



CHAPTER ciii.

An Act to revive and extend the time for purchasing A.D. 1892.
Lands and completing the North Pembrokeshire and
Fishguard Railway and for other purposes.

[20th June 1892.]

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") was 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 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

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A.D. 1892. 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 :

And whereas by the North Pembrokehire 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 by the North Pembrokehire and Fishguard Railway Act 1886 (in this Act called " the Act of 1886 ") the Company was authorised to make and maintain a deviation 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 1884 for the compulsory purchase of lands for and for the completion of the original line with the said deviations were extended for two and three years respectively from the twenty-fifth day of September one thousand eight hundred and eighty-six and 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 Fishguard section which was not abandoned was extended to five years from the twenty-fifth September one thousand eight hundred and eighty-six :

And whereas it is expedient that the time limited as aforesaid for the completion and opening the railway for the public conveyance of passengers should be revived and extended and that the sum deposited as security for the completion of the railway should be made applicable as security for the completion thereof within the extended time granted by this Act :

And whereas the Company have purchased a considerable portion of the lands required for the purposes of the railway but owing to unforeseen difficulties they have been unable to complete the same within the time limited in that behalf by the Act of 1886 and that time has expired and it is expedient that the powers of the Company should be revived :

And whereas plans and sections of the railways being identical with those deposited in respect of the Act of 1886 and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property which may be taken for the purposes of the

railways have been deposited with reference to the application to Parliament for this Act with the clerk of the peace for the county of Pembroke :

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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 :—

1. This Act may be cited as the North Pembrokehire and Fishguard Railway Act 1892.

Short title.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Incorporation of Part II. of Railways Clauses Act 1863.

3. The powers of the Company under the Act of 1886 for the compulsory purchase of lands for the completion of the deviation railway by that Act authorised are hereby revived and may be exercised by the Company at any time within but shall not be exercised after the expiration of one year from the passing of this Act.

Reviving powers and extending period for compulsory purchase of lands.

4. The period limited by the Act of 1886 for the completion of the deviation railway by that Act authorised is hereby revived and extended for three years from the passing of this Act and on the expiration of that period the powers granted to the Company by the said Act and this Act for the completion of the deviation railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Reviving powers and extending period for completion of railway.

5. The powers of the Company under the Act of 1878 as extended by the Act of 1881 the Act of 1884 and the Act of 1886 for the compulsory purchase of lands for the portions of the Fishguard section of the original line which is not by the Acts of 1881 or 1886 authorised to be abandoned are hereby revived and extended and may be exercised at any time within but shall cease after the expiration of one year from the passing of this Act.

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

6. The period limited by the Act of 1878 as extended by the Acts of 1881 1884 and 1886 for the completion of the railway authorised by the Act of 1878 is hereby revived and extended for a period of three years from the passing of this Act and on the expiration of that period the powers of the Company for making and completing that railway or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Further extending period limited for completion of railway.

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Saving for
Postmaster-
General.

7. Nothing in any agreement made under the authority of the Act of 1878 or any Act relating to the Company shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the Great Western Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

As to repay-
ment of
deposit
money.

8. Sections 20 and 21 of the Act of 1886 are hereby repealed and in lieu thereof the following provisions are enacted:—

(1) 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 Four thousand three hundred and forty-one pounds seven shillings and elevenpence consolidated two and three-quarter pounds per centum annuities being equal to five per centum upon the amount of the estimate in respect of the railway the powers for the construction of which are by this Act revived is now standing in the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for the Act of 1878 which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the Acts of 1878 1881 1884 and 1886 the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the Act of 1878 or the survivor or survivors of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the portion of railway the powers

for construction of which are by this Act revived the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to procure any certificate of this Act having passed anything in the said Act of the ninth year of Her Majesty to the contrary notwithstanding. A.D. 1892.

(2) If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the person or persons entitled thereto Provided that until the deposit fund has been repaid or re-transferred to the person or persons aforesaid or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons aforesaid. Providing for release of deposit fund.

9. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban sanitary Restriction on taking houses of labouring class.

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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 or on the fifteenth day of December last or on the fifteenth day of December one thousand eight hundred and eighty-five were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

For the purposes of this section the expression "labouring class" 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.

Provision as
to general
Railway
Acts.

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

Costs of Act.

11. 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.

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