



CHAPTER xcvi.

An Act for authorising the construction of a Railway with
a Pier and Breakwater in connexion therewith at Fish-
guard Bay in the county of Pembroke and for other
purposes. [29th June 1893.]

A.D. 1893.

WHEREAS the making of the railway pier embankment or sea-
wall and other works herein-after described would be of public
and local advantage :

And whereas the persons in this Act named with others are willing
at their own expense to construct the railway pier embankment or
sea-wall and other works and it is expedient that powers should be
conferred on them for the purpose :

And whereas plans and sections showing the lines and levels of
the railway and pier authorised by this Act 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 it is expedient to authorise the payment of interest
out of capital during the construction of the railway pier embank-
ment or sea-wall and other works as herein-after provided :

And whereas it is expedient to authorise the working and traffic
agreements and facilities and to confer the running and other powers
with reference to the North Pembrookshire and Fishguard Railway
herein-after mentioned :

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

[Ch. xcvi.] *Fishguard Bay Railway and Pier Act, 1893.* [56 & 57 VICT.]

A.D. 1893. — 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 Fishguard Bay Railway and Pier Act 1893.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 with the exception of sections 16 and 17 (which shall not be in force for the purposes of this Act save so far as from time to time the same may be required by the Board of Trade) are (except where expressly varied by this Act) incorporated with and form part of this Act and the provisions of sections 13 18 and 19 of the Railways Clauses Act 1863 shall extend and apply to the pier authorised by 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 The expression "the Company" or "the Undertakers" in this Act and the Acts wholly or partially incorporated herewith means the Company incorporated by this Act The expression "the railway" means the railway by this Act authorised The expression "the pier" means the pier and works connected therewith by this Act authorised The expression "the undertaking" means the undertaking by this Act authorised 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.

Company incorporated. 4. James Frank Howard Cartland Joseph Rowlands and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and pier and for other the purposes of this

Act and for those purposes shall be and are hereby incorporated by the name of the Fishguard Bay Railway and Pier Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. A.D. 1893.

5. 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 railway pier and embankment or sea-wall herein-after described with all proper stations sidings approaches landing and shipping places moorings 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 railway pier embankment or sea-wall herein-before referred to and authorised by this Act are— Power to make railway and pier.

(1) A railway seven furlongs four chains or thereabouts in length wholly in the parish of Llanwnda in the county of Pembroke commencing by a junction with the railway authorised by the North Pembroke and Fishguard Railway Act 1892 (Fishguard section) at a point thereon measuring one hundred and ninety-one yards from the termination thereof and terminating on the western side of Fishguard Bay at a point one hundred yards or thereabouts to the north-east of the new (or Cow and Calf) life-boat house at Goodwic :

(2) A pier or breakwater in length three hundred and fifty yards or thereabouts of which one hundred yards will be in open work and two hundred and fifty yards in solid work wholly situate in the parish of Llanwnda and commencing at a point one hundred yards or thereabouts to the north-east of the new (or Cow and Calf) life-boat house at Goodwic aforesaid and extending thence in a south-easterly direction into Fishguard Bay and terminating at a point distant three hundred and fifty yards or thereabouts from the point of commencement :

(3) An embankment or sea-wall wholly in the parish of Llanwnda aforesaid commencing at the point of commencement of the pier or breakwater lastly described and extending in a south-westerly direction along the coast of Fishguard Bay and terminating at a distance of three hundred yards or thereabouts measured along the cliff from the said point of commencement.

6. The capital of the Company shall be one hundred and twenty thousand pounds in twelve hundred shares of ten pounds each. Capital and number and amount of shares.

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Shares not to be issued until one-fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

8. One-fifth of the amount of a share shall be the greatest amount of a call and two 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 in case of person not sui juris.

9. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

10. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Dividend on half-shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder (if any) in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of

12. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share

bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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the profits of the year only.

13. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half-shares to be registered and certificates issued.

14. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Terms of issue to be stated on certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

16. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

17. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares whether preferred or deferred or one of each held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half-shares to be half-shares in capital.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty

Power to borrow.

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thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and twenty thousand pounds is issued and accepted and one-half thereof 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 the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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 shall be sufficient evidence thereof.

For appointment of a receiver.

19. The mortgagees of the undertaking 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 four thousand pounds in the whole.

Debenture stock.

20. 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 contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or 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 and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only to which capital is properly applicable.

First ordinary meeting and quorum.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the quorum for general meetings whether ordinary or extraordinary shall be

six shareholders holding together not less than five thousand pounds in the capital of the Company. A.D. 1893.

23. The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three. Number of directors.

24. The qualification of a director shall be the possession in his own right of not less than forty shares. Qualification of directors.

25. The quorum of a meeting of directors shall be three. Quorum.

26. James Frank Howard Cartland Joseph Rowlands and Henry Partridge and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

27. Subject to the provisions and for the purposes of this Act the Company may enter on take and use all or any of the land and premises described in the deposited plans and books of reference but the quantity of land which may be taken by the Company from the common or reputed common or commonable land known as Goodwic Moor for the purposes of the railway pier and works shall not exceed three acres: Power to acquire lands.

Provided that no part of the common shall be taken by the Company until they shall have acquired and thrown into the common an equal area of land adjoining thereto and obtained a certificate from the Board of Agriculture that this requirement has been fulfilled and the land so acquired and thrown into the common shall thenceforth be and become part of the common.

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Power to take easements &c. by agreement.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege 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.

Lands for extraordinary purposes.

29. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Access to seashore.

31. The Company in constructing the railway by this Act authorised shall make and permanently maintain at their own expense for the free use of the public such footways and carriage-ways over under or across the railway as the Board of Trade may direct or approve.

Archway for life-boats.

32. Before the railway is constructed so as to interfere with the access from the new (or Cow and Calf) life-boat house to the seashore the Company shall provide an archway or opening at least twelve feet wide and twelve feet high throughout with a suitable slipway for launching and drawing up the life-boat in such position as the committee of the Royal National Life-boat Institution shall approve or if required by the said committee the Company shall take down the present life-boat house and rebuild the same and provide a suitable slipway in connexion therewith in such position upon land of the Company on the seaward side of the railway or on the pier or other works as shall be satisfactory to the said committee.

Power to deviate.

33. The Company may with the consent in writing of the Board of Trade in constructing the railway or pier deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and with the like consent may deviate from the levels thereof shown on the deposited sections to the extent of five

feet and to such further extent laterally or vertically as may be sanctioned by the Board of Trade. A.D. 1893.

34. The Company may with the consent in writing of the Board of Trade excavate deepen scour and dredge from time to time such parts of Fishguard Bay and foreshore near the pier as may be necessary for securing convenient access thereto by ships and vessels. Incidental works.

35. The prescribed limits referred to in section 52 of the Harbours Docks and Piers Clauses Act 1847 shall be the pier by this Act authorised and a distance of one hundred yards below high-water mark from any and every part thereof. Prescribed limits for piermaster.

36. The Company shall not under the powers of this Act take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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.

37. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 there has been deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act a sum of eight hundred and thirty-four pounds seven shillings and elevenpence two and three-quarters per centum consolidated stock equal to five per centum on the amount of the estimate of the railway (in this Act referred to as the railway deposit fund) and a sum of three thousand and thirteen pounds nineteen shillings two and three-quarters per centum consolidated stock equal to four per centum on the amount of the estimate in respect of the pier (in this Act referred to as the pier deposit fund) Be it enacted that notwithstanding anything contained in the said Act the railway 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 Railway deposit fund not to be repaid except so far as railway opened.

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Application of deposit.

38. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the railway 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 wholly or in part 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 Provided that until the deposit fund has been repaid to the depositors 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 depositors.

Provision for release of pier deposit fund.

39. On the application of the depositors their executors or administrators at any time after the passing of this Act the High Court may order that the pier deposit fund and any interest thereon shall be repaid to the depositors their executors or administrators or to any other person or persons whom they may appoint on their behalf.

Period for completion of works.

40. If the railway and pier 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 executing the

same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1893.

41. The Company may demand and take in respect of the use of the railway such reasonable tolls as they think fit. Tolls.

42. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Great Western Railway Company (Rates and Charges) Order 1891 which Order is scheduled to and confirmed by the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act. Maximum rates for merchandise.

43. With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger train other than small parcels containing perishable goods the Company may demand and take any tolls not exceeding the following (that is to say):— Rates for small parcels.

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds in weight the Company may demand any sum which they think fit:

Provided always that articles sent in large aggregate quantities although made up of separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single parcels in separate packages.

44. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof. Passengers luggage.

45. The maximum rate of charge to be made by the Company for conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following sums:— Maximum rates of charges for passengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile;

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For every passenger conveyed in a second-class carriage the sum of twopence per mile ;
For every passenger conveyed in a third-class carriage the sum of one penny per mile.

Foregoing charges not to apply to special trains.

46. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Power to use other railways.

47. The Company and any company or persons for the time being working or using the railway of the Company or any part thereof may by agreement run over work and use by their officers and servants and with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description the railways herein-after mentioned (that is to say) :—

The railways authorised by the North Pembroke-shire and Fish-guard Railway Act 1892 together with all stations and all roads platforms points signals water water-engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said railways and line or lines of rails and stations respectively and as regards traffic conveyed by them the Company or such other company or persons aforesaid may demand the same rates and charges upon and in respect of the said railways and stations as are now authorised to be taken upon and in respect of such railways and stations.

Terms of such user.

48. The terms conditions and regulations to be observed and fulfilled and the rates charges rent or other consideration to be paid by the Company or such other company or persons as aforesaid for and in respect of the use of the said railways and stations works and conveniences shall be such as are from time to time agreed upon between them and the North Pembroke-shire and Fishguard Railway Company.

Power to enter into traffic arrangements.

49. The Company on the one hand and the North Pembroke-shire and Fishguard 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 Railway and Canal Traffic

Acts 1873 and 1888 from time to time enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say) :—

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The working use management and maintenance by the North Pembroke and Fishguard Railway Company of the railways and works of the Company or any part thereof;

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 during the continuance and for the purposes of any agreement for the railway and works of the Company being used and worked by the North Pembroke and Fishguard 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 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.

50. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the North Pembroke and Fishguard Railway Company the railways of the Company and of the North Pembroke and Fishguard Railway Company shall for the purpose of short distance tolls and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railways of the North Pembroke and Fishguard Railway Company for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and no other short distance charge shall be made for the conveyance of passengers partly on the railway of the Company and partly on the railways of the North Pembroke and Fishguard Railway Company.

Tolls on traffic conveyed partly on the railway and partly on other railways.

51. The Company may demand and receive for every person who shall land from or embark on any vessel at the pier and for every person who shall walk on or use the pier and for all animals articles goods wares and merchandise which shall be shipped or unshipped received or delivered from or upon the pier or within the limits thereof and for every vessel using the pier any sums not exceeding the several rates and sums specified in the schedule to this Act.

Rates for use of pier.

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Rates payable on vessels using the pier.

52. When and so soon as it shall from time to time be certified under the hand of an officer to be appointed by the Board of Trade for that purpose and paid by the Company that the Company have constructed and so far completed any portion of the pier and other works connected therewith as to afford convenient accommodation for vessels it shall be lawful for the Company although the whole of the pier shall not then have been completed from time to time to take or receive for or in respect of every vessel (other than steam vessels) using coming to or lying at the pier or departing therefrom such of the tolls rates duties and charges or such proportion of all or any of the tolls rates duties and charges authorised by this Act as shall in the opinion of the Board of Trade be commensurate with the accommodation afforded.

Further tonnage rates for vessels remaining at the pier longer than twenty-four hours.

53. If any vessel using the pier whether the same vessel shall previously have paid or been liable to pay tonnage rates or not shall remain at the pier for any longer space of time than twenty-four hours the Company may demand for every such vessel a further rate of twopence per ton for every three hours and so on in proportion for every subsequent three hours during which any such vessel shall remain as aforesaid beyond the said period of twenty-four hours in addition to the tonnage rates payable by virtue of this Act Provided always that such additional rates shall not be payable for any vessel which shall have been detained by stress of weather.

Cranes weighing machines &c.

54. The Company may erect or provide such cranes weighing and other machines conveniences weights and measures upon the pier as they may think necessary for loading unloading measuring and weighing any goods articles or things landed at or delivered from the pier and the Company in addition to the other sums which they are by this Act empowered to demand may demand receive and take for the use thereof including the services of persons employed by the Company at the pier such reasonable rates or charges as the Company think fit.

Company may appoint meters and weighers.

55. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Byelaws as to disposal of ballast.

56. The Company from time to time may make alter and repeal such byelaws as they think fit for regulating the removal and disposal of all ballast brought by vessels arriving at the pier and for regulating the supply of ballast to vessels leaving the pier so as to prevent ballast being thrown or allowed to fall overboard within the prescribed limits and the provisions of the Harbours Docks and

Piers Clauses Act 1847 with respect to byelaws shall extend and apply to any byelaw which may be made under this enactment Provided that all byelaws shall be confirmed by the Board of Trade. A.D. 1893.

57. The Company shall at the outer extremity of the pier hereby authorised exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they shall so fail be liable to a penalty not exceeding twenty pounds. Company to exhibit lights.

58. In case of injury to or destruction or decay of the pier or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. Provision against danger to navigation.

59. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs. Works below high-water mark not to be commenced without consent of Board of Trade.

60. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or Saving rights of the Crown in the fore-shore.

A.D. 1893. — any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Power to
pay interest
out of capital
during con-
struction.

61. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same ;
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (C) The aggregate amount to be so paid for interest shall not exceed twelve thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid ;
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares ;
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth 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. A.D. 1893.

62. The Company may take by agreement any quantity of land not exceeding twenty acres and may on any such land erect or build an hotel and other necessary buildings or may purchase or acquire any houses or buildings for that purpose and may carry on the business of hotel keepers therein or may from time to time demise and lease the same for any period not exceeding seven years for such rent and subject to such terms and conditions as they think fit. Power to build and grant leases.

63. 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.

64. Nothing in this Act contained shall exempt the pier or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates or duties by this Act authorised. Provision for Merchant Shipping Act and general Acts.

65. Nothing in this Act contained shall exempt the Company or the North Pembrokehire and Fishguard Railway Company or the railway 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 to be taken by the said companies respectively. Provision as to general Railway Acts.

66. 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.

A.D. 1893.

SCHEDULE referred to in the foregoing Act.

I.—TOLLS FOR VESSELS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every vessel under the burden of 15 tons per ton - - - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons per ton - - - - -	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton - - - - -	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton - - - - -	0	10
For every vessel of the burden of 150 tons and upwards per ton - - - - -	1	0
All lighters for each trip per ton - - - - -	0	2
All boats entirely open landing or taking on board goods each - - - - -	0	6

The foregoing tolls upon vessels to be charged in each case upon the register tonnage and to be payable by the master of the vessel.

II.—RATES FOR GOODS.

Light goods per cube foot - - - - -	0	1
Heavy goods per ton - - - - -	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

III.—TOLLS ON PASSENGERS.

For every passenger landing on the pier from or embarking from it on board of any vessel or boat for each time - - - - -	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time - - - - -	0	2
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum of - - - - -	5	0

[56 & 57 VICT.]

*Fishguard Bay Railway and
Pier Act, 1893.*

[Ch. xcvi.]

IV.—TOLLS ON PASSENGERS LUGGAGE.

A.D. 1893.

	s.	d.
For every trunk portmanteau box parcel or other package being pas- sengers luggage not exceeding 28 lbs. - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - -	0	8
And for every cwt. or part of a cwt. beyond - - -	0	4

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