ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxvi.

An Act to enable the *Carmarthen and Cardigan* Railway Company to extend their Railway from *Newcastle-Emlyn* to *Cardigan*. [21st *July* 1863.]

WHEREAS the Extension of the *Carmarthen and Cardigan* Railway from the Town of *Newcastle-Emlyn* to *Cardigan* will be of great public and local Advantage: And whereas by "The *Carmarthen and Cardigan* Railway Act, 1862," the Powers of the *Carmarthen and Cardigan* Railway Company (who are herein-after referred to as the Company) were revived for the Construction of their Railway from *Llangeller* in *Carmarthenshire* to the Town of *Newcastle-Emlyn* in *Cardiganshire*, but those Powers were accidentally not extended to certain Lands in the Parish of *Llangeller* necessary for the Formation of the Junction between the Railway of the Company to *Llangeller* and the Railway to which the said Act of 1862 applied, and it is expedient that Powers should be granted to the Company for the Purchase of the same Lands, and for the Construction of their Railway thereon: And whereas Plans and Sections describing the Lines and Levels of the proposed Railway between *Newcastle-Emlyn* and *Cardigan*, and of the short Piece of Railway at *Llangeller*, and describing also the Lands which may be required to be taken for the Purposes thereof respectively, together with Books of Reference to the said Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the said Lands respectively, have been deposited with the Clerks of the Peace for the Counties of *Carmarthen*, *Cardigan*, and *Pembroke* respectively, and the Company are willing to construct the said Works: And whereas the

25 & 26 Vict. c. clxxii.

estimated Cost of the Works to be executed under the Authority of this Act is One hundred and sixty thousand Pounds: And whereas the Purposes 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; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Carmarthen and Cardigan* Railway (Extension to *Cardigan*) Act, 1863."

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

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

"Railways."

3. In this Act whenever the Words "the Railways" are used the same shall mean the Railway and Portion of Railway and the Works connected therewith respectively by this Act authorized to be made.

Railways to be made according to deposited Plans.

4. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to make and maintain the Railways herein-after mentioned, with all necessary Works and Conveniences connected therewith, in the Line and upon the Lands delineated upon the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be necessary for the Purposes of the said Railways or the Works connected therewith.

Describing Railways.

5. The Railways hereby authorized are,—

A Railway commencing by a Junction with the authorized Line of the *Carmarthen and Cardigan* Railway, at or near the Termination thereof, in or near a Field numbered 120, in the Parish of *Llandyfriog*, on the Plans deposited with the Clerk of the Peace for *Carmarthenshire* with relation to the said Act of 1862, passing through *Llandyfriog* in *Cardiganshire*, *Cenarth* in *Carmarthenshire*, *Manordivey Cilgerran* and *Saint Dogmells*, otherwise *Llandidock*, in *Pembrokeshire*, and terminating in or near a Field in the last-named Parish abutting on the public Road leading from *Cardigan* to *Saint Dogmells* Eastward from the South-east Corner of the Bridge which crosses the River *Teifi* at *Cardigan*:

A short Line of Railway entirely in the Parish of *Llangeller* commencing in a Field belonging to the Representatives of the late *John Lloyd Davies* Esquire, numbered 17, in the said Parish, on the Plans deposited with the Clerk of the Peace for *Carmarthenshire* with

with respect to "The *Carmarthen and Cardigan* Railway (Deviation) Act, 1856," and terminating in a Field numbered 11, in the same Parish, on the Plans deposited with respect to "The *Carmarthen and Cardigan* Railway Act, 1862."

Power to alter Engineering Works.

6. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railways may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on the said Plans, and subject to the Limitations contained in the 11th, 12th, and 15th Sections of that Act, and so as the Nature of the Work as described be not altered, and that they may also substitute any other Engineering Work not shown on the said Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the 11th, 12th, 14th, or 15th Sections of "The Railways Clauses Consolidation Act, 1845."

Railways to form Part of general Undertaking.

Tolls.

7. The Railways for the Purposes of Tolls and Charges and for all other Purposes shall form Part of the general Undertaking of the Company, and be deemed Part of the *Carmarthen and Cardigan* Railway, as though they had been authorized by the original Act of the Company, and it shall be lawful for the Company to demand and receive for and in respect thereof the same Tolls and Charges which they are authorized to demand and receive for and in respect of their existing Undertaking.

Lands for extraordinary Purposes.

8. It shall be lawful for the Company to take by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Two Acres in addition to the Land which they are already authorized to acquire for such Purposes.

Powers for compulsory Purchases limited.

9. The Powers of the Company for the compulsory Purchase of Lands for any of the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Time for Completion of Works.

10. The Railway hereby authorized between *Llandyfriog* and *Cardigan* shall be completed within Four Years from the passing of this Act, and the Railway in the Parish of *Llangeller* shall be completed before the First Day of *August* One thousand eight hundred and sixty-five, and on the

the Expiration of such Period the Powers by this Act granted to the Company for executing the same respectively, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railways as shall then be completed.

On Non-completion of Work, Penalty imposed.

11. In case the Railways shall not respectively be completed and opened for public Traffic at the Periods herein-before specified the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said several Periods until such Railways respectively 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 Railways 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 sole and conclusive Evidence) the Company shall not be liable to the Payment of the same 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 a Circumstance beyond their Control.

Gauge of Railways.

12. The Railways shall be constructed upon the Broad Gauge of Seven Feet.

As to Station at Newcastle-Emlyn.

13. The Company shall construct their Station at *Newcastle-Emlyn* between the Points marked as Six Miles Five Furlongs and Six Miles Seven Furlongs on the Plans of the Railway deposited in the Month of *November* One thousand eight hundred and sixty-one with respect to "The *Carmarthen and Cardigan* Railway Act, 1862;" and for the Purposes of the said Station, and the Railway and Works connected therewith, the Company shall not take compulsorily from *Edward Crompton Lloyd Fitzwilliams* Esquire, or his Heirs or Assigns, any Land which shall exceed in Distance Two Chains measuring from the South Side of the Turnpike Road leading from *Newcastle-Emlyn* to *Lampeter;* and nothing in this Act contained shall invalidate the Second, Third, Fourth, Fifth, and Sixth Articles of an Agreement made the Twenty-fourth Day of *May* One thousand eight hundred and sixty-two between the Company and the said *Edward Crompton Lloyd Fitzwilliams*, which Agreement is referred to and confirmed by the Sixteenth Section of the said Act of 1862, or any other Clause therein affecting any Part of the Property of the said *Edward Crompton Lloyd Fitzwilliams* other than expressly provided for in this Act; and further that the said Company shall not take from the said *Edward Crompton Lloyd Fitzwilliams*, his Heirs or Assigns, more Land to the Westward of the said *Newcastle-Emlyn* Station than shall be absolutely necessary for the Construction of the Railway with a double Line of Rails through the said Land; and in case Differences shall arise between the said *Edward Crompton Lloyd Fitzwilliams*, his Heirs or Assigns, and the Company, as to the Amount of Land so necessary as aforesaid, the same

shall

shall be referred to the Decision of the President for the Time being of the Institute of Civil Engineers.

As to Station at Llandyssil.

14. It shall be lawful for the said *Edward Crompton Lloyd Fitzwilliams* to make and maintain a Siding from the Railway hereby authorized to Land belonging to him on the Eastern Side of the River *Twelly*, and the Company will afford him all necessary Aid for that Purpose; and they will, as soon as practicable after the passing of this Act, erect a Bridge over the River *Twelly* of equal Waterway to that of *Pont Twelly Bridge*, with a Carriageway of not less than Twelve Feet, and construct all necessary Approaches on both Sides of the said Bridge at such Place as shall be appointed by the said *Edward Crompton Lloyd Fitzwilliams*, his Heirs or Assigns, and to his or their reasonable Satisfaction, as provided in and by the said Agreement of the Twenty-fourth Day of *May* One thousand eight hundred and sixty-two; and also that the said Company shall and will make the *Llandyssil* Station of the said Railway in the Fields numbered 20 and 21, with respect to Lands in the Parish of *Llangeller*, on the said Plans deposited with the Clerk of the Peace for *Carmarthenshire* with respect to the "*Carmarthen and Cardigan* Railway (Deviation) Act, 1856," with the public Entrance or Entrances thereto out of and from the Parish Road bounding the said Field No. 21 to the North; and for the Purposes of the said Station the said Company shall not take any Land of the said *Edward Crompton Lloyd Fitzwilliams* Eastward of a right Line to be drawn from a Point in the North-western or Roadside Hedge of the said Field numbered 21 aforesaid, situate and being at a Distance of One hundred and nineteen Feet from the Corner of the same Field nearest to *Pont Twelly Bridge* to a Point in the Boundary Hedge of the said Field numbered 20 aforesaid, between the Land of the said *Edward Crompton Lloyd Fitzwilliams* and the Land of the Representatives of the late *John Lloyd Davies* Esquire, deceased, situate at a Distance of Ninety-seven Feet from the End thereof nearest the River *Twelly* aforesaid; and further that the said Company shall give to the said *Edward Crompton Lloyd Fitzwilliams*, his Heirs or Assigns, at the proper Costs and Charges of the said Company, a good and sufficient Road and Means of Access, by Bridge or level Crossing of not less than Twelve Feet wide in the Carriage or Gangway, to the Land to be cut off by the said Railway from Access to the Turnpike Road leading from *Llandyssil* to *Rhyd-fach*, when and where required by the said *Edward Crompton Lloyd Fitzwilliams*, his Heirs or Assigns, and the same to be made and constructed to his or their reasonable Satisfaction; provided that the Company shall not be required, for the Purpose of the said Bridge or the Approaches thereto, to purchase or acquire any Land.

As to Drainage of Mr. Fitzwilliams' Lands.

15. For the Purpose of maintaining the Drainage of the Lands of the said *Edward Crompton Lloyd Fitzwilliams* at and near *Llandyssil* and *Llandyfriog*, the Company shall at their own Expense construct and for ever maintain such Culverts, Outfalls, and Works as shall be arranged

between them and him, or as, in case of Difference between them, shall be determined by *Robert William Mylne* Esquire, or in his Default by some Engineer to be appointed at the Expense of the Company by the President for the Time being of the Institute of Civil Engineers.

Confirmation of Agreement.

16. Nothing herein contained shall be construed to annul or alter the the said Agreement of the Twenty-fourth of *May* One thousand eight hundred and sixty-two, or any of its Provisions, other than and except so far as the same are hereby expressly altered and modified.

Power to raise additional Capital by new Shares.

17. The Company may from Time to Time raise (in addition to the Sums of Money which they are authorized to raise) any further Sum, not exceeding in the whole One hundred and sixty thousand Pounds, by the Creation of new Shares in their Undertaking, which Shares shall be of Ten Pounds each, and shall form Part of the general Capital of the Company; and the Company may from Time to Time, but subject to the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and Conditions as may be resolved upon, provided that no Share be issued for less than the nominal Value thereof.

Privileges may be attached to new Shares.

18. The Company may, with the Consent of Three Fifths at least of the Votes of the Shareholders present, personally or by proxy, at an Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, and may attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and for the Purpose of redeeming the same, or any Part thereof, the Company may create and issue from Time to Time fresh Shares: Provided, that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Six Pounds *per Centum per Annum* on the Amount for the Time being paid on such Shares; and provided, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits of the Company available for the Payment of the whole of any such preferential Dividends, the Deficiency shall not be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company; and provided also, that if any Preference or Conditions are attached to the Shares issued under the Powers of this Act, the same shall be set forth on the Certificates for the Shares to which such Preference or Condition may be attached.

Saving existing Preference Shares.

19. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares created in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been previously granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act, or which may otherwise be lawfully subsisting.

20. The

Limit of Amount and Number of Calls.

20. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fifth of the Amount of such Shares, and there shall be an Interval of Three Months at least between every Two successive Calls, and not more than Three Fifths of the Amount of each Share shall be called up in any One Year.

Dividends on new Shares.

21. Every Person who becomes entitled to any Share created under the Powers of this Act shall, except as otherwise provided by or under the Powers of this Act, be entitled to a Dividend with the other Shareholders proportioned to the Amount for the Time being paid up on such Shares.

Votes of Proprietors of new Shares.

22. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the said Shares had been original Shares in the Company.

Power to borrow on Mortgage.

23. The Company may from Time to Time under the Powers of this Act borrow on Mortgage, beyond the Sums now authorized to be borrowed by them, any additional Sum of Money not exceeding Fifty-three thousand Pounds; but no Part of that Sum shall be borrowed until the whole of the additional Capital of this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and 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 such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given, the Certificate of such Justice under the Section shall be sufficient Evidence.

Priority of existing Mortgages.

24. All Mortgages or Bonds granted by the Company before the passing of this Act, and in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages granted under the Authority of this Act.

Arrears may be enforced by the Appointment of a Receiver.

25. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Application of Sums raised under this Act.

26. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Mortgage shall be applied only to the Purposes by this Act authorized.

Part of 8 & 9 Vict. c. 16. incorporated.

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

" 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," and " with respect to the Consolidation of Shares into Stock," shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed under the Powers of this Act.

Interest on Calls not to be paid out of Capital.

28. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made, as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

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

29. 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 Sum or 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.

Railways not exempt from Provisions of present and future General Acts.

30. 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 Provision 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.

31. 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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