

**CHAPTER ccxxxvi.**

An Act to revive the powers and extend the time for the compulsory purchase of lands for and to extend the time for the completion of parts of the railways of the Rosebush and Fishguard Railway Company to enable that Company to raise additional capital to change the name of the Company and for other purposes.

A.D. 1884.

[7th August 1884.]

**W**HEREAS by the Rosebush and Fishguard Railway Act 1878 (in this Act called "the Act of 1878") the Rosebush and Fishguard Railway Company (in this Act called "the Company") were incorporated for making and maintaining a railway (in this Act called "the original line") from the Narberth Road and Maenclochog Railway at Rosebush to Fishguard with a share capital of ninety thousand pounds and with power to borrow not exceeding thirty thousand pounds :

And whereas by the Act of 1878 the time for the compulsory purchase of lands for the purposes of that Act was limited to three years from the passing of that Act and the time for the completion of the original line was limited to five years from the passing of that Act :

And whereas by the Rosebush and Fishguard Railway Act 1881 (in this Act called "the Act of 1881") the Company was authorised to make and maintain a deviation of part of the original line and to abandon so much of the original line as would be rendered unnecessary by the construction of such deviation :

And whereas by the Act of 1881 the time for the compulsory purchase of lands for the purposes of that Act was limited to two years from the passing of that Act and the time for the completion of the deviation railway thereby authorised was limited to three years from the passing of the same Act which received the Royal Assent on the eleventh day of August one thousand eight hundred and eighty-one :



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And whereas by the Act of 1881 the times limited respectively by the Act of 1878 for the compulsory purchase of lands for and for the completion of so much of the original line as lay between the Fishguard end of the deviation railway authorised by the Act of 1881 and Fishguard (herein-after called the Fishguard Section) of the original line were extended for two and three years respectively from the eighth day of August one thousand eight hundred and eighty-one :

And whereas it is expedient that the periods limited respectively by the Act of 1881 for the compulsory purchase of lands for the completion of the deviation railway by that Act authorised and for the completion of the Fishguard Section of the original line should be revived and extended and that the periods limited respectively by the same Act for the completion of the said deviation railway and portion of the original line should be extended as by this Act provided :

And whereas the amount of the capital authorised by the Act of 1878 is insufficient to enable the Company to complete the said railways and it is expedient that the Company be authorised to raise further money :

And whereas the Company have not issued any debenture stock :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the North Pembrokeshire and Fishguard Railway Act 1884.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;



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The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested and the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and Part II (relating to extension of time) of the Railways Clauses Act 1863

are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpretation.

4. The powers of the Company under the Act of 1881 for the compulsory purchase of lands for the completion of the deviation railway by that Act authorised are hereby revived and may be exercised at any time within but shall not be exercised after the expiration of two years from the eighth day of August one thousand eight hundred and eighty-four.

Reviving powers and extending period for compulsory purchase of lands for deviation authorised by Act of 1881.

5. The period limited by the Act of 1881 for the completion of the deviation railway by that Act authorised is hereby extended to three years from the eighth day of August one thousand eight hundred and eighty-four and that period shall for all purposes be deemed to be the period originally limited for the completion thereof and if the said deviation railway be not then completed then at the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Extending period for completion of the deviation railway authorised by Act of 1881.

6. The powers of the Company under the Acts of 1878 and 1881 for the compulsory purchase of lands for the Fishguard Section of the original line are hereby revived and may be exercised at any time within but shall not be exercised after the expiration of two years from the eighth day of August one thousand eight hundred and eighty-four.

Reviving powers and extending period for compulsory purchase of lands for part of original line.

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Extending  
period for  
completion  
of the same  
part of the  
original line.

7. The period limited by the Act of 1878 as amended by the Act of 1881 for the completion of the Fishguard Section of the original line is hereby extended to three years from the eighth day of August one thousand eight hundred and eighty-four and that period shall for all purposes be deemed to be the period originally limited for the completion of that section and if the said section of the original line be not then completed then at the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Powers to  
raise addi-  
tional capital.

8. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 in addition to the capital which by the Acts of 1878 and 1881 they are authorised to raise from time to time raise for the general purposes of the Company any sum or sums of money not exceeding in the whole seventy-two thousand pounds by the issue at their option of new ordinary shares or stock.

Shares not  
to be issued  
until one-  
fifth paid.

9. The Company shall not issue any share created under this Act of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of the share be paid in respect thereof.

Calls.

10. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt for  
persons not  
sui juris.

11. If any money is payable to a shareholder being an infant or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Except as  
otherwise  
provided new  
shares or  
stock to be  
subject to  
the same in-  
cidents as  
other shares  
or stock.

12. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on  
new shares  
or stock.

13. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to



the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be. A.D. 1884.

14. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

15. The Company may in respect of the additional capital of seventy-two thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-four thousand pounds and of that sum they may borrow in respect of each thirty-six thousand pounds of additional capital any sum or sums not exceeding in the whole twelve thousand pounds but no part of either of such sums of twelve thousand pounds shall be borrowed until shares for so much of the thirty-six thousand pounds of additional capital in respect of which the borrowing power is to be exercised as is to be raised by means of shares are issued and accepted and one half of such portion of additional capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of the said portion of additional capital as is to be raised by means of shares have been issued and accepted and that one half of such portion of additional capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of additional capital has been paid on account thereof before or at the time of issue or acceptance thereof and until stock for one half of so much of the said portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said portion of additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow.

16. The provisions of the Act of 1878 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Repealing provisions as to appointment of a receiver.



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For appoint-  
ment of a  
receiver.

**17.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being owing by the Company upon mortgage.

Debenture  
stock.

**18.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein or in section 20 of the Act of 1878 or section 32 of the Act of 1881 contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1881 and this and any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application  
of money.

**19.** All moneys by this Act authorised to be raised by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and of the Acts of 1878 and 1881 to which capital is properly applicable.

Change of  
name of  
Company.

**20.** Subject to the provisions of Part IV of the Companies Clauses Act 1863 and from and after the passing of this Act the name of the Company instead of being the name "Rosebush and Fishguard Railway Company" shall be the name "The North Pembrokehire and Fishguard Railway Company."

Classification  
table to be  
open to in-  
spection and  
copies to be  
sold.

**21.** The books tables or other documents in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such books tables or other documents as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over

Terminal  
charges (if  
any) to be  
specified on  
application.



the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

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Penalty.

**22.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

**23.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

**24.** Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Provisions as to general Railway Acts.

**25.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act

