



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. lxx.

An Act to enable the *Carmarthenshire* Railway or Tramroad Company to raise a further Sum of Money, and to amend the Act relating to the said Company. [27th June 1834.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Railway or Tram Road from or from near a certain Place called The Flats, in the Parish of Llanelly in the County of Carmarthen, to or near to certain Lime Rocks called Castell-y-Garreg, in the Parish of Llanfihangel Aberbythick in the said County, and for making and maintaining a Dock or Basin at the Termination of the said Railway or Tram Road at or near the said Place called The Flats; and the several Persons therein named and their Successors were incorporated by the Name and Style of "The Carmarthenshire Railway or Tram Road Company:"* And whereas the said Company have raised the Sum of Twenty-five thousand Pounds by the Sale and Creation of Shares, and the further Sum of Ten thousand Pounds by way of Mortgage, as authorized by the said Act, and have expended the same for the Purposes thereof, and the said Sum so raised by Mortgage, and the Interest thereof, is still owing on the Credit of the said Act: And whereas the said Railway or Tram Road has been partly made as a Tram Road under the Powers of the said Act, but has not been wholly completed,
[Local.] 23 M and

and the same is greatly out of repair, and it is desirable that the whole thereof should be now relaid and made into a Railway: And whereas the completing the said Railway or Tram Road would be of great Advantage to the Country in which the same is situate, and would open a Communication with various Collieries in the Line thereof, and it is therefore expedient that the said Company should be authorized to raise a further Sum of Money for the Purposes of the said Undertaking, and that the Provisions in the said Act should in other respects be altered, enlarged, and amended, and further and additional Powers granted to the said Company; but the said several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Restrictions, Matters, and Things contained in the said recited Act, save and except so far as the same are altered, repealed, or varied, and except as to raising the Sum of Ten thousand Pounds thereby authorized to be raised, shall be and they are hereby declared to be in full Force and Effect, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to the Powers, Provisions, Matters, and Things not repealed or altered, be construed together as One Act.

Extending Powers of recited Act to this Act.

Power to raise additional Capital not exceeding 12,000*l.*

II. And whereas, in order to enable the said Company to carry into effect the necessary Alterations and Improvements in the said Undertaking, it is expedient that the said Company should be authorized to raise a further Sum of Money; be it therefore enacted, That it shall be lawful for the said Company to raise, either by the Sale of Shares in manner herein-after mentioned, or by Contribution among themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, a further or additional Sum of Money, not exceeding in the whole the Sum of Twelve thousand Pounds, over and above the Sums authorized to be raised by the said recited Act, and which said further or additional Sum shall be raised either altogether or from Time to Time in such Amounts as the said Company shall deem most advantageous.

Power to issue Shares of 100*l.* each, in order to raise additional Capital.

III. And be it further enacted, That in order to raise the said additional Sum of Twelve thousand Pounds, it shall and may be lawful for the said Company to create and issue such a Number of Shares of One hundred Pounds each in the said Undertaking as may be necessary to produce the Capital by this Act authorized to be raised, or such Part thereof as the said Company may think fit; and such Shares, when so created and issued, shall be numbered in regular or arithmetical Progression, and every such Share shall always be distinguished by the Number to be applied to the same.

IV. And

IV. And be it further enacted, That the Proprietors of Shares to be created under or by virtue of this Act shall, in respect of Dividends on such Shares, have and be entitled to Priority over the Proprietors of Shares created under or by virtue of the said recited Act, to the Extent of Five Pounds *per Centum per Annum* for or in respect of the Shares so to be created under or by virtue of this Act, from the Time of paying the Money for such new Shares, so that no Dividends shall be payable upon or in respect of any Shares created by virtue of the said recited Act until the Proprietors of Shares to be created by virtue of this Act shall have received a Dividend of Five Pounds *per Centum per Annum* for or in respect of such lastly mentioned Shares, after which Dividends shall be payable in respect of the Shares created by virtue of the said recited Act at the same Rate, if or so far as the Funds of the said Company applicable to the Payment of Dividends will allow.

Proprietors
of new
Shares to
have Priority.

V. And be it further enacted, That it shall and may be lawful for the said Company to borrow of and from the Commissioners for carrying into execution an Act passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and of the several Acts therein recited and referred to, or from any other Person or Persons willing to lend the same, such Sum or Sums of Money as the said Company may deem expedient, not exceeding the Sum of Six thousand Pounds, for the Purposes of the said first-recited Act and of this Act, upon Mortgage or Assignment of the Rates, Duties, and Tolls authorized to be collected and received by the said recited Act or this Act, subject nevertheless, in case the same shall be borrowed from the said Commissioners, to such of the Provisoos or Conditions particularly mentioned and expressed in the Act of the Seventh Year of the Reign of His said late Majesty referred to in the said lastly mentioned Act, and the Acts therein respectively recited or referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint; and in case the same shall be borrowed from any other Person or Persons, then subject to such Provisoos, Terms, and Conditions as the said Company shall think fit: Provided always, that any Mortgage or Assignment which shall be given or made by the said Company in pursuance of this Act to the Commissioners for the Issue of Exchequer Bills shall have Priority over and shall precede all other Mortgages or Securities granted or to be granted under the Provisions of the said first-recited Act or of this Act.

Power to
borrow
Money from
Commis-
sioners of
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VI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the herein-recited Act, and which shall be remaining unappropriated or undisposed of, and also all Monies which shall arise and be produced by or from the Rates, Duties, and Tolls granted

Application
of Monies.

granted by the said recited Act and by this Act, together with any Monies which may be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue of the same Acts, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in or about applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in paying and discharging the Interest which shall from Time to Time be due on any Mortgage or Mortgages made or to be made under or by virtue of the said recited Act or this Act; thirdly, in defraying the Expences of executing the Purposes of the said recited Act and of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money already borrowed and secured, and hereafter to be borrowed and secured, by way of Mortgage, under or by virtue of the said recited Act and this Act.

Company
empowered
to collect
Tonnage
Dues in
Docks.

VII. Provided also, and be it further enacted, That in case the said Company shall, in pursuance of the Powers contained in the said first-recited Act, make and construct a Floating Dock or Basin, it shall and may be lawful for the said Company, from Time to Time and at all Times thereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the entering of all Ships and Vessels into the said Floating Dock or Basin, the Sum of Three-pence *per* Ton Register Measure for every Ship or Vessel so entering, payable and to be paid by the Master thereof, in lieu of the Tonnage of One Penny by the said first-recited Act directed to be paid for such Ship or Vessel by the Master thereof on entering such Dock or Basin.

No Loco-
motive
Engine to
cross Roads
on a Level.

VIII. Provided always, and be it further enacted, That in case the said Company shall use or permit to be used on the said Railway any Locomotive Engine, then the said Railway shall not cross any Turnpike Road on the Level thereof, but the same shall be carried over or under such Turnpike Road, or such Turnpike Road shall, as Circumstances may require, be carried over or under the said Railway, by means of a Bridge or Tunnel, such Bridge or Tunnel to be kept in repair by the said Company.

Regulations
as to Bridges
for carrying
Railway
over public
Roads.

IX. Provided always, and be it further enacted, That where any Bridge shall be erected or made by the said Company for the Purpose of carrying the said Railway over or across any Turnpike Road or public Carriage Way, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Twelve Feet, and of a Height from the Surface of such Turnpike Road or public Carriage Way to the Centre of such Arch of not less than Twelve Feet, and the Descent under any Bridge shall not exceed One Foot in Fifteen Feet; and where it may be necessary to erect, build, or make any Bridges for carrying any public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose

Regulating
Ascent of
Bridges for
carrying

of such Road shall not be more than One Foot in Fifteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge. public Roads over Railway.

X. Provided always, and be it further enacted, That in all Cases where the said Railway shall cross any public Highway on a Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of the said Railway where the said public Highway shall communicate with such Railway, which Gates shall be constantly kept shut, except at such Times as Waggon, Carts, and other Carriages passing along such public Highway shall have to cross the said Railway, and then shall be opened for the Purpose only of letting such Waggon, Carts, and other Carriages pass through; and every Driver or Person entrusted with the Care of any Waggon, Cart, or other Carriage, or with any String of Waggon, Carts, or other Carriages, shall and he is hereby directed to cause the said Gates and each of them to be shut as soon as such Waggon, Carts, and other Carriages shall have passed through the same, under the Penalty of Five Shillings for every Offence. Where Railway crosses public Highways on a Level, Company to erect Gates at each Side.

XI. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled and capacitated to sell, agree, or convey as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Commissioners within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall (for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act) neglect or refuse to treat, or shall not agree with the said Company for the Sale and Conveyance of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises In case the Parties refuse or are incapable to treat, the Value of the Land and Damages to be settled by a Jury.

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of which they respectively may be in possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act or the said recited Act cannot be made, then and in every such Case the said Company shall and they are hereby required, from Time to Time, to issue a Warrant, either under their Common Seal to the Sheriff of the County of *Carmarthen*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not interested as aforesaid (a Person having more recently served either Office being always preferred), commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Three or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or, being Quakers, upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest therein as shall have been of Right purchased by the said Company from any other Person, and also the Sum of Money to be

paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Corporations and Persons whatsoever: Provided always, that in such Inquiry the Person and Corporation claiming Compensation shall always be deemed to be Plaintiff, and entitled to the same Rights and Privileges as Plaintiffs in Actions at Law are entitled to; provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of the Person, or of the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise; provided also, that it shall be lawful for the said Company, and they are hereby empowered, if they think proper so to do, in and by their aforesaid or some subsequent Warrant, to command such Sheriff, Coroner, or other Person to summon the said Party with whom such Controversy shall arise to appear, by himself or his Attorney, before the said Under Sheriff, or the said Coroner or other Person, at such convenient Time and Place as in such Warrant shall be appointed, for the Purpose of nominating a Special Jury between the said Parties in dispute; and a Copy of the said Warrant shall be served on the Under Sheriff of the said County, in all Cases where the said Warrant is not directed to the Sheriff thereof, a reasonable Time before the Time appointed; and such Under Sheriff shall and he is hereby required to produce, at the Time and Place appointed, the Jurors Book and the Special Jurors List, and the Numbers, written on Parchment or Card, as specified and directed in and by the Statute made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*; and, at the Time and Place appointed, the said Under Sheriff, or the said Coroner or other Person, shall proceed to nominate a Special Jury in the Manner specified and authorized by the last-mentioned Act to be performed by the proper Officer of His Majesty's Courts at *Westminster*; and the said Under Sheriff shall, at some future Time and Place to be appointed in that Behalf, proceed to strike the said Special Jury in the Manner used and accustomed to be performed by the proper Officers of the Superior Courts aforesaid; of which last-mentioned

mentioned Time and Place not less than Seven Days Notice in Writing shall have been given by the said Company to the said Under Sheriff and the said other Party, which shall or may be served on such other Party in the Manner herein-before mentioned.

Compensation Money to be apportioned.

XII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his Interest therein.

Verdicts to be recorded.

XIII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County among the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriffs, Jurors, or Witnesses, making default.

XIV. And be it further enacted, That if any such Sheriff or Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being a Quaker, to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or, being a Quaker, affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds; all which said Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or Place in which the said Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced, if any, after such Penalty, and the Charges and Expences or such Distress and Sale, shall have been deducted.

Jurors to be under the same Regu-

XV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties

Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or, being Quakers, upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

lations as those of the Courts at *Westminster*.

XVI. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act or the said recited Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers granted by the said Acts, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place where such Inquisition shall be held not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or a less Sum than shall have been previously offered by the said Company, one Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his own Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

By whom Expence of Juries shall be paid.

XVII. And be it further enacted, That all Parties with whom the said Company shall have any Dispute shall, at their own Costs, before the said Company shall be obliged to issue their Warrant for the sum-

Bond to be entered into by Parties to pay Costs, &c.

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moning of such Jury, enter into a Bond, with Two sufficient Sureties, to the said Company, in a Penalty of One hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them; or in case the said Company shall have thought fit to issue such Warrant without such Bond having been previously entered into, it shall be lawful for the said Company, in the said Notice of the Time and Place at which such Jury are to be returned as aforesaid to serve as aforesaid, to give Notice that a Bond in the said Penalty of One hundred Pounds, with Two sufficient Sureties, conditioned to bear and pay their Proportion of the Costs and Expences aforesaid, will be required to be entered into by the said Parties to the said Company before the said Inquiry is commenced; and thereupon, unless such Bond be given, the said Parties so in dispute with the said Company shall not be allowed to be heard or to produce any Witnesses at or to take any Part or Share in the said Inquiry.

Application
of Com-
pensation
Money
amounting
to 200*l*.

1G. 4. c. 35.

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or for the Release of any such Lands from any Rents or other Incumbrances charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for any Compensation or Satisfaction under this Act which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on the Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the "*Car-marthenshire Railway Company*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be

purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall, from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

XIX. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands, being of Copyhold or Customary Tenure, or for Compensation or Satisfaction as aforesaid in respect of any Lands, and belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under the Hands of Three at least of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved of by the said Company), and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties and of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

Application
of Com-
pensation
Money when
less than
200*l.* and
exceeding
20*l.*

XX. Pro-

Application of Compensation Money when not exceeding 20*l*.

XX. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation or Satisfaction shall be paid, for their own Use and Benefit; or, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

In case of not making out Titles, &c. the Money to be paid into the Bank.

XXI. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act or the said recited Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenures, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Lands to the Satisfaction of the said Company, for the Purposes of this Act, or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Company to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them so far as the said Company can do), subject to the Controul and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof, by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or the Payment of the Dividends thereof, according to the Estate, Titles, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Company, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act or the said recited Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act or the said recited Act, for the Purchase of any Lands, or of the Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act for the Purposes aforesaid, or
for

for Compensation or Satisfaction as aforesaid, or to any Annuities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to some Part of such Lands, or to some Estate or Interest therein; and the said Court shall have full Power to direct the Payment of the said Annuities and Securities, and the Interest and Dividends thereof, unto the Person or Persons who shall be proved to be entitled to the same.

XXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used or in respect of which any Compensation or Satisfaction shall be payable under the Authority of this Act or the said recited Act, the Purchase Money for the same, or the Money paid for such Compensation or Satisfaction, shall be required to be paid into the Bank of *England*, to be applied in the Purchase of other Lands to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, together with the necessary Costs and Charges of obtaining such Orders, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk of the said Company; and if any such Person shall act in both Capacities of Clerk and Treasurer, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or the Partner of such Treasurer, shall act or in any such Manner officiate as Clerk in the Execution of this Act, or if any Treasurer shall hold

Same Person not to be Clerk and Treasurer.

[*Local.*]

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any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Repeal of so much of recited Act as relates to Appointment of Commissioners for settling Differences.

XXV. And be it further enacted, That so much of the said recited Act as relates to the Appointment of Commissioners for settling, determining, and adjusting such Questions, Matters, and Differences as are therein mentioned, and all the Powers by the said Act vested in or given to such Commissioners, shall be and the same are hereby repealed: Provided always, that nothing herein contained shall invalidate, prejudice, alter, or affect any Acts, Orders, or Judgments made, done, executed, or passed in conformity with the said recited Act by or before the said Commissioners previously to the passing of this Act.

Compensation hereafter to be made in gross Sums, and not by Annual Rents.

XXVI. And be it further enacted, That so much of the said recited Act as authorizes or directs any Compensation or Satisfaction to be made for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of the said recited Act, by Annual Rents, shall be and the same is hereby repealed, and from henceforth all such Compensations and Satisfaction shall be made by a Sum or Sums in Gross: Provided always, that nothing herein contained shall affect or invalidate any Compensation or Satisfaction already made, and which are or shall be payable at the Time of passing this Act; provided also, that it shall and may be lawful for the said Company, with the Consent of the Parties interested, to purchase, for a Sum or Sums in gross, any Annual Rent or Rents now payable by them as a Compensation or Satisfaction for any Lands, Tenements, or Hereditaments purchased for the Purposes of the said recited Act, by any Annual Rent or Rents.

Carriages not to be used unless constructed as directed by the Company.

XXVII. And be it further enacted, That no Carriage for the Conveyance of Goods, Passengers, or Cattle shall be permitted to pass along or be upon the said Railway, unless such Carriage shall have been constructed and shall at all Times be maintained agreeably to the Orders and Regulations, and shall be approved of by the Engineer or other Agent of the said Company authorized for that Purpose, which Orders and Regulations shall be fixed in legible Characters, and in some conspicuous Place, on Boards or otherwise, in or upon Two at least of the Toll Houses or Places at which any Tolls by this Act or the said recited Act authorized shall be appointed to be collected or received, except in passing any public or private Carriage Road which shall happen to cross the said Railway; and if any Person shall pass or be upon any Part of the said Railway with any Carriage not constructed in the Manner herein-before directed, he or his Employer, at the Option of the said Company, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

XXVIII. And

XXVIII. And whereas, for the greater Security of Passengers and other Persons travelling upon and using the said Railway, it is expedient that the Locomotive Engines which may be from Time to Time used in drawing or propelling Carriages upon or along the said Railway should be under the Controul of the said Company; be it therefore enacted, That no Locomotive Engine or other Description of moving Power shall at any Time be brought or be upon or be used on the said Railway, except the Locomotive Engines or other Power belonging to or found and provided by the said Company, or by such Person as may be from Time to Time especially licensed in that Behalf by the said Company, or which shall belong to or be provided by any other Railway Company acting by virtue of any Act of Parliament, whose Road shall communicate with the said Railway, and which shall usually travel on the Road of such other Railway Company, unless the same shall first have been approved of by the said Company, or by Award to be obtained as herein-after mentioned; and it shall be lawful for the said Company, and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine and to report thereon to the said Company, who shall within Seven Days after such Report give to the Party requiring the same a Certificate, stating whether such Engine is or is not fit and proper to be used on the said Railway, and whether he approves or disapproves of the same; and it shall be lawful for the said Company, from Time to Time, upon the Report of their Engineer or other Agent of any Engine used upon the said Railway being out of Repair or unfit to be used upon the said Railway, to order the same to be taken off, or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any Locomotive Engine without having first obtained such Certificate of Approval by the Company's Engineer as aforesaid, or such Award of Approval as herein-after mentioned, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such insufficient Engine as aforesaid, and the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company, and obtained such Certificate of Approval by the Company's Engineer as aforesaid, or such Award of Approval as next herein-after mentioned, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company are hereby authorized to remove any such Engine from the said Railway.

Engines used on the Railway to be approved by the Company.

XXIX. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be affixed on Boards or otherwise, or upon Two at the least of the Toll Houses or Places at which any Tolls by this Act authorized shall be appointed to be collected or received, in some conspicuous Place, and in large and legible Characters, an Account or List of the several Rates, Pontages, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken: Provided also, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any such Rates, Pontages, Tolls, or Duties, but for and during

A List of the Tolls to be affixed in conspicuous Places.

during such Time as such Account or List as aforesaid shall remain so affixed.

If Land not contracted for within Five Years, Power to take Property by Compulsion to cease.

XXX. And be it further enacted, That unless the said Company shall, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for the Lands which they are by this Act or the said recited Act until the Expiration of that Space of Time empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said Railway and other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for compulsorily requiring, taking, or using such Land shall cease and be utterly void.

If Railway not completed in Seven Years, Powers to cease, except as to such Part as shall be completed.

XXXI. And be it further enacted, That in case the said Railway and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act, and which until the Expiration of that Space of Time are hereby declared to be and are in full Force and Effect, shall thenceforth cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Carmarthen*, or any One of them, assembled at any General or Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Oath of Two or more Witnesses to be produced before them for the Purpose.

For making good Deficiencies in the Land Tax.

XXXII. And whereas, by reason of taking down Houses and Buildings and making Alterations in pursuance of this Act, there may be Deficiencies in the Assessment for Land Tax in the several Parishes through which the said Railway or other Works of the said Company will pass and be situate; be it therefore enacted, That the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same, under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said Assessment for Land Tax within the said Parish by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessment, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

XXXIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act or the said recited Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said County of *Carmarthen*, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein or therein directed to be otherwise applied, shall be paid, One Moiety to the Informer, and the Remainder to the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Township or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Township or Place; and in case such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before any such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Ten Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Recovery
and Applica-
tion of
Penalties.

XXXIV. And be it further enacted, That in all Cases in which, by this or the said recited Act, any Penalty or Forfeiture is made recover-
[Local.] 23 Q

Justices may
proceed by
able

Summons in
the Reco-
very of
Penalties.

able by Information before any Justice of the Peace, it shall and may be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act or against the said recited Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual, to all Intents and Purposes, as if an Information in Writing or in Print had been exhibited.

Company
not to apply
any Part of
their addi-
tional Capi-
tal to making
a Wet Dock.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to apply any Part of the Monies hereby authorized to be raised (but without Prejudice to their Right to apply any other Monies) in making or constructing any Wet or Floating Dock or Basin, or in altering or converting any Dry Dock now belonging to the said Company into a Wet or Floating Dock or Basin.

Public Act.

XXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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