



*The Carmarthen and Cardigan Railway (Kidwelly Extension)  
Act, 1865.*

“the *Kidwelly* Branch Capital”: 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 be cited for any Purpose as “The *Carmarthen and Cardigan* Railway (*Kidwelly* Extension) Act, 1865.”

8 & 9 Vict.  
ce. 18. & 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. in-  
corporated.

2. “The Lands Clauses Consolidation Act, 1845,” “The Lands Clauses Consolidation Acts Amendment Act, 1860,” “The Railways Clauses Consolidation Act, 1845,” and Part I. (relating to Construction of a Railway) of “The Railways Clauses Act, 1863,” shall be incorporated with and form Part of this Act.

Interpre-  
tation of  
Terms.

3. In this Act the Words “the Railways” mean the Railways and the Works connected therewith by this Act authorized to be constructed, and the Expression “Superior Courts” or “Court of competent Jurisdiction,” or other like Expression in this Act or any Act incorporated herewith shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Mean-  
ings to  
Words, &c.  
in incor-  
porated Acts  
as in this  
Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to  
Company to  
apply cer-  
tain Funds  
towards  
Purposes of  
Act, and  
to raise  
additional  
Capital by  
new Shares.

5. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are authorized to raise by the said recited Act, and which may not be required by them for the Purposes of that Act; and the Company may for the same Purposes from Time to Time raise, in addition to the Sums of Money which they are already so authorized to raise, any further Sums not exceeding in the whole Seventy thousand Pounds, by the Creation of new Shares or Stock, which Shares or Stock shall form Part of the *Kidwelly* Branch Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) and upon such other Terms and Conditions as may be determined on by Three Fifths at least of the Votes of Shareholders present, personally or by proxy, at any Extraordinary General Meeting of the Proprietors of Shares in the *Kidwelly* Branch Capital, convened with due Notice of the Object.

Limit of  
Amount and  
Number of  
Calls.

6. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the

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the Amount of such Shares; and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any 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.

Shares not to issue until One Fifth paid up.

8. The Proprietors of any Shares to be issued under the Authority 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 same had been original Shares of the Company.

As to the Votes of Proprietors of such Shares.

9. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money, not exceeding Twenty-three thousand Pounds, by Mortgage of the Undertaking authorized by the said recited Act and by this Act; but no Part of that Sum shall be borrowed until the whole of the additional Capital by 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 Shares for all such additional Capital are issued, and that Half of such additional Capital has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* 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 that Section shall be sufficient Evidence.

Power to borrow on Mortgage.

10. Provided always, That all Mortgages granted by the Company and charged on the *Kidwelly* Branch before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be created by virtue of this Act.

Existing Mortgages to have Priority.

11. All and every Part of the said Sums of Seventy thousand Pounds and Twenty-three thousand Pounds which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railways and Works by this Act authorized.

Application of Sums raised under this Act.

12. Subject to the Separation of the Capital as aforesaid from the general Capital of the Company, the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845:"

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

With

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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 enforcing the Payment of Calls :

With respect to the Forfeiture of Shares for Nonpayment of Calls :

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 :

With respect to the Remedies of the Creditors of the Company against Shareholders : and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested :

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

Relating to Cancellation and Surrender of Shares : and

Relating to additional Capital :

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.

Powers for compulsory Purchases limited.

**13.** 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.

Lands for extraordinary Purposes.

**14.** The Quantity of Land to be purchased by the Company by Agreement adjoining or near to the Railways, for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act " 1845," shall not exceed Six Acres.

Power to make Railways according to deposited Plans.

**15.** It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Railways.

**16.** The Railways by this Act authorized are the following, and will be entirely in *Carmarthenshire*, and may be constructed either on the Broad Gauge of Seven Feet or on a Mixed Gauge :

1. A Railway, commencing by a Junction with the authorized Branch of the *Carmarthen and Cardigan Railway* at *Kidwelly* at or near the Bridge which carries the said Railway over the Turnpike

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Turnpike Road leading from *Kidwelly* to *Pembrey*, and passing through the Parishes of *Saint Mary* in the Borough of *Kidwelly*, *Kidwelly*, *Pembrey*, and *Llangendeirne*, and the Hamlets of *Llandurrry* and *Glyn*, and will terminate in a Field in the last-named Parish belonging to the Trustees of the late Colonel *Francis Charles James Pemberton*, and in the Occupation of the *Carway and Duffryn* Steam Coal Company, Limited:

2. A Railway, commencing at the Termination of the last-described Railway, passing through the Parishes of *Llangendeirne*, *Llanelly*, and *Llanon* and the Hamlet of *Glyn*, and terminating near the *Pontyberrem* Coal and Iron Works in the Parish of *Llanon* and Hamlet of *Glyn*.

17. The Bridge to be constructed by the Company for carrying the Railway hereby authorized over *Kymer's* Canal shall be of such Dimensions as to admit of a Double Line of Rails on the Narrow Gauge, being constructed under the same Bridge, and to admit of the Passage of Engines and Carriages upon the said Lines of Railway; and the Width of the said Bridge over the said Canal shall therefore not be less than Twenty Feet, measured on the Square between the Abutments; and the clear Height of the said Bridge throughout shall be not less than Fifteen Feet, measured from the Level of a Railway proposed to be constructed at the said Point of crossing as such Level is shown on the Plans and Sections deposited by the *Kidwelly and Llanelly* Canal and Tramroad Company with the Clerk of the Peace for *Carmarthenshire*, in the Month of *November* One thousand eight hundred and sixty-four, for the Purposes of "The *Kidwelly and Llanelly* Canal and Tramroad Act, 1865;" and it shall not be lawful for the Company to lower the Level of their Railway as shown on their deposited Sections at the crossing of the said Canal without the Consent in Writing of the said Canal and Tramroad Company.

As to crossing of Kidwelly Canal.

18. If the Railways shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Railways.

19. If the said Railways are not completed and opened for public Traffic within the Period of Five Years from the passing of this Act the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Lines 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 said Railways by unforeseen Accident, or by Circumstances beyond their Control (of which Fact a

Penalty if Line not completed.

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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 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.

Railways for  
Toll, &c. to  
be Part of  
Carmarthen  
and Cardigan  
Railway.

**20.** The Company may demand and take, in respect of the Railways, Tolls and Charges not exceeding those which they are authorized to take for and in respect of their existing Undertaking, as if it were Part of such Undertaking; and the Railways hereby authorized shall for the Purposes of Toll be deemed Part of the *Carmarthen and Cardigan Railway*, as though they had been authorized by the same Act.

One of the  
Restrictions  
in Sect. 76.  
of 8 & 9 Vict.  
c. 20. not to  
extend to  
this Act.

**21.** So much of the 76th Section of "The Railways Clauses Consolidation Act, 1845," as empowers the Company to prevent Openings in the Rails of their Railway where there is an inclined Plane shall not extend or apply to this Act; and if Owners or Occupiers of Lands adjoining any of the Railways hereby authorized shall at any Time require to form Communications between any of the Lands intersected by either of the said Railways, and lying on each Side thereof, the Company shall, when and so often as required by any such Owner or Occupier, permit all such Communications to be made, either over or under but not on the Level of the said Railways; and all such Communications, and the Works connected therewith, shall be maintained by the Person for the Time being using the same, and shall be constructed and maintained to the reasonable Satisfaction of the Engineer for the Time being of the Company, and so as not in any Manner to injure the said Railways, or to interfere with any future Alterations, or with the free and uninterrupted working of the Railways.

Interest on  
Calls not to  
be paid out  
of Capital.

**22.** It shall not be lawful for the Company, out of any Money by this Act 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.

Deposits for  
future Bills  
not to be  
paid out of

**23.** 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

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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.

Capital raised under this Act.

24. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company 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 to be taken by the Company, or of the Rates for small Parcels.

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

25. All the Expenses of applying for and obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

Expenses of Act.

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