



CHAPTER liii.

An Act to revive the powers for the construction of a portion of the Railway authorised by the Rosebush and Fishguard Railway Act 1878 to authorise the North Pembrokehire and Fishguard Railway Company to construct a deviation Railway and for other purposes.

A.D. 1886.

[25th September 1886.]

WHEREAS by the Rosebush and Fishguard Railway Act 1878 (in this Act called "the Act of 1878") a Company therein called the Rosebush and Fishguard Railway Company (and 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:

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 by that Act the times respectively limited 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 said deviation railway 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 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

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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:

And whereas by the North Pembrokeshire and Fishguard Railway Act 1884 (in this Act called "the Act of 1884") the times respectively limited as aforesaid for the compulsory purchase of lands for and for the completion of the deviation railway authorised by the Act of 1881 and 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-four and the name of the Company was changed:

And whereas at the time of the application to Parliament for the Act of 1881 the Company had arranged for the purchase of all the lands required for that portion of the original line which lies between its commencement and the Rosebush end of the deviation railway aforesaid (herein-after called "the Rosebush section") and had contracted for the construction and completion thereof within the time in that behalf limited by the Act of 1878 and did not therefore seek for an extension of the times respectively limited as aforesaid for the compulsory purchase of lands for or for the completion of the Rosebush section:

And whereas the Company have purchased a considerable portion of the lands required for the purposes of the Rosebush section but owing to various causes were unable to complete the same within the time limited in that behalf by the Act of 1878 and that time has expired and it is expedient that the powers of the Company for the construction of the Rosebush section should be revived:

And whereas it is expedient that the Company should be authorised to deviate the railway authorised by the Act of 1881 and a portion of the Fishguard section of the original line and to abandon and relinquish the construction of so much of their authorised railways as will be rendered unnecessary by the construction of the deviation railway by this Act authorised:

And whereas the authorised capital and borrowing powers of the Company are as follows:—

| Act under which Capital authorised. | Amount of Share Capital. | Borrowing Powers. |
|-------------------------------------|--------------------------|-------------------|
| Act of 1878 | 90,000 | } 30,000 |
| Act of 1881 | 50,000 | |
| Act of 1884 | 72,000 | 24,000 |
| Total | 212,000 | 54,000 |

of which sums the Company have raised by means of shares and expended on the construction of the Rosebush section and the purchase of land therefor upwards of ten thousand pounds :

And whereas the Company have not borrowed any money or issued any debenture stock :

And whereas it is expedient that the Company and the Great Western Railway Company should be empowered to enter into agreements as herein-after provided :

And whereas the sum of four thousand eight hundred pounds Three per Centum Consolidated Bank Annuities being at the price at which the same were purchased equal to five per centum upon the amount of the estimate of the original line was deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for the Act of 1878 as recited in the 31st section of that Act and that sum still remains in Court and is herein-after called the original deposit fund :

And whereas of the original deposit fund the sum of one thousand pounds Three per Centum Consolidated Bank Annuities represented five per centum on the estimate of expense of the Rosebush section which latter sum is herein-after referred to as the Rosebush deposit fund :

And whereas by section 32 of the Act of 1878 it was provided that if the Company did not previously to the expiration of the period by that Act limited for the completion of the railway thereby authorised complete the same and open it for public traffic then the original deposit fund or so much thereof as should not have been repaid to the depositors should in the first instance be applicable towards compensating landowners and other persons whose property had been interfered with or injuriously affected and for which interference or injury no compensation or inadequate compensation should have been paid and that any surplus remaining over after the satisfaction of the claims of such landowners or other persons should be forfeited to Her Majesty or if the Company were insolvent should be applied for the benefit of the creditors of the Company :

And whereas owing to the non-completion herein-before recited of the Rosebush section the Rosebush deposit fund has become forfeited in accordance with the provisions of that section but having regard to the circumstances under which such liability arose it is expedient that such liability should be removed and such deposit fund should remain as a security for the completion of the Rosebush section as herein-after provided :

And whereas the estimated expense of the deviation railway by this Act authorised is less by ten thousand pounds than the estimated expense of the railways by this Act authorised to be aban-

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done and it is expedient that a sum equal to 5 per cent. on that amount should be repaid out of the original deposit fund to the depositors thereof:

And whereas plans and sections showing the line and levels of the deviation railway and works authorised by this Act and of the Rosebush section and also books 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 for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Pembroke and are herein-after respectively referred to as the deposited plans sections and books of reference:

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 Pembroke and Fishguard Railway Act 1886.

Incorporation of Acts.

2. The clauses and provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) Part II. (extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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.

Powers of Act of 1878 revived and contracts &c. extended.

4. All the rights powers and authorities conferred upon the Company by the Act of 1878 for the construction and completion of the Rosebush section and the levying of tolls rates and charges the compulsory purchase of lands and all other matters in respect of that section and all powers by that Act conferred on any other

company or persons shall be and the same are hereby revived and all contracts obligations and liabilities contracted or incurred by or imposed upon the Company under that Act or in the exercise of the powers thereby conferred shall be and the same are hereby continued and made applicable to the Company and their undertaking as authorised to be constructed or completed under this Act.

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5. The Rosebush section which the Company may under the Act of 1878 and this Act make or complete and maintain is wholly situate in the county of Pembroke and is:

Power as
to making
Rosebush
section.

A railway with all proper stations approaches works and conveniences connected therewith 3 miles 6 furlongs and 3 chains or thereabouts in length commencing by a junction with the Narberth Road and Maenclochog Railway at or near the booking office of the Rosebush Station thereon and terminating in the parish of Morvil at the point of commencement herein-after described of the deviation railway by this Act authorised:

And the said Rosebush section and works connected therewith shall be constructed and maintained subject to the provisions of the Acts wholly or partially incorporated with the Act of 1878 and (subject to the provisions of the Act of 1878) in the line and according to the levels shown on the deposited plans and sections.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the deviation railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The deviation railway herein-before referred to and authorised by this Act will be situate in the county of Pembroke and is as follows:

Power to
make
deviation
railway.

A deviation railway 10 miles and 1 furlong or thereabouts in length commencing in the parish of Morvil by a junction with the railway authorised by the Act of 1878 at the point at which the centre line of the said railway is shown on the plans deposited for and referred to in the Act of 1878 as intersected by a fence which separates from each other the properties numbered respectively on the said plans 74 and 75 in the said parish of Morvil and terminating in the parish of Llanwnda by a junction with the railway authorised by the Act of 1878 at a point shown on the said plans of 1878 as indicating the distance of 13 miles from the point of commencement of that railway.

7. Notwithstanding anything herein contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or tem-

Not to take
lands or
interfere
with rail-

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way of
Great
Western
Railway
Company
except for
the purpose
of junction.

porarily any of the lands works or property of the Great Western Railway Company or in any manner to alter vary or interfere with the railway of that company or the works of or connected therewith without the consent of the Great Western Railway Company under their common seal save only for the purpose of effecting the junction by this Act authorised and the Great Western Railway Company may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junction and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith.

Power to
take ease-
ments &c.
by agree-
ment.

8. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for
compulsory
purchase of
lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act (including the Rosebush section) shall not be exercised after the expiration of three years from the passing of this Act.

Inclination
of roads.

10. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

| Railway. | No. on deposited Plan. | Parish. | Description of Road. | Intended Inclination. |
|-------------------------|------------------------|------------|----------------------|--|
| Rosebush section | 64 | Morvil | Public carriage road | 1 in 18 on one side and level on the other |
| Deviation rail- way. | 12 | Puncheston | Public carriage road | 1 in 16½ and level |
| | 103 | Letterston | Public carriage road | 1 in 10½ and level |
| | 92 | Manor Owen | Public carriage road | 1 in 13 and level |

11. The Company may make the arches of the bridges for carrying the respective railways next herein-after mentioned over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :

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Height and span of bridges.

| Railway. | No. on deposited Plan. | Parish. | Description of Road. | Height. | Span. |
|-------------------|------------------------|------------------|----------------------|---------|---------|
| Rosebush section | 64 | Morvil | Public carriage road | 14 feet | 15 feet |
| Deviation railway | 14 | Castle Bythe | Public carriage road | 15 feet | 15 feet |
| | 46 | Puncheston | Public carriage road | 15 feet | 20 feet |
| | 73 | Puncheston | Public carriage road | 15 feet | 20 feet |
| | 19 | Little Newcastle | Public carriage road | 15 feet | 20 feet |
| | 23A | Jordanstone | Public carriage road | 15 feet | 20 feet |

12. The Company may make the roadway over the bridges by which the following roads will be carried over the railway by this Act authorised of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :

Width of certain roadways.

| Railway. | No. on Plan. | Parish. | Description of Roadway. | Width of Roadway. |
|-------------------|--------------|------------|-------------------------|-------------------|
| Deviation railway | 12 | Puncheston | Public carriage road | 15 feet |
| " | 46 | Letterston | Public carriage road | 20 feet |
| " | 103 | Letterston | Public carriage road | 15 feet |
| " | 59 | Manor Owen | Public carriage road | 15 feet |
| " | 64 | Manor Owen | Public carriage road | 15 feet |
| " | 92 | Manor Owen | Public carriage road | 20 feet |

13. Notwithstanding anything in the Act of 1878 or this Act the Company shall not under the powers of this Act purchase or acquire any of the commonable land in the parish of Maenclochog known as Maenclochog Common and notwithstanding anything in this Act the Company shall not for the purpose of the deviation

Limiting amount of commonable land to be acquired.

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railway by this Act authorised purchase more of the commons next herein-after mentioned than the amounts herein-after in each respective instance mentioned in connexion with such commons :

| Name by which the Lands are known. | Parish in which the Lands are situate. | Estimated Quantity to be taken. |
|------------------------------------|--|---------------------------------|
| Puncheston Common | Puncheston | 5 acres |
| Letterston Common | Letterston | 1 acre |

Restriction on displacing persons of the labouring class.

14. The Company shall not under the powers of this Act or of the recited Acts without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression "labouring class" in this section includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Extending period for compulsory purchase of lands for part of original line.

15. The powers of the Company under the Act of 1878 as extended by the Act of 1881 and the Act of 1884 for the compulsory purchase of lands for the portion of the Fishguard section of the original line which is not by the Act of 1881 or this Act authorised to be abandoned are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the passing of this Act.

Extending period for completion of some part of original line.

16. The period limited by the Act of 1878 as amended by the Act of 1881 and the Act of 1884 for the completion of the portion of the Fishguard section of the original line which is not by the Act of 1881 or this Act authorised to be abandoned is hereby extended to five years from the passing of this Act and that period shall for all purposes be deemed to be the period originally limited for the completion of the said portion of the Fishguard section of the original line and if the same 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.

17. The Company may and shall abandon the construction of—

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(1.) So much of the railway authorised by the Act of 1878 as will be rendered unnecessary by the construction of the deviation railway by this Act authorised and

(2.) The deviation railway authorised by the Act of 1881.

Company may abandon portions of authorised lines.

18. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1878 or the Act of 1881.

Compensation for damage to land by cutting &c. for purposes of railway abandoned.

19. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portion of railways abandoned.

20. Notwithstanding anything in the Act of 1878 the Rosebush deposit fund shall not be forfeited to Her Majesty as provided by the Act of 1878 but shall with the remainder of the original deposit fund (as reduced by the release of the portion thereof herein-after authorised to be released) remain as a security for the completion of the railway authorised by that Act as varied by the Act of 1881 and this Act in accordance with and subject to the provisions of sections 31 and 32 of the Act of 1878 as if the same had never been liable to forfeiture And for the purposes of those sections the deviation rail-

Provisions as to original deposit.

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way authorised by this Act shall be deemed to be part of the railway authorised by the Act of 1878 and the deposit fund mentioned in the said sections as reduced as aforesaid shall be deemed to include five per cent. upon the amount of the estimate in respect of the deviation railway by this Act authorised. And the provisions of the said section 31 of the Act of 1878 as to the payment or transference of the said original deposit fund or of a proportionate part or parts thereof upon the railway authorised by the Act of 1878 or any part or parts thereof being completed and open for public conveyance of passengers and all other provisions of the said section and of section 32 of the same Act shall be applicable in all respects to the original deposit fund as reduced as aforesaid and to the railway authorised by the Act of 1878 as varied by the Act of 1881 and this Act but notwithstanding anything in the Act of 1878 or in this Act contained to the contrary the Company shall so far as regards the Rosebush section be deemed to have complied with the provisions of the aforesaid sections 31 and 32 of the Act of 1878 as amended by this Act so as to entitle the depositors referred to in those sections to the repayment or re-transfer of the Rosebush deposit fund or a proportionate part or parts thereof as soon as the Company shall have completed the Rosebush section or any part or parts thereof as the case may be and shall have opened the same for the conveyance of goods. Provided always that for the purposes of the said sections 31 and 32 the period limited for the completion of the railways shall be deemed as regards the deviation railway by this Act authorised and the Rosebush section and the portion of the original line which is not by the Act of 1881 or this Act authorised to be abandoned to be the period of five years from the passing of this Act but nothing in this section shall prejudice or alter any right of any owner or occupier of lands or other person injuriously affected or any creditor to or over the original deposit fund.

Deposit
fund.

21. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of five thousand pounds Three per Centum Consolidated Bank Annuities being equal at the price at which the same were purchased to five per centum upon the amount of the estimate in respect of railways proposed to be authorised by the Bill for this Act as originally introduced into Parliament and of the Rosebush section has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act. And whereas the aforesaid proposed railways were omitted from the Bill during its progress through Parliament and the Rosebush deposit fund is by the

preceding section of this Act made to remain as a security for the completion of the railway of which the Rosebush section is a part Be it therefore enacted that 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 of the ninth year of the reign of Her present Majesty chapter 20 or the survivor or survivors of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") at any time after the passing of this Act the Court may and shall order that the said sum of five thousand pounds Three per Centum Consolidated Bank Annuities and the interest thereon shall be transferred and paid to the depositors or the survivor or survivors of them or to any other person or persons whom they or the survivor or survivors of them may appoint in that behalf.

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22. On the application of the depositors referred to in section 31 of the Act of 1878 to the Chancery Division of the High Court of Justice at any time after the passing of this Act the Court may and shall order that the sum of five hundred and forty pounds Three Pounds per Centum Consolidated Bank Annuities out of the original deposit fund representing at the price at which the same were purchased five per centum on the sum of ten thousand pounds and the interest and dividends on the said first-mentioned sum shall be paid or transferred to such depositors or the survivors or survivor of them or any person or persons whom they or the survivors or survivor of them may appoint in that behalf.

Release of
balance of
original
deposit fund.

23. If the works by this Act authorised or powers to construct which are by this Act revived are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for
completion
of works.

24. The deviation railway by this Act authorised shall form part of the railways of the Company and the Company may from time to time demand and take for or in respect of the said deviation railway such and the like tolls rates and charges as by the Act of 1878 are authorised to be demanded and taken for or in respect of the railways thereby authorised.

Tolls &c. on
deviation
railway.

25. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are by the Act of 1878 or by the Act of 1881 or by the Act of 1884 authorised to raise by shares or stock debenture stock or borrowing

Power to
apply funds.

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Power to enter into traffic arrangements.

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

The working use management and maintenance by the Great Western Railway Company of the railways and works of the Company or any part or parts thereof respectively:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or either of them:

The supply and maintenance under any agreement for the railways of the Company being worked and used by the Great Western Railway Company of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of the traffic:

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the respective railways and works of the contracting companies or either of them or any part thereof.

Tolls on traffic conveyed partly on the railways of the Company and partly on railways of Great Western Railway Company.

27. During the continuance of any such agreement as aforesaid the railways of the Company and the Great Western Railway Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the Great Western Railway Company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of the Great Western Railway Company.

Saving rights of the Great

28. Except only as is by this Act expressly provided nothing in this Act contained shall take away lessen prejudice or alter any

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of the estates rights interests powers privileges or authorities of the Great Western Railway Company.

Western
Railway
Company.

29. Nothing in this Act contained shall exempt the Company or the Great Western Railway Company or the railways of either company 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 the Acts of the respective companies.

Provision as
to general
railway
Acts.

30. 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.