CHAPTER cciii.

An Act to abandon the Mumbles Extension of the Swansea and Carmarthen Railway Company, and to extend the time for the compulsory purchase of land and completion of railway of the Company at Carmarthen; to confer powers upon the Company with reference to the undertakings of other Companies; and for other purposes. [28th July 1873.] A.D. 1873.

WHEREAS by "The Llanelly Railway (New Lines) Act, 1861," (in this Act called "the Act of 1861,") the Llanelly Railway and Dock Company (in this Act called "the Llanelly Company") were authorised to make a railway from their railway in the parish of Llandilo Talybont to the lands of the Swansea Harbour Trustees in the parish of Swansea in the county of Glamorgan, with a branch therefrom in the parish of Loughor in the same county, which railway and branch were in the said Act referred to as "the Swansea lines," and to make another railway from their railway in the parish of Llandilofawr to the Carmarthen and Cardigan Railway, in the parish of Saint Peter's in the county and borough of Carmarthen, which last-mentioned railway is in the said Act referred to as "the Carmarthen line;" and by the same Act (section 39) the whole undertaking of the Llanelly Company was divided into three separate undertakings, whereof the Swansea lines undertaking comprised the Swansea lines and the lands, works, and property from time to time vested in the Llanelly Company by or under the Act for the purposes of the Swansea lines; and the Carmarthen line undertaking comprised the Carmarthen line and the lands, works, and property from time to time vested in the Llanelly Company by or under the Act for the purposes of the Carmarthen line: 24 & 25 Vict. c. ccxvii.

And whereas by the Act of 1861 (section 42) the Llanelly Company's capital was divided into three separate capitals, whereof the capital with respect to the Swansea lines undertaking, therein called "the Swansea lines capital," was to consist of one hundred

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and fifty-five thousand pounds ordinary share capital, by that Act authorised to be raised; and the capital with respect to the Carmarthen line, therein called "the Carmarthen line capital," was to consist of one hundred and fifteen thousand pounds ordinary share capital, by that Act authorised to be raised; and (section 60) the Llanelly Company were authorised to borrow on mortgage of the Swansea lines undertaking fifty-one thousand six hundred pounds, and on mortgage of the Carmarthen line undertaking thirty-eight thousand three hundred pounds:

Recital of several Acts relating to the Llanelly Railway, &c.

And whereas by "The Llanelly Railway and Dock Act, 1862," "The Llanelly Railway and Dock Act, 1863," "The Llanelly Railway and Dock Company's (Capital) Act, 1864," "The Llanelly Railway and Dock (Further Powers) Act, 1864," "The Llanelly Railway and Dock (Capital) Act, 1865," "The Llanelly Railway (Extension to Mumbles) Act, 1865," "The Llanelly Railway and Dock (Further Powers) Act, 1866," "The Llanelly Railway and Dock Company's Amendment Act, 1867," and "The Llanelly Railway and Dock Company's Act, 1869," the Llanelly Company were authorised to make certain deviations, extensions, and additional works in the Swansea lines undertaking and Carmarthen line undertaking, and to raise more money by shares and borrowing for the purposes thereof, and to have and exercise other powers in reference thereto:

34 & 35 Vict. c. xlvi.

And whereas by "The Swansea and Carmarthen Railways Act, 1871," (in this Act called "the Act of 1871,") the said two separate undertakings, together with the Mumbles Extension herein-after mentioned, were severed from the undertaking of the Llanelly Company and were vested in a new company incorporated by the said Act, under the name of the Swansea and Carmarthen Railways Company, herein-after referred to as "the Company":

And whereas by "The Llanelly Railway (Extension to Mumbles) Act, 1865," (in this Act called "the Act of 1865,") and "The Llanelly Railway and Dock Company (Further Powers) Act, 1866," (in this Act called "the Act of 1866,") an extension railway to the Mumbles, together with a pier there, (in this Actc alled "the Mumbles Extension,") was authorised as part of the Swansea lines undertaking, but no part of such extension has been commenced, and it is expedient that the same should be abandoned:

And whereas by "The Llanelly Railway and Dock Company's Act, 1869," (in this Act called "the Act of 1869,") the Llanelly Company were authorised to make a short line of railway to connect their railway at Carmarthen with the Carmarthen and Cardigan Railway, but the said railway is not yet completed, and it is expedient that the respective periods limited by the said Act for the

compulsory purchase of lands and for the completion of the said railway should be extended:

And whereas the total amount of capital which the Llanelly Company were authorised to raise under the recited Acts for the purposes of the Swansea lines undertaking is four hundred and eighteen thousand pounds, whereof two hundred and sixty-two thousand pounds are authorised to be raised by preference shares, and the total amount which the Llanelly Company are authorised to raise by mortgage of the Swansea lines undertaking under the recited Acts is one hundred and thirty-nine thousand two hundred and sixty pounds:

And whereas by the Act of 1871 it is recited that the ordinary share capital of the Swansea lines undertaking consisted of the sum of one hundred and ten thousand pounds: And whereas since the passing of the Act of 1871 the Company have ascertained that a further sum of thirty thousand pounds, in the ordinary share capital of the Swansea lines undertaking, was at the time of the passing of that Act standing in the name of one of the directors of the Llanelly Company as fully paid up, but the Company do not admit that the said sum has been paid up:

And whereas the total amount of capital which the Llanelly Company were authorised to raise under the recited Acts for the purposes of the Carmarthen line undertaking is one hundred and fifty-five thousand pounds, and the total amount which the Llanelly Company were authorised to raise by mortgage of the Carmarthen line undertaking is fifty-one thousand six hundred and twenty-six pounds thirteen shillings and fourpence:

And whereas by the Act of 1871 the separate capital of the Swansea lines undertaking and the Carmarthen line undertaking were united and became the capital of the Company by that Act incorporated:

And whereas the present paid-up capital of the Company is as follows:

	£
Ordinary shares (subject as aforesaid) -	140,000
Preferred ordinary shares - - -	68,500
Deferred ordinary shares - - -	68,000
First preference shares - - -	140,000
Second preference shares - - -	120,000
Total share capital - -	536,500
And have raised on mortgages	178,886
Total amount raised by shares and by mortgages - -	715,386

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And whereas the amounts which were authorised to be raised for the purposes of the before-mentioned Mumbles Extension and pier were seventy-six thousand pounds by shares and twenty-five thousand three hundred pounds by borrowing, but no part of either of the said sums has been raised, and it is expedient that the capital of the Company should to that extent be reduced:

And whereas it is expedient that the Company should be authorised to run over and use the portions of railway herein-after described:

And whereas a Bill is now pending in Parliament for the sale to the London and North-western Railway Company of the Swansea lines undertaking of the Company, on payment to the Company by the London and North-western Railway Company of a sum of three hundred and ten thousand pounds, and it is expedient to make provision for the appropriation of that sum in the manner herein-after provided:

And whereas certain causes are now pending in the Court of Chancery for the liquidation of the mortgage debt of the Company, and it is expedient that all proceedings in the said causes should be stayed, and that provision should be made for the costs of those causes, and the discharge of the receiver appointed by the Court of Chancery, and to provide for the payment to the Company of the moneys in the receiver's hands, or under his control, or receivable by him, and also of the sums standing in the name of the Accountant General of the Court of Chancery in the books of the Bank of England to the credit of the said causes:

And whereas an arbitration is now pending between the Company and the Llanelly Company in pursuance of the 36th section of the Act of 1871, and it is expedient that provision should be made for the payment to the Llanelly Company of any sums which may be found due to them thereunder:

And whereas it is expedient that the corporate name of the Company should be changed:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may for any purpose be cited as "The Central Wales and Carmarthen Junction Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," Parts I. and IV. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares and change of name, "The Railways Clauses Consolidation Act, 1845," and Part I. and Part III. of "The Railways Clauses Act, 1863," relating respectively to the construction of a railway and to working agreements (except when expressly varied by this Act), shall be incorporated with this Act, and such Act and parts of Acts are in this Act referred to as "the incorporated Acts."

Interpretation of terms.

3. The expression "superior court" or "court of competent jurisdiction," or any other like expression, when used in this Act or any of the incorporated Acts, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common and simple contract debt, and not a debt or demand created by statute.

Change of name.

4. From and after the passing of this Act, the name of the Company shall be "The Central Wales and Carmarthen Junction Railway Company;" and, subject to the provisions of this Act, the recited Acts relating to the Company, and all other Acts in which the Company is mentioned or referred to by their former name of The Swansea and Carmarthen Railways Company, shall be read and construed as if the Company had therein been mentioned or referred to by their future name of "The Central Wales and Carmarthen Junction Railway Company," and shall, notwithstanding such change of name, continue to apply to the Company in like manner in all respects as if the name of the Company had not been changed, and this Act had not been passed.

Revival of powers for compulsory purchase of lands under Act of 1869.

5. The powers granted by the Act of 1869 for the compulsory purchase of lands for the purposes of the railway by that Act authorised shall be revived, and shall continue in force for the period of two years from the twelfth day of July one thousand eight hundred and seventy-three.

Extension of period for completion of railway under Act of 1869.

6. The time limited by the Act of 1869 for the completion of the railway by that Act authorised shall be and the same is hereby extended and enlarged until the expiration of three years from the twelfth day of July one thousand eight hundred and seventy-three, and on the expiration of that period the powers by the said Act granted to the Company for executing the said railway or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed; and section 10 of the said Act, imposing penalty unless the railway was completed within the time limited by that Act, is hereby repealed.

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Penalty unless railway be completed within time limited.

7. 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 said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five pounds 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 accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 and 18 Victoria, chapter 31, known as "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 the said third section of the Act 17 and 18 Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named 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 such line 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.

Application of penalty.

8. 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, toward 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 said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property extended 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 Court of Chancery in England may seem fit; and 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 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 of Chancery in England thinks fit to order, on the application of the Solicitor of 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 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.

Company to abandon portions of lines.

9. The Company shall abandon the construction of the Mumbles Extension.

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

10. 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 may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have 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," the Act of 1865, or the Act of 1866.

Compensation to be made in respect of portions of railway abandoned.

11. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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Certain provisions of Acts of 1865 and 1866.

12. The powers and provisions of the Act of 1865 and the Act of 1866 with respect to the raising of capital and the borrowing of money for the purposes of the Mumbles Extension are hereby repealed.

Application of moneys arising from sale of Swansea lines undertaking to London and North-western Company.

13. The sum of three hundred and ten thousand pounds which the Company shall, under "The Swansea, Carmarthen, and London and North-western Railway Companies Act, 1873," receive from the London and North-western Railway Company on the sale to that Company of the Swansea lines undertaking, as referred to in that Act, shall, subject to the provisions of the said Act, be applied to the following purposes, in the order herein-after specified:

1. In payment by the Company of the purchase moneys, compensation, and vendors' costs in respect of lands authorised to be taken for the Company's undertaking, and not paid for at the time of the passing of this Act.
2. In payment by the London and North-western Railway Company of the amount, if any, which may be found due to the Llanelly Company in the arbitration now pending between the Company and the Llanelly Company, in pursuance of the directions and requirements of the 4th section of the said "Swansea and Carmarthen and London and North-western Railway Companies Act, 1873."
3. In the payment by the Company of the statutory mortgages and specialty debts of the Company, and all arrears of interest due and accrued thereon according to their respective priorities.
4. In payment of the simple contract debts of the Company.
5. In providing such rolling stock as may be necessary for the due working of the traffic of the Company.
6. In the reduction pro rata of the preference capitals of the Company according to their respective priorities.

If tender of amount of mortgage and interest due thereon made to holder, such holder bound to accept.

14. If and at any time under the provisions of this Act the Company shall tender to the holder of any mortgage the amount of such mortgage, together with the interest at the time of such tender due thereon, such holder shall, and he is hereby required to accept such sum in discharge of the mortgage so held by him, and the interest at the time being due to him, and shall thereupon deliver to the secretary of the Company such mortgage to be cancelled.

Discharge of receiver and stay of proceedings in causes pending in Court of Chancery.

15. From and after the passing of this Act the functions of the receiver appointed in the causes pending in the Court of Chancery for the liquidation of the mortgage debt of the Company shall, as regards all tolls, rates, or sums of money thereafter accruing, absolutely cease; and upon the application of the Company, the

Court shall, in its discretion, provide out of any funds standing to the credit of the said causes, or in the hands of the receiver, for all the costs of such causes, and direct the balance of all such sums as aforesaid to be transferred to the Company, and thereupon the Court shall discharge such receiver, upon passing his accounts, and shall direct all further proceedings in the said causes to be stayed.

Power to use certain railways.

16. The Company, and all companies and persons lawfully working or using their railway, may run over, work, and use, with their clerks, officers, and servants, and their engines and carriages, and for the purposes of their traffic, the portions of railway following; (that is to say,)

So much of the Carmarthen and Cardigan Railway as lies between the Carmarthen station and the junction of that railway with the South Wales Railway of the Great Western Railway Company;

So much of the railway of the Llanelly Company as lies between the junction of that railway with the Vale of Towy Railway and the junction with the railway of the Company known as "The Carmarthen Valley Junction;"

together with all stations, booking offices, warehouses, watering places, sidings, works, and conveniences connected with the said portions of railway respectively.

Terms of user.

17. The terms, conditions, and regulations to which the Company, and such other companies and persons as aforesaid, shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between them and the companies using or working the said respective railways, be from time to time determined by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859."

Byelaws to be observed.

18. The Company in using the before-mentioned portions of railway in accordance with the powers herein-before contained shall at all times observe the regulations and byelaws for the time being in force of the company whose railway may be so used, so far as those byelaws may be applicable to the Company, and in the event of any difference between the Company and the company whose railway may be so used as to the reasonableness of any such regulation or byelaw, such difference shall from time to time be determined by arbitration in the manner provided by the last preceding enactment.

Amending sect. 34 of "Llanelly

19. Whereas by section 34 of "The Llanelly Railway and Dock Company (Further Powers) Act, 1866," the Llanelly Rail-

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Railway and Dock Act, 1866."

way and Dock Company and all companies and persons working their railways were and are empowered to run over and use, for the purposes of traffic of every description other than passenger traffic, certain portions of the Carmarthen and Cardigan Railway therein described, and by section 35 the terms, conditions, and regulations to which the Company and such other companies and persons as aforesaid should be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, should, if not agreed upon between them and the companies owning or working the Carmarthen and Cardigan Railway, be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either party; but the said Act contains no provision enabling the said Board after a first exercise of its powers to appoint from time to time another in place of any arbitrator so appointed who may die, or refuse or be or become unable from any cause whatsoever to proceed with the said arbitration, and it is expedient to amend the said Act: Be it enacted, that wherever an arbitrator shall have been at the date of the passing of this Act appointed or shall hereafter be appointed by the Board of Trade in pursuance of the said Act of 1866, or any of the said Acts incorporating or incorporated with the same, between the said Llanelly Railway Company or the Company and the Carmarthen and Cardigan Railway Company, if any such arbitrator shall die, or refuse, or be or become incapable or unfit, or fail to make his award within three months in the first-mentioned case from the passing of the Act, and in the second-mentioned case from the entry of the arbitrator on such arbitration, or within such further time as in either case the parties may jointly agree upon, the Board of Trade shall, on the application of either party, from time to time appoint an arbitrator in his place, with the like powers and authorities and under the same conditions as his predecessor.

Tolls on traffic conveyed partly on the railway of the Company and partly on the railway of any other company.

20. During the exercise of the running powers over the portions of railway by this Act conferred upon the Company, the railways of the Company and of the company whose railway shall be so run over and used shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the one company and partly on the railway of the other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls

and charges as for a quarter of a mile only; and no other short-distance charges shall be made for the conveyance of passengers, animals, or goods partly on the railway of the one company and partly on the railway of the other company.

Interest not to be paid on calls paid up.

21. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not 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."

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

22. The Company shall not, out of any money by any Act relating to the Company authorised to be raised by calls or by borrowing, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, is 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.

Railways not exempt from provisions of present and future general Acts.

23. Nothing in this Act contained shall exempt the railways of the 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 or hereafter in force, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges, or of the rates for small parcels, by this Act authorised.

Expenses of Act.

24. All costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

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