



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxviii.

An Act to authorize the *Kidwelly and Llanelly Canal and Tramroad Company* to stop up and discontinue the Use of their Canals, and to make a Railway from *Burry Port* in the Parish of *Pembrey* to join the Mountain Branch of the *Llanelly Railway* in the Parish of *Llanarthney, Carmarthenshire*, with Branches; to change the Name of the Company; and for other Purposes.

[5th July 1865.]

WHEREAS by an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and seventy-three (Local), intituled *An Act for the Improvement of the Harbour of Kidwelly, and for making and maintaining a navigable Canal or Tramroads in Kidwelly and Llanelly and other Parishes therein mentioned in the County of Carmarthen, the Kidwelly and Llanelly Canal and Tramroad Company* were incorporated and were authorized to make certain Works and Canals and Branch Canals therein described: And whereas it was by the said Act (Section One hundred and thirty-six) enacted that if the said Company should think it necessary or expedient that the whole of the Track or Line of the Canal and Cuts,

52 G. 3.
c. clxxiii.

[Local.]

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Railway

*The Kidwelly and Burry Port Railway Act, 1865.*58 G. 3.
c. lxxv.

6 G. 3. c. 55.

Railway or Tramroad, should be a Railway or Tramroad only, and not a Canal or Cuts, it should and might be lawful to and for the said Company at any General or Special General Assembly to cause such Railways or Tramroad alone to be made and substituted, instead of being only or partly a Canal and Cuts, agreeable to the Powers therein contained for that Purpose, and such Railways or Tramroad should be subject and entitled to the same Powers, Privileges, Restrictions, Matters, and Things as the Canal and Cuts, Railway or Tramroad, therein-before directed to be made were subject, liable, or entitled to, in every respect as if the same were therein repeated *verbatim*, anything therein-before contained to the contrary thereof in anywise notwithstanding: And whereas by an Act passed in the Fifty-eighth Year of the Reign of His said Majesty, Chapter Seventy-five, intituled *An Act to explain and amend an Act of the Fifty-second Year of His present Majesty, intituled "An Act for the Improvement of the Harbour of Kidwelly, and for making and maintaining a navigable Canal or Tramroads in Kidwelly and Llanelly, and to alter and enlarge the Powers thereof,"* further Powers were conferred on the said Company: And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-five, a Canal called *Kymer's Canal* was authorized to be constructed, and the same is held by the Company under an Agreement herein-after mentioned: And whereas the Company have made a Canal and Branch Canals, also certain Railways or Tramroads, and they are desirous, and it would be of public and local Advantage if they were enabled to convert their Canal and Branch Canals into a Railway and Branch Railways, and were authorized to make another Railway, herein-after described, in connexion therewith, and for those Purposes were enabled to raise further Sums of Money: And whereas the Capital which the Company were authorized to raise by the first recited Act by Shares was the Sum of Sixty thousand Pounds, and by additional Shares or by borrowing the further Sum of Twenty thousand Pounds: And whereas the present paid-up Share Capital of the Company consists of Seventy-two thousand one hundred Pounds divided into Seven hundred and twenty-one Shares of One hundred Pounds each, and the Company have never exercised any Powers of borrowing upon Mortgage: And whereas the Purposes aforesaid cannot effectually be carried into execution 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 Kidwelly and Burry Port Railway Act, 1865.*"

2. "The

The Kidwelly and Burry Port Railway Act, 1865.

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

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

3. "The Companies Clauses Consolidation Act, 1845," and Part I., and Part II., and Part IV. of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to the Company and the Shareholders thereof, and to all Shares already created or hereafter to be created, and to Mortgages granted and Money borrowed under the Powers of this Act, and to the Capital authorized by this Act.

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

4. In this Act (unless excluded by the Subject or Context) the Words "the Company" mean the *Kidwelly and Burry Port* Railway Company incorporated by this Act, the Words "the Canals" includes the Canal and Branch Canals, the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed; the Words "the Undertaking" mean the Canals, Railways, and Works belonging to and vested in the Company and from Time to Time made or substituted by them; the Expression "the recited Acts" means the said Acts of the Fifty-second Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and seventy-three, and the Fifty-eighth Year of the Reign of His said Majesty, Chapter Seventy-five; 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.

Interpretation of Terms.

5. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act 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.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

6. The Company by the first-recited Act incorporated shall from and after the passing of this Act no longer be called by the Name of the *Kidwelly and Llanelly* Canal and Tramroad Company, but the same Company shall from and after the passing of this Act be named and styled "the *Kidwelly and Burry Port* Railway Company," and under that Name shall remain, continue, and be a Body Corporate, with perpetual Succession and a Common Seal, and sue and be sued, and shall have, keep, and retain all the Lands, Hereditaments, Property, Estates,

Name and Style of the Company.

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Estates, Effects, Powers, Privileges, and Rights vested in, conferred upon, or required by them under or by virtue of the said recited Acts, or either of them, or any other Act, and shall have Power to purchase and hold Lands, and to do all other Things necessary for the Purposes of this and of the recited and incorporated Acts within the Restrictions herein and in the recited and incorporated Acts contained.

Capital.

7. The Capital of the Company shall be One hundred and twenty thousand Pounds, whereof Seventy-two thousand one hundred Pounds is in this Act called the original Capital, and shall be divided into Seven hundred and twenty-one Shares of One hundred Pounds each, and Forty-seven thousand nine hundred Pounds, in this Act called the additional Capital, and may be divided into such Number of Shares of not less nominal Amount than Ten Pounds as the Company shall determine.

Appropriation of Shares.

8. Every Person and Corporation who immediately before the passing of this Act was entitled to a Share in the Capital of the *Kidwelly and Llanelly* Canal and Tramroad Company shall in substitution for such Share be entitled to a Share in the original Capital of the Company, and the Shares to which such Persons and Corporations shall be so entitled shall vest in them accordingly, and every Share so vested shall be subject and liable to the same Trusts, Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances as immediately before the passing of this Act affected the then existing Share in the Capital of the *Kidwelly and Llanelly* Canal and Tramroad Company for which it is substituted, and so as to give Effect to and not revoke any Testamentary Disposition of or affecting such then existing Share.

Power to Company to call in and cancel existing Share Tickets, and issue new Certificates in lieu thereof.

9. The Company (if they think fit) may call in and cancel the existing Tickets or Instruments of Proprietorship of Shares in the *Kidwelly and Llanelly* Canal and Tramroad Company, and issue in lieu thereof Certificates of the substituted Shares in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such existing Tickets or Instruments shall not be entitled to any Certificates of Proprietorship under this Act until they shall have delivered up to the Company to be cancelled the Ticket or Instrument of Proprietorship issued to them before the passing of this Act, in pursuance of the Seventy-fifth Section of the first-recited Act, or shall have proved to the reasonable Satisfaction of the Company the Loss or Destruction thereof, and give an Indemnity, if required, in respect thereof.

10. It

The Kidwelly and Burry Port Railway Act, 1865.

10. It shall be lawful for the Company from Time to Time as they shall think fit to raise the additional Capital or any Part thereof by the Creation of new Shares, and such additional Capital may be raised by the Issue of new Ordinary Shares or new Preference Shares, or by either of those Means, as the Company from Time to Time think fit.

Power to
raise Capital.

11. It shall not be lawful for the Company to issue any Share in the additional Capital, 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 is paid up in respect thereof.

Shares
not to issue
until One
Fifth paid
up.

12. Two Fifths of the Amount of any Share shall be the greatest Amount of a Call, and Two Months at the least shall be the Interval between successive Calls, and no more than Four Fifths of a Share shall be called up in any One Year.

Calls.

13. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Receipt of
Guardians,
&c. to be
sufficient
Discharge.

14. The Company may from Time to Time at any Time after the passing of this Act borrow on Mortgage any Sums not exceeding Eighteen thousand Pounds, and when the whole additional Share Capital of Forty-seven thousand nine hundred Pounds shall have been subscribed for or taken *bonâ fide*, and One Half thereof is actually paid up, and when the Company shall 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 the additional Capital which the Company are by this Act authorized to raise are issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith, and held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same, of which Matters the Certificate of the Justice shall be sufficient Evidence, the Company may borrow on Mortgage any further Sums not exceeding in the whole Fifteen thousand Pounds.

Power to
borrow on
Mortgage.

15. The Mortgagees of the Company may enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than One thousand five hundred Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

[*Local.*]

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16. The

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Debenture
Stock.

16. The Company may create and issue Debenture Stock, and Part III. of "The Companies Clauses Act, 1863," is incorporated with this Act.

Application
of Monies
raised under
Act.

17. All and every Part of the Money raised under this Act, whether by Shares or by Debenture Stock, or by borrowing, shall be applied only for Purposes authorized by this Act.

Power to
Company to
apply Money
to Purposes
of Act.

18. The Company may apply for the Purposes of this Act any Monies from Time to Time belonging to them which they may have raised or received or may have been authorized to raise or receive under the Powers of the recited Acts, or either of them, and which may not be required for the Purposes for which the same were authorized to be raised.

First and
other Meet-
ings.

19. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every Year, at such Place as the Directors of the Company from Time to Time determine.

Quorum of
General
Meetings.

20. The Quorum of General Meetings of the Company shall be Seven Shareholders, present, personally or by proxy, holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Number of
Shareholders
to convene
Extraordi-
nary Meet-
ings.

21. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Five, and such Shareholders shall hold in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Scale of
voting.

22. The Scale according to which Shareholders may vote in respect of their Shares shall be One Vote for every One hundred Pounds in the Capital of the Company, whether original Capital or additional Capital.

Number and
Qualification
of Directors.

23. The Number of Directors shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Shares in the Undertaking of the nominal Value of Five hundred Pounds.

Power to
reduce the
Number of
Directors.

24. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Three.

Quorum.

25. The Quorum of a Meeting of Directors shall be Three whilst the Number of Directors is Five or more, and Two when the Number of Directors shall be less than Five.

26. The

The Kidwelly and Burry Port Railway Act, 1865.

26. The Persons who immediately before the passing of this Act were the Committee of the *Kidwelly and Llanelly Canal and Tram-road Company* shall be the First Directors of the Company.

First
Directors.

27. The First Directors of the Company shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the Ordinary Meeting to be held in the Month of *August* in every Year thereafter the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

Such Direc-
tors to con-
tinue in
Office until
First Meet-
ing after
passing of
Act.

28. It shall be lawful for the Company from Time to Time, as they may think fit, to fill up, stop up, and discontinue the Use or Maintenance of all or any Part of the Canals by the said recited Acts authorized to be made as may be required for the Purposes of the Railways, and to adopt and apply the Site of the Part or Parts which shall be so stopped up and filled up, or any other Lands of the Company, for the Purposes of the Railways or any Part thereof, or any of the Works connected therewith, as the Company shall think fit.

Enabling the
Company to
stop up the
Canal.

29. And whereas Plans and Sections showing the Lines and Levels of the Railways, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken or used for the Purposes of the Railways, have been deposited with the Clerk of the Peace for the County of *Carmarthen*: Therefore, 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 and take or appropriate and use such of the said Lands as shall be necessary for such Purposes.

Power to
make Rail-
ways accord-
ing to depo-
sited Plans.

30. The

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Powers for compulsory Purchases limited.

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

Lands for extraordinary Purposes.

31. 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 Three Acres.

Describing Railways.

32. The Railways by this Act authorized are the following :

1. A Railway formed partly in or upon the Site of the existing Canal, and partly on other Lands commencing in the Parish of *Pembrey* in the County of *Carmarthen* at or near the inner Harbour of the *Burry Port* Company in the said Parish of *Pembrey*, and terminating in the Parish of *Llanarthney* in the said County of *Carmarthen* by a Junction with the Mountain Branch of the *Llanelly* Railway :
2. A Railway commencing from and out of Number 1 Railway in the Parish of *Llanon* in the said County of *Carmarthen*, and terminating in the said Parish of *Llanon* at or near the Engine House of the *Cross Hands* Colliery :
3. A Railway commencing from and out of Number 1 Railway in the Borough or Parish of *Kidwelly* in the said County of *Carmarthen*, and terminating in the Parish of *Saint Mary* in the said Borough and Parish of *Kidwelly* at or near the Quay belonging to Lord *Dynevor* adjoining the River *Gwendreath* and at the End of the Canal of the Company :
4. A Railway commencing from and out of Number 1 Railway in the said Parish of *Pembrey* at a Point near the Aqueduct of the Company, and adjacent to a Farmhouse in the Occupation of *Thomas Bowen*, and terminating in the said Parish of *Pembrey* at the Shipping Stage of the Branch Canal of the Company where such Branch Canal joins the Site of the old *Trimsaren* Tramway :
5. A Railway commencing from and out of Number 1 Railway in the said Borough and Parish of *Kidwelly* at a Point about Ten Chains East of *Morpha Bach* in the said Borough and Parish of *Kidwelly*, and terminating in the said Borough and Parish of *Kidwelly* at the Shipping Stage of the Branch Canal of the Company where such Branch Canal joins the Railway leading to *Carway* Colliery.

33. Sub-

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33. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, it shall be lawful for the Company in the Construction of the Railways to carry the same across and upon the Level of the public Roads numbered on the said deposited Plans as follows; (that is to say,)

Level
Crossings.

Line of Railway.	No. on Plans.	Parish.	Description of Road.
No. 1	40	Llanelly - -	Turnpike Road.
No. 3	3	Borough of Kidwelly	Public Road.

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

34. It shall be lawful for the Company to construct the Approach to the Bridge for carrying the Road numbered on the said deposited Plans 53 in the Parish of *Llanelly* over the Railway, with such Inclinations as they think fit, not steeper than One in Sixteen.

Regulating
Inclination
of certain
Road.

35. It shall be lawful for the Company to construct the Bridge for carrying the Railway under the Road numbered 53 in the Parish of *Llanelly* on the said deposited Plans of such Width as they shall think fit, not being less than Twenty Feet.

Regulating
Width of cer-
tain Bridge.

36. It shall be lawful for the Company to make and maintain upon any of the Lands of the Company such Drains as may be necessary for carrying off the Water now supplying the Canals, which may be discontinued and stopped up under the Powers of this Act, but no such Drains shall be more than Eleven Feet in Width at the Bottom thereof.

As to Drains
for carrying
off Water.

37. So much of the Seventy-sixth 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 the 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

As to certain
Junctions
and Commu-
nications.

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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.

As to
Kymer's
Canal con-
structed
under 6 G. 3.
c. 55.

38. And whereas a certain Canal was constructed under the Powers of the said Act passed in the Sixth Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-five, intituled *An Act to enable Thomas Kymer Esquire to make a navigable Cut or Canal from Little Gwendraeth River near the Town of Kidwelly to the Great Forest and Pwll Llygod in the County of Carmarthen*, and under and by virtue of an Agreement bearing Date the Fifth Day of *March* One thousand eight hundred and thirty-five, and made between the Right Honourable *George Talbot Baron Dynevor* and the Honourable *George Rice Rice Trevor*, his Son, of the one Part, and the Company of the other Part, and in pursuance of Powers in that Behalf contained in the Acts relating to the Company the Company are for the Considerations therein mentioned in possession of the said Canal, and subject to certain Payments to the Persons entitled under the said Agreement to receive the Tolls and Rates arising thereon for their own Benefit: And whereas a Portion of the Line of One of the Railways authorized by this Act passes along the *Kymer's Canal*, and it is expedient to make Provision with reference to the Conversion of the said Canal into a Railway as by this Act authorized: Therefore, it shall be lawful for the Company to purchase and acquire the Rights and Interests of any Persons in the said Canal called *Kymer's Canal*, whether arising under the said Agreement or otherwise, or the Company may by Agreement with the Persons beneficially interested in the said Canal, and the Payments under the said Agreement, continue the said Agreement and the Terms and Stipulations thereof, subject to such Modifications as the Circumstances of the Case may require and the Company and Persons aforesaid mutually agree.

Company not
to alter
Level of
South Wales
Railway.

39. The Company shall not, without the Consent in Writing of the *Great Western Railway Company*, under their Common Seal, alter the Line or Level of the *South Wales Railway* belonging to the *Great Western Railway Company*, or interfere with or injuriously affect any of the Works or Property of that Company.

Penalty in
case of
Interruption
of Traffic on
South Wales
Railway.

40. If by reason of any Works or Proceedings of the Company with reference to the Railways Nos. 1 and 3 there shall be any Obstruction of or Interference with the *South Wales Railway* so as to prevent or impede the convenient Passage of Engines and Carriages

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Carriages along the same, the Company shall pay to the *Great Western Railway Company* the Sum of Twenty Pounds by way of ascertained Damages for every Hour during which that Obstruction or Interference continues.

41. The Company shall from Time to Time be responsible for and make good to the *Great Western Railway Company* all Costs, Losses, Damages, and Expenses from Time to Time occasioned to the *Great Western Railway*, or any of the Works or Property thereof, or the Traffic thereon, or any Person or Persons using the same, or otherwise by reason of the Execution or Failure of any of the Works of or incidental to the intended Railways Nos. 1 and 3, or any Act or Omission of the Company, or any of the Persons in their Employ, or their Contractors or others in respect of such Works for Railways Nos. 1 and 3; and the Company shall effectually indemnify and hold harmless the *Great Western Railway Company* from all Claims and Demands upon or against them by reason of any such Execution or Failure and of any such Act or Omission.

Company to pay all Damages sustained by Great Western Company.

42. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Great Western Railway Company* otherwise than is herein expressly provided.

Saving Rights of Great Western Railway Company.

43. And whereas *Daniel Watney* of *Wandsworth* in the County of *Surrey* Esquire is or claims to be the Lessee and Occupier of and is engaged in working the *Gwendreath Colliery* with its Mines and Works, situate at *Ponteberem* in the said Parish of *Llanelly*, and for the Purposes of and in connexion with such working he employs and makes use of the before-mentioned Canals, One of which adjoins the said Colliery; and it is expedient to make Provision for his Protection: Therefore, the Company shall make to the said *Daniel Watney* or other the Lessees and Occupiers of the said Colliery, Mines, and Works, Compensation for all Damage or Loss (if any) which he or they may sustain as Lessees, Occupiers, or Workers of the said Colliery, Mines, and Works, by reason of the Interruption of his or their Traffic between the said Colliery, Mines, and Works and *Burry Port Harbour* in the said Parish of *Pembrey*, in the Interval between the Stoppage of the said Canal for the Construction of the Railway and the opening of the Railway for Traffic between the said Places; and the Amount (if any) of such Compensation so to be made as aforesaid shall in case the Parties differ about the same be determined by Arbitration in manner prescribed by "The Lands Clauses Consolidation Act, 1845:" Provided, nevertheless, that no Compensation shall be given in respect of the Stoppage of the Canals during the Execution of the Works for the Period of One Month, such Period being

Providing for Compensation to Daniel Watney, Esquire.

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being the ordinary Time for the annual Stoppage of the Canals for Repairs.

As to Payment of such Compensation.

44. The Arbitrator or Umpire upon any such Arbitration may if he shall so think fit, in lieu of awarding a Sum in gross for such Compensation, award and determine that all or any Part of such Compensation shall be made by periodic Payments, at such Intervals and during such Period as he may think fit, and may by his Award make and give all necessary or proper Orders and Directions with respect to the same and the Payment thereof.

Disused Parts of the Canal to be given up to Lord Ashburnham.

45. And whereas a Portion of the Canal in the Parish of *Pembrey*, called "the *Kidwelly and Pembrey Canal*," made by the Company upon Lands belonging to the Earl of *Ashburnham*, or his Predecessors in Estate, will not be required for the Purposes of this Act: Therefore it shall be lawful for the Company, and they are hereby required within Six Months after the Canal shall be converted into a Railway, to convey such Portion of the Canal to the said Earl at his Expense, and the said Earl and his Heirs shall thenceforth be freed and discharged from all Liabilities on the Part of the said Earl or his Predecessors in Estates which were created by the said Act of the Fifty-second *George* the Third, Chapter One hundred and seventy-three, in respect of that and all other Portions of the said Canal, as well as in respect of the Canal called "*Lord Ashburnham's Canal*."

For a Farm level Crossing on Mr. Buckley's Farm on Pinged Marsh.

46. And whereas the said Canal passes for some Distance through the Farm and Lands on *Pinged Marsh* in the said Parish of *Pembrey*, belonging to *James Buckley* Esquire, such Lands being low Marsh and of such a Nature that a Roadway could not be constructed to pass under the said proposed Railway No. 1., and a Bridge over the same with the necessary Approaches from so low a Level would be most expensive and inconvenient for agricultural Purposes: It shall therefore be lawful for the said *James Buckley* or the Owner or Occupier of the said Farm for the Time being to construct a level Crossing over the said Railway No. 1., so as to pass with Carts, Cattle, and Horses, and Farm Produce from one Part of the said Farm to the other, such level Crossing and the Works connected therewith to be constructed and maintained by and at the Expense of the said *James Buckley* or such Owner or Occupier as aforesaid, to the reasonable Satisfaction of the Engineer for the Time being of the Company; and the Person or Persons making or using such level Crossing shall be subject to all Byelaws and Regulations of the Company from Time to Time legally made.

Period for Completion of Railways.

47. If the Railways shall not be completed within Three 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,

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Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

48. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Three thousand four hundred and seventy-four Pounds has been deposited, pursuant to the said Act, in respect to the Application to Parliament for this Act, being Eight *per Centum* upon the Sum of Forty-three thousand four hundred and twenty-two Pounds, the estimated Cost of the Railway : Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Three thousand four hundred and seventy-four Pounds so deposited as aforesaid in respect to the Application for this Act, or the Interest or Dividends of such Sum of Money, 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 Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the Railways for the public Traffic of Goods, Wares, and Merchandise, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the additional Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said additional Capital ; and if the said Period shall expire before the Company shall either have opened the Railways for public Traffic of Goods, Wares, and Merchandise, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited 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 to 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 at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Three thousand four hundred and seventy-four Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, 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 and Successors, of the said Sum of Three thousand four hundred and seventy-four Pounds if the

Money deposited in the Court of Chancery to be forfeited in a certain Event.

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Company shall not within the Time limited for the Completion of the Railways either open the Railways for public Traffic of Goods, Wares, and Merchandise, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the additional Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said additional Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be 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 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.

Power to
take Tolls,
&c. as in
Schedule.

49. The Company may demand and take in respect of the Railways Tolls and Charges not exceeding the Sums specified in the Schedule to this Act.

Special
Trains.

50. The Restriction in the said Schedule as to Charges for Passengers shall not extend to Special Trains when required by Passengers, but shall apply only to the Ordinary or Express Passenger or Goods Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Passengers
Luggage.

51. Every Passenger travelling on the Railways may without Charge cause to be carried in the same Train with him his ordinary Luggage, not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger.

Regulations
as to Tolls.

52. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and Charges by this Act authorized to be demanded and taken; (that is to say,)

1. For Passengers, Animals, or Goods conveyed on the Railways for a Distance less than Four Miles, the Company may demand Tolls and Charges as for Four Miles :

2. In

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2. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile :
3. In respect of Animals, Minerals, and Goods, for a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges in proportion to the Number of Quarters of a Mile contained in that Fraction, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile :
4. For a Fraction of a Ton the Company may demand Tolls and Charges according to the Number of Quarters of a Ton in that Fraction, and a Fraction of a Quarter of a Ton shall be deemed a Quarter of a Ton :
5. Except as to Stone and Timber, Weight shall be determined according to Avoirdupois Weight :

Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

53. In addition to the Charges in Table III. of the Schedule to this Act, a reasonable Charge shall be payable to the Company for the loading, covering, and unloading of Goods at any Station being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Company.

Terminal
Station
Charges.

54. A Station shall not be considered a Terminal Station in respect of Goods unless such Goods are received there direct from the Consignor, or are directed to be delivered there to the Consignee.

Defining
Terminal
Station.

55. The Term small Packages in Table IV. of the Schedule shall not include Articles sent in large aggregate Quantities, although made up of several Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but shall apply only to single Parcels in separate Packages.

Small
Packages.

56. Nothing herein contained shall prevent the Company from taking any Charge over and above the Charges by this Act limited for the Conveyance of Goods of any Description by Agreement with the Owners of or any Persons in charge of such Goods, either in respect of the Conveyance thereof (except small Packages) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Agreement
for higher
Charges.

57. And

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Part of
Sect. 10 of
52 G. 3.
c. clxxiii.
repealed.

57. And whereas by the Tenth Section of the said recited Act of Fifty-second *George* the Third, Chapter One hundred and seventy-three, it is enacted that nothing in the said Act contained shall hinder or prevent the Earl of *Ashburnham*, his Heirs or Assigns, from diverting and using the Water of a Stream called the *Graig* or *Gwscwn* in the said Parish of *Pembrey* as therein mentioned, so that such Waters flow again into the said Canal after it shall have passed the Works of the said Earl of *Ashburnham*: Be it enacted, That from and after the said Canal shall have been converted into a Railway, so much of such Tenth Section requiring the said Water to flow again into the said Canal is hereby repealed.

Sects. 11,
79, & 133 of
52 G. 3.
c. clxxiii.
repealed.

58. And whereas the whole of the Eleventh and Seventy-ninth and One hundred and thirty-third Sections of the said lastly-mentioned Act contain Restrictions and Powers in regard to the Canal and Coal Property of the said Earl as therein respectively mentioned that will become useless and inoperative after the passing of this Act: Be it therefore enacted, That from and after the said Canal shall have been converted into a Railway, the said Eleventh and Seventy-ninth and One hundred and thirty-third Sections of the said recited Act are hereby repealed.

Saving the
Rights of
the Earl of
Ashburnham.

59. Nothing herein contained shall extend or be construed to extend to restrain, lessen, alter, or defeat the Earl of *Ashburnham*, his Heirs and Assigns, or the Lord of the Manor of *Pembrey* for the Time being, from exercising any manorial or other Rights now vested in him or them, or to which he or they is or are now entitled under the said Acts of the Fifty-second *George* the Third, Chapter One hundred and seventy-three, and the Fifty-eighth *George* the Third, Chapter Seventy-five, in such Manner, to all Intents and Purposes, as if this Act had not been passed, and so that the Exercise of such Rights shall be applicable as well to a Railway as to a Canal; but this Provision shall in no way hinder or prevent the Company from converting the said Canal and Branches into a Railway as herein-before mentioned.

Reservation
of Rights
under exist-
ing Acts.

60. Except as otherwise expressly provided by this Act, all Rights, Remedies, Powers, or Privileges of any Person or Corporation given or reserved by or under any of the Provisions of the recited Acts, or either of them, and which Rights, Remedies, Powers, and Privileges are subsisting or capable of being exercised at the Time of the passing of this Act, shall remain and have the same Effect, and be capable of being exercised, as if this Act had not passed, save only that in any Proceedings for enforcing against the Company any of those Rights, Remedies, Powers, or Privileges, they shall be named by their Name under this Act instead of by their present Name.

61. It

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61. 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.

Interest on
Calls not to
be paid out
of Capital.

62. It shall not be lawful for the Company, out of any Monies 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
Capital
raised under
this Act.

63. 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, &c.
not exempt
from Provi-
sions of pre-
sent and
future
General
Acts.

64. 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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SCHEDULE referred to in the foregoing Act.

TOLLS AND CHARGES.

TABLE I.—MAXIMUM CHARGES for the Use of the RAILWAY, and for SUPPLY of CARRIAGES, WAGGONS, or TRUCKS.

	For the Use of the Railways per Mile.	For the Supply of Carriages, Waggons, or Trucks by the Company, the additional Sum per Mile of
Passengers :		
For every Person - - - - -	Twopence	One Penny.
Animals :		
For every Horse, Ass, Mule, or other Beast of Draught or Burden (Class 1) - - - - -	Threepence	One Penny.
For every Ox, Cow, Bull, or Head of Neat Cattle (Class 2) - - - - -	Twopence	One Penny.
For every Calf, Pig, Sheep, Lamb, or other Animal (Class 3) - - - - -	Three Farthings	One Farthing.
Goods (except as provided for in Table IV.):		
For Cotton and other Wools, manufactured Goods, Drugs, Fish, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (Class 4) per Ton	Threepence	One Penny.
For Sugar, Grain, Corn, Flour, Hides, Dye- woods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, Chains, and light Iron Castings (Class 5) - - - - - per Ton	Twopence Halfpenny.	One Penny.
For Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, heavy Iron Castings, Rail- way Chairs, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay, and Stone (Class 6) - - - - - per Ton	One Penny Halfpenny	One Halfpenny.
For Dung, Compost, Manure, undressed Materials for Repair of public Roads or Highways, Coal, Culm, Cinders, Cannel, Ironstone, Iron and other Ores, Limestone, Clay (except Fireclay), Chalk, Sand, and Slag (Class 7) - - - - - per Ton	One Penny Halfpenny	One Halfpenny.
For every Carriage of whatever Descrip- tion conveyed on a Truck or Platform (Class 8) :		
If not weighing more than One Ton - - - - -	Sixpence.	
If weighing more than One Ton, for the First Ton - - - - -	Sixpence.	
And for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton above the First Ton - - - - -	Three Halfpence.	

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TABLE II.—MAXIMUM CHARGES for SUPPLY of LOCOMOTIVE POWER.

For the Use of Engines for propelling Carriages on the Railways,
for every Passenger, Animal, and Ton of Goods - per Mile One Penny

TABLE III.—MAXIMUM TOTAL CHARGES for the Use of the Railways, and for Supply of Carriages, Waggon, or Trucks, and of locomotive Power, and every other Expense incidental to the Conveyance of Passengers, Animals, or Goods along the Railways.

	Per Mile.
Passengers :	
For every Person conveyed in a First-class Carriage	Threepence.
For every Person conveyed in a Second-class Carriage	Twopence.
For every Person conveyed in a Third-class Carriage	Five Farthings.
Animals :	
For every Animal in Class 1	Fourpence.
For every Animal in Class 2	Threepence.
For every Animal in Class 3	One Penny.
Goods :	
For every Thing in Class 4, per Ton	Fourpence.
For every Thing in Class 5, per Ton	Threepence.
For every Thing in Class 6, per Ton	Twopence.
For every Thing in Class 7, per Ton	One Penny Half-penny.
For every Carriage in Class 8, per Ton	Sixpence.

TABLE IV.—MAXIMUM CHARGES for SMALL PACKAGES and SINGLE ARTICLES of GREAT WEIGHT.

Small Packages :	
For every Parcel not exceeding Seven Pounds in Weight	Threepence.
For every Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight	Fivepence.
For every Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight	Sevenpence.
For every Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight	Ninepence.
For every Parcel exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight, for the First Fifty-six Pounds	One Shilling.
And for every additional Fifty-six Pounds, or the fractional Part of Fifty-six Pounds, above the First Fifty-six Pounds	Sixpence.

Single

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Single Articles of great Weight :

For every Boiler, Cylinder, or single Piece of Machinery, Timber, or Stone, or other single Article :

If weighing (inclusive of the Carriage) more than Four but not more than Eight Tons, Sixpence per Ton per Mile.

If weighing (inclusive of the Carriage) more than Eight Tons, such Sum as the Company may think fit.

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