ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. ccxviii.

An Act to extend the Powers of the *Llanelly* Railway and Dock Company. [25th *July* 1864.]

WHEREAS by "The *Llanelly* Railway (New Lines) Act, 1861," "the *Llanelly* Railway and Dock Company" (who are herein referred to as "the Company") are authorized to make certain Railways, which are respectively referred to in that Act as (No. 1), (No. 2), and (No. 3); and further Powers were conferred upon the Company by "*Llanelly* Railway and Dock Act, 1862," and "The *Llanelly* Railway and Dock Act, 1863:" And whereas the said Act of 1861 does not authorize the carrying of Railway (No. 2) across and on the Level of a public Carriageroad in the Parish of *Loughor* numbered 107 on the Plans deposited with the Clerk of the Peace for the County of *Glamorgan* with respect to the said Act, nor the crossing on the Level by Railway (No. 3) of a Turnpike Road in the Parish of *Llanegwad* numbered 34 on the Plans deposited with the Clerk of the Peace for the County of *Carmarthen* with respect to the said Act, and the said Act of 1863 does not authorize the crossing on the Level of certain Roads in the Parish of *Abergwili*

24 & 25 Vict. c. ccxvii.

Abergwili in the County of *Carmarthen* numbered respectively 43 and 51 on the Plans deposited with the Clerk of the Peace for the said County with reference to the said Act, and according to the said respective Acts it will be necessary therefore to carry the said Roads over the Railway of the Company by Bridges, involving great Inconvenience to the Public using the said Roads, and Interference with adjacent Property: And whereas after the Construction of the Railways by the Company the Traffic along such Roads, which is now unimportant, will be still less, and it is reasonable therefore that, subject to the Restrictions herein-after contained, the said Roads should be crossed on the Level: And whereas the Extension of Railway (No. 2) to the *Great Western* (*South Wales*) Railway, near the *Gower Road* Station of that Railway, would tend to the public Advantage and Convenience: And whereas a Plan and Section of the Extension, showing the Line and Levels thereof, with a Book of Reference to the Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands through which the Extension will pass, have been deposited with the Clerk of the Peace for the County of *Glamorgan*: And whereas it is expedient that the Company and the *Great Western* Railway Company should be empowered to agree as to the laying down of Narrow Gauge Rails on so much of the *South Wales* Railway as will be situate between the Junction therewith of the Railway hereby authorized and the *Llanelly* Station of the said *Great Western* Railway Company: And whereas the said Act of 1862 provides for the laying down upon a Portion of the *Carmarthen and Cardigan* Railway of Narrow Gauge Rails, and for the Use thereof by the Company, but the Clauses of the said Act (Clauses 41, 42, 43, and 44) with reference thereto are insufficient to secure a speedy Accomplishment of the Work, and any Delay therein would be disadvantageous, not only to the Company but to the Public, and it is expedient therefore that the said Clauses should be repealed, and other Provision be made instead thereof: And whereas it is expedient that the Powers herein-after contained with reference to the *Neath and Brecon* Railway should be conferred upon the Company: 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

25 & 26 Vict. c. clxi.

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

2. In

Interpretation of Terms.

2. In this Act the Words "the Railway" shall mean the new Line of Railway and the Works connected therewith by this Act authorized to be constructed; the Words "the Act of 1861" shall mean "The *Llanelly* Railway (New Lines) Act, 1861;" and the Words "the Act of 1862" shall mean "*Llanelly* Railway and Dock Act, 1862;" and the Words "the Act of 1863" shall mean "The *Llanelly* Railway and Dock Act, 1863."

Power to make Railway according to deposited Plan.

3. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Sidings, Approaches, and Stations in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels described on the said Section, 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.

4. The Railway hereby authorized will be wholly situate in the Parish of *Loughor* in the County of *Glamorgan*; it will commence by a Junction with Railway No. 2, authorized by the Act of 1861, and terminate by a Junction with the *Great Western* (*South Wales*) Railway, and the Railway shall form Part of the Company's *Swansea* Lines Undertaking, and may be made on either the Broad or Narrow Gauge or the Mixed Gauge, as the Company think fit.

Company may also acquire Property for Road Bridges.

5. The Company may also enter upon, take, and use such of the Lands shown upon the said deposited Plan and mentioned in the said Book of Reference as they may require for the Purpose of constructing Bridges for carrying the Railways of the Company across the Roads shown upon such Plan.

Power to construct authorized Lines across certain Roads on the Level.

6. It shall be lawful for the Company, in the Construction of Railways Nos. 2 and 3, authorized by the Act of 1861, and of the Deviation in the *Carmarthen* Line, authorized by the Act of 1863, to carry the same respectively across and upon the Level of the public Roads numbered on the deposited Plans referred to in those respective Acts, as follows; (that is to say,)

Number on Plans referred to in Act of 1861.	Parish.	Description of Road.
107	Loughor - - -	Parish Road, 1 in 20 on one Side, and level on the other.
34	Llanegwad - - -	Turnpike Road.

Number on Plans referred to in Act of 1863.	Parish.	Description of Road.
43	Abergwili - - -	Parish Road.
51	Ditto - - -	Ditto.

but no more than a single Line of Railway shall be laid down on any such level Crossing so long as the Railway consists of a single Line of Railway, and in no Case shall more than a double Line of Railway be laid down on any such level Crossing.

As to Inclination of a certain Road.

7. In carrying the Road numbered 10 in the Parish of *Loughor* over the *Swansea* Lines Undertaking of the Company, it shall be lawful for the Company to make the Inclination of such Road 1 in 17.

Railway as to Tolls to form Part of Company's Undertaking.

8. The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, and as if it had originally formed Part of that Undertaking.

Powers for compulsory Purchases limited.

9. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railway.

10. The Railway shall be completed within Five 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 Railway, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railway as shall then be completed.

Penalty if Railway not completed.

11. If the Railway shall not be completed and opened for public Traffic at the Period herein-before prescribed, the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Railway shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the Railway by unforeseen Accident, or by Circumstances beyond their Control (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be the sole and conclusive Evidence), the Company shall not be liable to the Payment of the said Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid, but the Want of sufficient Funds shall not be held to be Circumstances beyond their Control.

12. In

Lands for extraordinary Purposes.

12. In addition to the Lands which the Company are by this Act authorized to purchase compulsorily, they from Time to Time by Agreement may purchase or acquire any Quantity of Land not exceeding Three Acres for the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845."

Power to Company and Great Western Company to agree as to laying down Narrow-gauge Rails on Part of South Wales Railway.

13. It shall be lawful for the Company on the one hand and the *Great Western* Railway Company on the other hand to agree as to the laying down of an additional Line or additional Lines on the Narrow Gauge on so much of the *Great Western* (*South Wales*) Railway as will be situate between the Junction therewith of the Railway by this Act authorized and the *Llanelly* Station of the *Great Western* Railway Company, and as to the Terms and Conditions upon which the Company shall be entitled to use such Line or Lines, and the Works and Conveniences connected therewith, and of any Station on the before-mentioned Portion of the said *Great Western* (*South Wales*) Railway.

Certain Parts of 25 & 26 Vict. c. clxi. repealed.

14. Clauses 41, 42, 43, and 44 of the Act of 1862 shall be and the same are hereby repealed.

Carmarthen and Cardigan Railway Company to lay down Narrow-gauge Rails on Portion of Carmarthen and Cardigan Railway.

15. The *Carmarthen and Cardigan* Railway Company shall, unless otherwise agreed between them and the Company, at their own Expense, lay down and maintain additional Rails on the Narrow Gauge upon so much of the *Carmarthen and Cardigan* Railway as is situate between the Junction therewith of Railway No. 7, authorized by the Act of 1862, and the Junction of the *Carmarthen and Cardigan* Railway with the *South Wales* Railway: Provided always, that if so agreed between the Company and the *Carmarthen and Cardigan* Railway Company, the Company may themselves lay down such additional Rails.

Power to use such additional Rails.

16. The Company and all Persons and Corporations lawfully using their Railways may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, the before-mentioned additional Rails on the *Carmarthen and Cardigan* Railway, including the Use of the *Carmarthen* Station of the *Carmarthen and Cardigan* Railway Company, and of the Sidings, Works, and Conveniences belonging to or connected with the before-mentioned Portion of the *Carmarthen and Cardigan* Railway.

Terms and Conditions for using the same.

17. The Mode and Time of laying down the said additional Rails shall be determined by the Engineers of the Two Companies, or,

or, if they cannot agree, then (at the Request of either of them) by the Arbitrator herein-after mentioned; and any Question which may at any Time arise between the Company and the *Carmarthen and Cardigan* Railway Company with respect to the Terms, Conditions, and Regulations to be observed and fulfilled, and Payments to be made by the Company for the Use of the same, and the Services to be rendered and Regulations to be observed by the *Carmarthen and Cardigan* Railway Company for and with respect to the said additional Rails, and the working over and using by the Company thereof and of the said *Carmarthen* Station, shall from Time to Time be referred to Mr. *James Allport*, the Traffic Manager of the *Midland* Railway Company, who in making his Award shall have regard to all the Circumstances of the Case, and in awarding the Payments to be made by the Company shall not be limited to the Tolls and Charges authorized to be taken by the *Carmarthen and Cardigan* Railway Company, but may in his Discretion award Payments either greater or less than those Tolls and Charges, and the Costs of and attending the Arbitration and Award shall be in the Discretion of the said *James Allport*; and the Provisions of the Railway Companies Arbitration Act, 1859, shall apply to all such Arbitrations: Provided always, that in case of the Death of the said *James Allport*, or of his refusing or being unable to act as such Arbitrator, the Matters aforesaid shall be referred to some Person to be agreed upon or who has been agreed upon between the Two Companies, or, failing such Person, then to some Person to be appointed on the Application of either Company by the Board of Trade.

Power to use certain Portion of Neath and Brecon Railway.

18. The Company and all Persons and Corporations lawfully using their Railways may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Neath and Brecon* Railway as lies between *Defynnock* and *Brecon*, including the Use of the Stations, and of the Sidings, Watering Places, Signals, Signal Posts, and other Machinery, Booking and other Offices, Buildings, Approaches, Works, and Conveniences belonging to or connected with the said Portion of the *Neath and Brecon* Railway; but neither the Company nor any Person or Corporation using their Railways shall exercise any of the aforesaid Powers until a valid and binding Agreement shall have been entered into between the *Brecon and Llandovery Junction* Railway Company and the *Neath and Brecon* Railway Company, whereby the *Brecon and Llandovery Junction* Railway Company shall have granted to the *Neath and Brecon* Railway Company Powers to run over and use the Railway and Undertaking of the *Brecon and Llandovery Junction* Railway Company when completed and open for public Traffic, upon such Terms and Conditions as may be agreed upon between those Companies,

Companies, or, failing Agreement, as may be determined by an Arbitrator appointed by the Board of Trade upon the Application of either Company.

Terms of such Use.

19. The Terms, Conditions, and Regulations to which the Company and such other Persons and Corporations 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 *Neath and Brecon* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitrator shall be defrayed as the Arbitrator shall direct; and either of the said Companies or such other Persons or Corporations as aforesaid who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Byelaws to be observed.

20. The Company in using or traversing the said Portion of the *Carmarthen and Cardigan* Railway and *Neath and Brecon* Railway respectively, and in using the Stations and Conveniences thereof, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company.

Power for Company to raise Money by new Shares or Stock.

21. The Company from Time to Time, with the Sanction of at least Three Fifths of the Votes of the Shareholders entitled to vote in the Matter present, in person or by proxy, at a General Meeting of the Company specially convened for the Purpose, may raise, by the Creation and Issue of new Ordinary Shares or Stock and Preference Shares or Stock in their *Swansea* Lines Undertaking, or by any or either of those Modes (in addition to the Sums of Money which they are authorized to raise), any Sums not exceeding Eighteen thousand Pounds.

Shares not to issue until One Fifth paid up.

22. It shall not be lawful for the Company to issue any such Share, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

23. In

Power to borrow on Mortgage.

23. In addition to the Sums which the Company are already authorized to borrow, they from Time to Time may borrow on Mortgage with respect to the *Swansea* Lines Undertaking any additional Sum of Money not exceeding Six thousand Pounds; but no such Sum shall be borrowed until the whole of the additional Capital of Eighteen thousand Pounds is subscribed for or taken *bonâ fide*, and One Half thereof is paid up: Provided also, that no Money shall be so borrowed by the Company until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all the additional Capital of Eighteen thousand Pounds by this Act authorized to be raised is subscribed for or taken *bonâ fide*, and that every new Share is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are respectively legally liable for the same, and that all the said new Shares have been issued, and Twenty *per Centum* at least paid up on each separate Share, of which Proofs having been given, the Certificate of such Justice under that Section shall be sufficient Evidence.

Limit of Mortgages under Act.

24. The Mortgages which the Company issue under this Act shall comprise only their *Swansea* Lines Undertaking and the Tolls and Sums of Money arising or to arise therefrom, and if the Company so think fit, the Monies to be raised by future Calls on the Shares of the Capital of such Undertaking.

Priority of existing Mortgages.

25. Provided that all Mortgages granted by the Company before the passing of this Act, and then in force, shall while in force, and in accordance with their respective Priorities amongst themselves and the Property comprised therein respectively, have Priority over all Mortgages granted by the Company under this Act.

Company may apply Funds to Purposes of Act.

26. The Company may apply for the Purposes of the Works by this Act authorized any of the Monies which the Company are authorized to raise by the Act of 1861, the Act of 1862, or the Act of 1863 for the Purposes of the *Swansea* Lines Undertaking, and not wanted for those Purposes.

Application of Monies.

27. Subject to the Provisions of this Act, all Monies from Time to Time raised by the Company under this Act by Shares or Stock, or by borrowing, shall be applied only to the Purposes by this Act authorized.

Parts of 8 & 9 Vict. c. 16. and

28. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital

Capital of the Company into Shares," "with respect to the Transfer or Transmission of Shares," "with respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls," "with respect to the Forfeiture of Shares for Nonpayment of Calls," "with respect to the Remedies of Creditors of the Company against the Shareholders," "with respect to the borrowing of Money by the Company on Mortgage or Bond," "with respect to the Conversion of the borrowed Money into Capital," "with respect to the Consolidation of Shares into Stock," and "with respect to the affording Access to the Special Act," and Part 1 (relating to the Cancellation and Surrender of Shares), and Part 2 (relating to Additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares or Stock created, and to Mortgages granted, and Money borrowed under the Powers of this Act. 26 & 27 Vict. c. 118. incorporated.

29. It shall not be lawful for the Company out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained. Interest not be paid on Calls paid up.

30. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum 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 to execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

31. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relative to Railways, or to the better or 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 to be taken by the Company, or of the Rates for small Parcels. Railway, &c. not exempt from Provisions of present and future General Acts.

Short Title. Expenses of Act.

32. This Act may be cited as "The *Llanelly* Railway and Dock (Further Powers) Act, 1864;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company out of the *Swansea* Lines Capital and *Carmarthen* Line Capital.

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