



CHAPTER liv.

An Act to confer further Powers on the Burry Port and North-western Junction Railway Company ; and for other purposes. A.D. 1881.
[3rd June 1881.]

WHEREAS by the Burry Port and North-western Junction Railway Act 1876 (in this Act called the Act of 1876) the Burry Port and North-western Junction Railway Company (who are in this Act referred to as the Company) were incorporated for making a railway from the Burry Port and Gwendreath Valley Railway to the line of the Central Wales and Carmarthen Junction Railway Company and for other purposes : 39 & 40 Vict.
c. lxxiii.

And whereas the powers of the Company for the compulsory purchase of land for the railway and works authorised by the Act of 1876 expired on the 27th June, 1879, and their powers for completing the said railway and works will expire on the 27th June, 1881 :

And whereas it is expedient to extend the time limited for the compulsory purchase of lands, and the completion of the said railway and works :

And whereas the Company have not borrowed any money :

And whereas it is expedient that the Company should be authorised to make and maintain the junction railway herein-after described :

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act, and the lands to be acquired for the purposes thereof, and also books of reference to the plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Carmarthen, and those plans, sections, and books of reference are in this Act respectively referred to as the deposited plans and sections, and books of reference :

And whereas it is expedient that further powers as herein-after mentioned should be conferred on the Company :

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A.D. 1881. And whereas the purposes of this Act, 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 as the *Burry Port and North-western Junction Railway Amendment Act 1881.*

Incorporation of general Acts.
8 & 9 Vict. c. 13.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation Acts 1845, 1860, and 1869 :
The Railways Clauses Consolidation Act, 1845 ; and
Part I. (relating to construction of a railway), Part II. (relating to extension of time), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863 ;
are, except where expressly varied by this Act, incorporated with and form part of this Act.

Extending to this Act certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118.

3. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to,—
The distribution of the capital of the Company into shares ;
The transfer or transmission of shares ;
The payment of subscriptions and means of enforcing the payment of calls ;
The forfeiture of shares for nonpayment of calls ;
The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of the borrowed money into capital ;
The consolidation of shares into stock ;
The general meetings of the Company and the exercise of the right of voting by the shareholders ;
The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to the special Act by all parties interested ;
And also Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock ;
shall, subject to the provisions of this Act, extend, and apply to the capital and money hereby authorised to be raised by shares, stock, debenture stock, or borrowing, and the proprietors thereof.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means "the Burry Port and North-western Junction Railway Company," the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. Subject to the provisions of this Act the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, and may enter upon, take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes.

Power to
make junction
railway.

The railway herein-before referred to and authorised by this Act is:—

A junction railway 2 miles 1 furlong and 7·33 chains in length (in this Act called the Junction Railway) commencing in the parish of Llanarthney, in the county of Carmarthen, by a junction with the authorised railway of the Company at or about the point indicating 3 furlongs and 4 chains, measured from the commencement of that railway at its junction with the authorised Burry Port and Gwendreath Valley Railway, as shown on the plans deposited for the purposes of the Act of 1876 with the clerk of the peace for the county of Carmarthen, and terminating in the parish of Llannon, in the said county, by a junction with the authorised line of the Llanelly and Mynydd Mawr Railway, at or about the point indicating 9 miles and 6 furlongs on that railway, measured from its commencement near Llanelly, as shown on the plans, or the amended plans, of that railway, deposited for the purposes of the Llanelly and Mynydd Mawr Railway Act, 1875, with the clerk of the peace for the county of Carmarthen, and which point is about 100 yards to the eastward of the buildings known as Cwm Farm buildings.

38 & 39 Vict.
c. clxiv.

6. Provided the Burry Port and Gwendreath Valley Railway Company shall have completed their line of railway up to its point of junction with the railway of the Company situate at Cwm Mawr in the parish of Llannon, so that the same shall be fit for traffic,

Protection of
Burry Port
and Gwendreath
Valley Rail-
way.

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A.D. 1881. the Company shall not be at liberty to open for traffic the Junction Railway hereby authorised until the railway authorised by the Act of 1876 shall be completed and opened for traffic up to the said point of junction with the Burry Port and Gwendreath Valley Railway.

Crossing
Burry Port
and Gwen-
dreath Valley
Railway.

7. It shall be lawful for the Company to construct a bridge or viaduct for carrying the Junction Railway over the land of the Burry Port and Gwendreath Valley Railway Company, in the parish of Llanarthney, where the Junction Railway crosses such land, and such bridge or viaduct shall be so constructed as to leave an opening of not less than twenty-five feet in width on the square, the position of such opening to be staked out on the ground by the Burry Port and Gwendreath Valley Railway Company within three calendar months after the passing of this Act so as to permit the Burry Port and Gwendreath Valley Railway Company to lay down a line of railway on such land where it is so crossed by the Company's Junction Railway, the Burry Port and Gwendreath Valley Railway Company consenting to the erection on such land by the Company of the necessary piers and works for the construction of the said bridge and viaduct, the Company to purchase, and the Burry Port and Gwendreath Valley Railway Company to sell, and grant accordingly an easement, or right, of using such land for the erection of the said piers and works, the price to be paid for such easement, or right of user, to be agreed upon between the Company and the Burry Port and Gwendreath Valley Railway Company, or failing agreement, to be settled by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845.

Company
not to take
lands or
interfere
with rail-
way of the
Llanelly and
Mynydd
Mawr Rail-
way Com-
pany.

8. Notwithstanding anything herein contained, it shall not be lawful for the Company or any person acting under or in execution of this Act to enter upon, take, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Llanelly and Mynydd Mawr Railway Company, or in any manner to alter, vary, or interfere with their railway or works without the consent of that company, under their common seal, save only for the purpose of effecting the junctions and communications by this Act authorised.

Junction
railway to
form part of
undertaking
of Company.

9. The railway by this Act authorised shall, subject to the provisions of this Act, for the purposes of tolls and charges, and all other purposes whatsoever, be part of the Burry Port and North-western Junction Railway, and of the undertaking of the Company.

Period for
compulsory
purchase of
lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

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11. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railway Clauses Act, 1863, contained, in reference to the crossing of roads on the level, the Company may, in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next hereinafter mentioned (that is to say) :—

A.D. 1881.
 Power to cross certain road on the level.

No. on deposited Plan.	Parish.	Description of Road.
32	Llannon - - - -	Public.

12. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width hereinafter mentioned (that is to say) :—

Width of certain roadway.

No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
51	Llannon - -	Public - - -	20 feet.

13. In altering, for the purposes of this Act, the road next hereinafter mentioned, the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connexion therewith respectively (that is to say) :—

Inclinations of certain road.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
51	Llannon - -	Public - - -	1 in 11 on one side and level on the other.

14. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand two hundred and thirteen pounds and five shillings, being five per centum upon the amount of the estimate in respect of the Junction Railway, has been transferred to the account of Her Majesty's Paymaster-General, on account of the Chancery Division of the High Court of Justice in England, in respect of the application to Parliament for this Act, which sum is referred to in this Act as the

Deposit money not to be repaid except so far as Junction Railway is opened.

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A.D. 1881. deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said deposit fund shall not 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 Act, or the survivors or survivor of them, which persons, survivors or survivor, are in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the Junction Railway, open that railway for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

15. If the Company do not, previously to the expiration of the period limited for the completion of the Junction Railway complete the same and open it for the public conveyance of passengers, then, and in every such case, the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied towards 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 conferred upon the Company 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 Chancery Division of the High Court of Justice in England may seem fit, and if no such compensation shall be payable or if a portion of the deposited fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be

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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 Chancery Division 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: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors. A.D. 1881.

16. If the railway be not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of Junction Railway.

17. The powers of the Act of 1876 with respect to the compulsory purchase or taking of the lands delineated on the deposited plans and described in the deposited books of reference referred to in that Act, are hereby revived and extended, and shall continue in force till the twenty-seventh day of June, one thousand eight hundred and eighty-two. Revival of powers for purchase of lands.

18. The time limited by the Act of 1876 for the completion of the railway by that Act authorised is hereby extended until the twenty-seventh day of June, one thousand eight hundred and eighty-four, and that period shall for all purposes be deemed to be the period limited by the Act of 1876 for the completion of the said railway, and sections 32 and 33 of the Act of 1876 shall be read and have effect accordingly. Extension of time for completion of railway.

19. The Company may apply to the purposes of this Act any of the moneys which they have raised, or have power to raise, by virtue of the Act of 1876, and which may not be required for the purposes to which they are by that Act made specially applicable. Company may apply corporate funds to purposes of Act.

20. The Company from time to time may, subject to the provisions of this Act, for the purposes of this Act, and for the general purposes of their undertaking, raise, by the creation and issue of shares or stock, such sums of money as they shall think Power to raise additional money.

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Shares not to be issued until one-fifth part paid up.

21. The Company shall not issue any shares or stock created under the authority of this Act, nor shall any such share or stock 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 or stock shall have been paid in respect thereof.

Capital.

22. Subject to the provisions of this Act, the additional capital created under this Act shall form part of the capital of the Company authorised by the recited Act.

Right of voting &c. in respect of new shares.

23. Except by or under the powers of this Act otherwise provided the new shares or stock issued under the powers of this Act shall, in proportion to the aggregate amount thereof, from time to time held by the same persons at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting as the like amount of existing ordinary shares or stock of the Company.

Debenture stock.

24. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act, created and issued by the Company, shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Power to borrow.

25. The Company may, in respect of the additional capital of twenty-five thousand pounds, which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole eight thousand pounds, but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved 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 the whole of that capital have been issued and accepted, and that one half of that capital has been paid up, and that not less than one-fifth part of the amount of each separate share in that capital has been paid on account thereof, before or at the time of the issue

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or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be created by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by, the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors or assigns, are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

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26. The provisions of the Act of 1876 with respect to the appointment of a receiver, for enforcing payment by the Company of arrears of interest or principal, or principal and interest, shall be and the same are hereby repealed, but subject and without prejudice to any appointment of a receiver, which may have been made, or to the continuance of any proceedings which may have been commenced, prior to the passing of this Act under any such provision.

Repeal of provisions for appointment of a receiver.

27. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than four thousand pounds in the whole.

Appointment of a receiver.

28. The Company on the one hand, and the Llanelly and Mynydd Mawr Railway Company on the other hand, may (subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873) from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

Working agreements with the Llanelly and Mynydd Mawr Railway Company.
 36 & 37 Vict. c. 76.

The management and maintenance of the railways of the Company, or any part thereof;

The supply during the continuance and for the purpose of any agreement for the use and working of the railway, or any part thereof, of rolling stock and machinery;

The use or working of the railway, or any part thereof and the employment of officers and servants for the conduct of the traffic of the railway;

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The payments to be made and the conditions to be performed with respect to such working, use, management and maintenance;

The interchange, accommodation and conveyance of traffic coming from or destined for the respective undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

Short-
distance
charges.

29. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Llanelly and Mynydd Mawr Railway Company, the railways of the Company and of the Llanelly and Mynydd Mawr Railway Company shall, for the purposes of short-distance tolls and charges in respect of the traffic conveyed partly on the railway and partly on the railway of the Llanelly and Mynydd Mawr Railway 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 charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Llanelly and Mynydd Mawr Railway Company.

Interest not
to be paid on
calls paid up.

30. The Company shall not, out of any money by this Act 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, but nothing in this Act shall 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.

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

31. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament, now or hereafter in force may be 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.

Provision as
to general
Railway
Acts.

32. Nothing in this Act shall exempt the railway from the provisions of any general Act relating to railways, or 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 or alteration under the

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authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1881.

33. The costs, charges, and expenses preliminary to, and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses Act.

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