



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxxxi.

An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Deviation in their Line of Railway; and for other Purposes.

[16th July 1855.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Carmarthen and Cardigan* Railway Act, 1854," whereby certain Persons were incorporated by the Name or Style of "The *Carmarthen and Cardigan* Railway Company," for the making and maintaining of 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 hereafter extended to the Town and Harbour of *Cardigan*: And whereas it is expedient, and would be to the Advantage of the Public, that the *Carmarthen and Cardigan* Railway Company should be empowered to make the Deviation herein-after mentioned in the Line of their authorized Railway: And whereas the *Carmarthen and Cardigan* Railway Company are desirous of carrying into effect the Object aforesaid, if authorized so to do, and the Capital already authorized to be raised by the said recited Act will be sufficient to enable them so to do; but it is necessary that some of the Powers and Provisions of the said recited Act should

17 & 18 Vict.
c. cxxviii.

[*Local.*]

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be

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be enlarged, and further Powers granted to the said Company for effecting the Objects aforesaid: 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 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. That the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railway Clauses Consolidation Act, 1845," shall respectively be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Carmarthen and Cardigan Railway (Deviation) Act, 1855.*"

"Company."

III. That in this Act, wherever the Words "the Company" or "the said Company" are used, the same shall be held to mean the *Carmarthen and Cardigan Railway Company*, except where there is something in the Context repugnant to such Construction.

Application
of existing
Funds to
Deviation
Line.

IV. And whereas the estimated Expense of making the said Deviation Line of Railway is Twenty-nine thousand Pounds, and the Funds at the Disposal of the said Company are adequate to the Construction thereof: Be it enacted, That it shall be lawful for the said Company to apply thereto so much of their Capital as is necessary for the Purpose of the Construction of the said Deviation Line of Railway.

Power to
make Devia-
tion Line of
Railway.

V. That the Line of Railway to be made under the Authority of this Act shall be the following; (that is to say,)

A Deviation Line of Railway commencing by a Junction with the *Carmarthen and Cardigan Railway* as authorized to be made in or near a certain Field in the Parish of *Llanfihangel-ar-arth* otherwise *Llanfihangel-yeroth* in the County of *Carmarthen*, numbered 90 on the Plans referred to in "*The Carmarthen and Cardigan Railway Act, 1854,*" and terminating by a Junction with the *Carmarthen and Cardigan Railway* as authorized to be made in or near a certain Field in the said Parish of *Llanfihangel-ar-arth*, otherwise *Llanfihangel-yeroth*, numbered 160A in the Plans referred to in the said "*Carmarthen and Cardigan Railway Act, 1854:*"

And the said Deviation Line of Railway shall be and become Part of the Undertaking of the *Carmarthen and Cardigan Railway Company*.

VI. And

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VI. And whereas Plans and Sections of the Deviation Line of Railway to be made together with Books of Reference to such Plans, containing the according to deposited Names of the reputed Owners and Lessees and of the Occupiers of Plans. the Lands and Houses proposed to be taken under the Authority of this Act, have been deposited with the Clerks of the Peace for the County of *Carmarthen* and for the County of the Borough of *Carmarthen*: Be it enacted, That the said Deviation Line of Railway shall be made according to the Lines and Levels or Situations thereof as defined on the said Plans and Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for the Purposes thereof.

VII. That the Powers of the Company for the compulsory Pur- Powers for chase of Lands and Houses for the Purposes of the Railway and compulsory Works by this Act authorized shall not be exercised after the Purchases limited. Expiration of the Time limited by the last-recited Act.

VIII. That the Railway and Works by this Act authorized shall Limiting be completed within the Time limited by the recited Act for the Time for Completion of the Railway thereby authorized, and on the Completion of Works. Expiration of such Period the Powers by 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 thereof as shall then be completed.

IX. That the Railway by this Act authorized shall be constructed Gauge of upon the Broad Gauge of Seven Feet. Railway.

X. That the Company shall abandon and relinquish the Forma- Power to tion of so much and such Part of their Line of Railway authorized abandon Portion of by the said recited Act as may become unnecessary by reason original of the Construction of the Deviation Line of Railway by this Act Line. authorized.

XI. Provided always, That in any Case when, before the passing of this Act, any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so authorized 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 Notice; and the Amount and Application of such Compensation shall be determined

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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 aforesaid 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 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 Railway, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act" contained.

Deposit
Money not
to be repaid
until Line
opened, or
Half the
Capital paid
up and ex-
pended,
except on
Execution of
Bond, &c.

XII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, a Sum of Nineteen thousand nine hundred and seventy-five Pounds Sixteen Shillings and One Penny Bank Three *per Centum* Consolidated Annuities, being the Produce or Price of a Sum of Eighteen thousand five hundred and seventy-seven Pounds and Ten Shillings, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway by the Act incorporating the Company authorized, was transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for the said recited Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Nineteen thousand nine hundred and seventy-five Pounds Sixteen Shillings and One Penny Bank Three *per Centum* Consolidated Annuities so transferred as aforesaid in respect of such Application, or the Interest or Dividends on such Bank Three *per Centum* Consolidated Annuities, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said firstly-recited Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby and by the said Act authorized to be made, either open the said Railways 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 said Company have paid up One Half of the Amount of the Capital by their Act of Incorporation authorized to be raised by means of Shares, and have expended for the Purposes of such last-mentioned Act and this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the

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the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Nineteen thousand nine hundred and seventy-five Pounds Sixteen Shillings and One Penny Bank Three *per Centum* Consolidated Annuities so transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred, by the Officer or Person in whose Name they shall then be deposited or invested, to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that if a Bond in twice the Amount of the said Sum of Eighteen thousand five hundred and seventy-seven Pounds and Ten Shillings shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eighteen thousand five hundred and seventy-seven Pounds and Ten Shillings if the said Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by their Act of Incorporation authorized to be raised by means of Shares, and have expended for the Purposes of the said last-mentioned Act and of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Sum of Nineteen thousand nine hundred and seventy-five Pounds Sixteen Shillings and One Penny Bank Three *per Centum* Consolidated Annuities, and the Interest or Dividends thereof, shall be transferred and paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said firstly-recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid, and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

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Tolls upon
Deviation
Line of
Railway.

XIII. That it shall be lawful for the Company to demand and receive, for and in respect of the Deviation Line of Railway hereby authorized, the same Tolls and Charges as they are authorized to demand and receive by “The *Carmarthen and Cardigan* Railway Act, 1854;” and the Railway hereby authorized to be made shall for the Purposes of the said Tolls be held to be Part of the said *Carmarthen and Cardigan* Railway.

Maximum
Tolls.

XIV. Provided always, That the maximum Tolls and Charges to be demanded by the Company in respect of the Traffic carried upon the said Railway shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the last-mentioned Act.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XV. That 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, 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.

Railway not
exempt from
present and
future
General
Acts.

XVI. That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made from the Provisions of any General Act relating to such Acts, or 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 recited Acts, and of the Rates for small Parcels.

Expenses of
Act.

XVII. That 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.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.