered to make an Alteration in their Line of Railway, and to abandon the Formation of such Part of their said authorized Line of Railway as might become unnecessary by the Construction of the Deviation by the Act now in recital authorized: And whereas neither the said Main Line nor the said deviated Line have yet been commenced: And whereas the Construction of a Portion of the said authorized Line of Railway and of the Deviation in the precise Line at present authorized would be attended with great and needless Expense, and a considerable Saving of Money will be effected and the peculiar Traffic of the District and the public Convenience will be better accommodated if the Deviation herein-after described be made: And whereas there are no Shares or Stock in the Company to which any Preference or Priority in the Payment of Interest or Dividends has been granted by the Company: And whereas the Period granted by the said firstly-recited Act for the Purchase of Lands will expire in One thousand eight hundred and fifty-seven, and the Time for constructing the Works by the said Act authorized will expire in One thousand eight hundred and fifty-nine, and it is expedient that these respective Periods should be extended; but these Objects 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 the present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict. cc. 18. & 20. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Carmarthen and Cardigan* Railway (Deviation) Act, 1856."

Interpretation of Terms.

III. In this Act whenever the Words "the Company" are used, the same shall mean the *Carmarthen and Cardigan* Railway Company.

Railway to be made according to deposited Plans.

IV. The Company may make and maintain the new or substituted Line of Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith) in the Lines and upon the Lands delineated on the Plans of the said Railway, and described in the Books of Reference deposited in the Month of *November* last with the Clerk of the Peace for the County of the Borough of *Carmarthen*, and with the Clerk of the Peace for the

the County of *Carmarthen*, and according to the Levels defined on the Sections deposited with those Plans, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing new Line of Railway.

V. The said new or substituted Line of Railway shall commence by a Junction with the *South Wales* Railway, at or near the Point marked upon the Plans so deposited as aforesaid as denoting One Furlong from the *Carmarthen* Station of the *South Wales* Railway Company, in the Parish of *Llangunnor* in the County of *Carmarthen*, passing therefrom through or into the several Parishes following; that is to say, *St. Peter's*, *Carmarthen*, in the County of the Borough of *Carmarthen*, *Llangunnor*, *Abergwilly*, *Conwil Elvett*, *Newchurch* otherwise *Llanewydd*, *Llanfihangel-ar-Arth* otherwise *Llanfihangel-yeroth*, *Llanpumpsaint*, and *Llangeller*, all in the County of *Carmarthen*, and terminating in the said Parish of *Llangeller* by a Junction with the authorized Line in a Field No. 60 on the said last-mentioned Plans.

Company to abandon certain Portions of authorized Line of Railway.

VI. The Company shall abandon the Formation of so much of the Railway as was intended to be constructed between the said *Carmarthen* Station and the said Field numbered 60, and all the Powers, Authorities, and Privileges by the said firstly and secondly recited Acts granted to the Company for the Construction, Maintenance, or Use of such Portion of Railway so required to be abandoned shall, from and after the passing of this Act, cease and determine.

Compensation to be made where Contracts have been entered into or Notice given.

VII. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of the Railway so required to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or such Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the said Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company

Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Power to cross certain Roads on the Level.

VIII. The Company may construct the said new or substituted Line of Railway across and upon the Level of the Turnpike Roads and public Roads numbered on the Plan of the Railway deposited as aforesaid in the Month of *November* last as follows; (that is to say,)

No. 33. *Llangunnor* Turnpike Road:
50. *New Church* Occupation and Bridle Road:
48. *New Church* Turnpike Road:
113. *Llanfihangel-ar-Arth* public Highway:
24. *Llangeller* public Highway:
31. *Llangeller* Turnpike Road:

But no more than a Double Line of Railway shall be laid down at any such level Crossing.

Company to erect Stations or Lodges where Roads cross on the Level.

IX. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges to be erected instead of level Crossing.

X. The Board of Trade may, if it shall appear to them necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level or to execute such other Works as under the Circumstances

of

of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossings.

Period for Completion of Works.

XI. The said new or substituted Line of Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Powers for compulsory Purchase of Lands under firstly-recited Act extended.

XII. Subject to the Provisions of this Act as to the Abandonment of the Line of Railway by reason of the new or substituted Line of Railway hereby authorized, the Period for the compulsory Purchase of Lands for the Purposes of the said firstly-recited Act shall be extended and continue in force until the Expiration of Two Years from the passing of this Act.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

XIII. The Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owner or Occupiers of or other Persons interested in any of the Lands the Powers for taking which are by this Act extended, or who shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any Lands which may be injuriously affected by the Construction of the Railway or Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take Lands not to be affected.

XIV. Provided always, That nothing herein contained shall in anywise prejudice or affect any Contract entered into or Notice given by the Company, before the passing of this Act, for the Purchase or taking of any Lands; but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Extending Time for making Railway authorized by firstly-recited Act.

XV. The Period granted by the said firstly-recited Act for the Completion of the Railway thereby authorized, excepting such Portion thereof as is hereby required to be abandoned, shall be extended to Four Years from the passing of this Act; and on the Expiration of such last-mentioned Period the Powers by the said recited Act or this

this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

Gauge of Railway.

XVI. The new or substituted Railway by this Act authorized shall be constructed upon the Broad Gauge of Seven Feet, and shall for all Purposes be deemed to be Part of the Railway authorized by the recited Act.

Company not to interfere with the Property of the South Wales Railway Company.

XVII. It shall not be lawful for the Company, further or otherwise than by this Act expressly authorized, to enter upon, take, or use any of the Lands or Property of the *South Wales* Railway Company, or any of the Works appertaining thereto, without the Consent of the last-mentioned Company.

Junction with the South Wales Railway to be made under Direction of their Engineer.

XVIII. The Junction with the *South Wales* Railway shall be made at such Point within the Limits of Deviation defined on the said Plans as shall be approved by the Engineer for the Time being of the *South Wales* Railway; and all Works which may be required for effecting such Junction upon or affecting the Works or Property of the *South Wales* Railway Company shall be made according to Plans to be first approved of by such Engineer, and shall be executed under his Direction and Control, but at the Expense in all respects of the Company.

Terms of using Carmarthen Station.

XIX. In the event of the Company desiring and the *South Wales* Railway Company being willing to allow the Company to use the *Carmarthen* Station of the said *South Wales* Railway Company, or any Portion thereof, for the Purposes of their Traffic, the Terms of such Use, and the Apportionment of the Cost of such Works as may be rendered necessary for such Use, shall, in case the said Parties cannot agree upon the same, be determined by Arbitration in the Manner prescribed by "The Railways Clauses Consolidation Act, 1845."

Saving Rights of the South Wales Railway Company.

XX. Nothing in this Act contained shall prejudice, diminish, alter, or affect, further or otherwise than is hereby expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *South Wales* Railway Company.

As to crossing of River Towy.

XXI. The Spans of the Bridge across the River *Towy* at *Carmarthen* shall not be less than Thirty-five Feet in Width each on the Square, and the Viaduct itself shall be constructed only on such Plans, and in such Manner and Form, and of such Materials, as the Lord

Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, previously approve of.

Plans to be approved by Admiralty.

XXII. The Company shall not interfere with the Banks of the River *Towy* in any Manner except according to Plans previously approved of by the said Lord High Admiral or the said Commissioners.

Lights to be kept burning during Construction of Bridge.

XXIII. During the Construction of the Bridge over the River *Towy* and Works connected therewith, the Company, if required by the Admiralty as necessary for Navigation, shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the said Lord High Admiral or the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Admiralty may order local Survey at Expense of Company.

XXIV. If at any Time or Times it shall be deemed expedient by the said Lord High Admiral, or the said Commissioners, to order a local Survey and Examination of any Works of the Company in, on, over, or affecting any tidal or navigable Water or River, or the Banks or Shores thereof, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Disused Works to be removed.

XXV. If any Work to be constructed by the Company in, under, over, through, or across any tidal or navigable Water or River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse

Disuse or Decay, it shall be lawful for the said Lord High Admiral, or the said Commissioners, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Capital of Company.

XXVI. And whereas there will be a Saving to the Company by the Substitution of the Works by this Act authorized for the Works originally authorized, and the present Capital of the Company may therefore be reduced: Be it enacted, That the Capital of the Company shall be Two hundred thousand Pounds, instead of Three hundred thousand Pounds as prescribed by the said firstly-recited Act, and the Powers of borrowing given to the Company by that Act shall be reduced from Eighty thousand Pounds to Sixty thousand Pounds, and shall be exerciseable as soon as the said Sum of Two hundred thousand Pounds has been subscribed and One Half thereof has been paid up.

Shares forfeited in certain Cases may be cancelled.

XXVII. In any Case in which it shall happen that the Market Price of Shares which may be forfeited for Nonpayment of Calls shall be such as to render it impossible for the Company to sell the same so as to realize a Sum equal to the Arrears of Calls due upon the same, it shall be lawful for the Company to cancel the same Shares, and any such cancelling of forfeited Shares and Issue of new Shares heretofore made in accordance with this Provision are hereby confirmed.

Company may guarantee Dividend Shares.

XXVIII. It shall be lawful for the Company, with the Assent of Three Fifths of the Votes at any Extraordinary General Meeting, to attach to any particular Shares which the Company may by the said firstly-recited Act be authorized to issue a guaranteed Preference or Priority of Dividend (not exceeding in any Case Six Pounds *per Centum per Annum*) over the ordinary Shares of the Company, and to issue such Shares upon such Terms as shall be by the Resolution of such Meeting defined, and all Preference Shares shall have Priority of Dividend according to the Date at which such Shares shall have been created.

Time extended for Outlay of Capital to release Deposit Money.

XXIX. And whereas by the said firstly-recited Act the Sum of Nineteen thousand nine hundred and seventy-five Pounds Sixteen Shillings and One Penny Bank Three Pounds *per Centum* Consolidated Annuities was transferred into the Name of the Accountant General of the Court of Chancery, and the same has since, pursuant

suant to the Provisions of the same Act, been paid back to the Company, upon the Bond of the Company and of *John Propert*, *James Richard Lewes Lloyd*, and *John Lloyd Davies* Esquires being executed, conditioned for Payment to Her Majesty, Her Heirs or Successors, of the full Sum of Eighteen thousand five hundred and seventy-seven Pounds Ten Shillings, being the Produce of the Sale of the above-mentioned Stock, in case the said Company shall fail within Five Years from the passing of the said recited Act, being the Time limited by the same Act for the Completion of the Railway, either to open the said Railway for the public Conveyance of Passengers, or to prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of Capital by the said recited Act authorized to be raised by means of Shares, and have expended for the Purposes of the said Act a Sum equal in Amount to such One Half of the said Capital: Be it enacted, That the said Bond shall not be enforced against the Company, or the other Obligors therein as aforesaid, if the Company shall, within Four Years from the passing of this Act, either open the Railway (with such Deviations as are hereby authorized) for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of their said Capital as reduced and fixed by this Act, and have expended for the Purposes of the said recited Acts and this Act a Sum equal in Amount to such One Half of the same Capital.

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

XXX. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sums of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railway not exempt from General Acts.

XXXI. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said first-mentioned Act, and of the Rates for small Parcels.

Expenses of Act.

XXXII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

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