

[41 & 42 VICT.] *Rosebush and Fishguard Railway* [Ch. ccxviii.]
Act, 1878.



CHAPTER ccxviii.

An Act for authorising the construction of a Railway from
the Narberth Road and Maenclochog Railway at Rosebush
to Fishguard ; and for other purposes. [8th August 1878.]

A.D. 1878.

WHEREAS the construction of the railway herein-after described
from the Narberth Road and Maenclochog Railway, at or
near the Rosebush Station thereon, to Fishguard, in the county of
Pembroke, would be of public and local advantage :

And whereas the persons herein-after in that behalf named with
others are willing to execute the undertaking, and it is expedient
that they be incorporated into a company for that purpose :

And whereas it is expedient that the company so to be incor-
porated (in this Act called "the Company") be authorised to run
over, work, and use the Narberth Road and Maenclochog Railway,
and that they be empowered to purchase or lease that railway, and
that such further powers be conferred upon them as are herein-after
contained :

And whereas it is expedient that the Company and the Great
Western Railway Company, and the owner or owners for the time
being of the Narberth Road and Maenclochog Railway, be em-
powered to enter into and carry into effect working and other
agreements as herein-after provided :

And whereas plans and sections showing the line and levels of
the railway authorised by this Act, and also books of reference con-
taining 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 book 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

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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 *Rosebush and Fishguard Railway Act, 1878.*

Incorporation of general Acts.

8 & 9 Vict. c. 16.
16 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
16 & 27 Vict. c. 92.

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 Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) 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 of terms.

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.

Company incorporated.

4. Sir Hugh Owen Owen, Baronet, Henry Edward Warren, Joseph Babington Macaulay, George Le Hunte, Frederick Lee, 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 for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Rosebush and Fishguard Railway 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.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all necessary and convenient stations, approaches, bridges, roads, communications, and other works connected therewith, and may

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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 herein-before referred to and authorised by this Act is— A.D. 1878.

A railway, 13 miles 7 furlongs and 2·80 chains in length, wholly in the county of Pembroke, commencing by a junction with the Narberth Road and Maenclochog Railway at or near the Rosebush Station thereon and terminating in the parish of Llanwnda at or near Fishguard.

6. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each. Capital.

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. Shares not to issue until one-fifth part paid up.

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

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

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 so 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. Power to divide 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 per centum per annum, as shall be deter-

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mined 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.

Dividends on preferred shares to be paid out of profits of year only.

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.

Half shares to be registered and certificates issued.

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.

Terms of issue to be stated in certificates.

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.

Forfeiture of preferred shares.
8 & 9 Vict. c. 16.

15. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be 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.

Preferred shares not to be cancelled, &c.

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

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— —
First ordinary meeting.

Number of directors.

Qualification of directors.

Quorum.

First directors.

Election of directors.

8 & 9 Vict.
c. 16.

Lands for extraordinary purposes.
8 & 9 Vict. c. 20.

Period for compulsory purchase of lands.

Inclination of roads.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

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

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

25. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

26. Sir Hugh Owen Owen, Baronet, Henry Edward Warren, Joseph Babington Macaulay, George Le Hunte, Frederick Lee, and one other duly qualified person to be nominated by them or the majority of them, and consenting to the 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 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 powers hereinbefore 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.

27. 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 five acres.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

29. 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,)

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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.

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Half shares to be half shares in capital.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty thousand pounds, but no part thereof shall be borrowed until the whole capital of ninety 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.

Power to borrow on mortgage.

8 & 9 Vict. c. 16.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

As to appointment of a receiver.

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 at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.
26 & 27 Vict. c. 118.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Application of moneys.

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Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
32	Morvil -	Public carriage road.	1 in 16 on one side and level on the other.
64	Ditto -	Ditto -	1 in 18 on one side and level on the other.
46	Letterston -	Ditto -	1 in 15 on one side and level on the other.
103	Ditto -	Ditto -	1 in 12 on one side and level on the other.
92	Ditto -	Ditto -	1 in 16 on one side and level on the other.
32	Llanwnda -	Ditto -	1 in 16 on one side and level on the other.

30. The Company may make the roadway over the bridges by which the following roads will be carried over the railway 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,)

Widths of certain roadways.

Number on Plan.	Parish.	Description of Roadway.	Width of Roadway.
16	Morvil -	Public carriage road.	20 feet.
32	Ditto -	Ditto -	20 feet.
64	Ditto -	Ditto -	15 feet.
27, 35, and 40	Puncheston -	Ditto -	20 feet each.
34	Little Newcastle -	Ditto -	20 feet.
52	Ditto -	Ditto -	20 feet.
21	Letterston -	Ditto -	20 feet.
46	Ditto -	Ditto -	20 feet.

31. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty, chapter twenty, the sum of four thousand eight hundred pounds three pounds 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 in respect of the railway authorised by this Act, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum of stock is in this Act referred to as "the deposit fund": Be it enacted that, notwithstanding anything contained in the said recited Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the

Deposit money not to be repaid until line opened or half the capital paid up and expended.

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A.D. 1878. — majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor 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 hereby authorised to be made, open the said railway for the public conveyance of passengers: Provided, that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers, then, on production of a certificate of the Board of Trade specifying the length of the portion of the said 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 said railway so opened bears to the entire length of the said railway hereby authorised, the court shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding.

Application
of deposit
money.

32. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made, complete the said railway and open it for public traffic, then 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have 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 either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her

Majesty's Exchequer, in such manner as the court thinks fit to order, on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors, or shall have 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.

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33. If the railway be 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 railway, 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.

34. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

Tolls.

First, in respect of the tonnage of all articles conveyed thereon, or on any part thereof, as follows:

Tonnage on goods, &c.

For all dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed by carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

For all coals, coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, stones, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding three farthings;

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For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny;

And for every carriage, of whatever description, having more than two wheels, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile not exceeding sixpence, and a further sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh; and if conveyed on a truck or platform belonging to the Company, an additional sum per mile not exceeding twopence:

Tolls for
passengers.

Second, in respect of passengers and animals conveyed in carriages upon the railway, as follows:

For any person conveyed in or upon any such carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny;

For every horse, mule, ass, or other beast of draught or burden, per mile not exceeding threepence, and for every ox, cow, bull, or neat cattle, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny;

For every calf or pig, per mile not exceeding one penny, and for every sheep, lamb, or other small animal, per mile not exceeding three farthings; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one farthing.

Tolls for
propelling
power.

35. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

36. The following provisions and regulations shall be applicable to the fixing of such tolls; (that is to say,)

For all articles or persons conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles;

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges as for one mile;

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For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton; A.D. 1878.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight;

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

37. Notwithstanding the rate of tolls prescribed by this Act, the Company may, with respect to small packages and single articles of great weight, lawfully demand the tolls following; (that is to say,) Tolls for small parcels and single articles of great weight.

For the carriage of small parcels (that is to say, parcels not exceeding five hundred pounds weight each) on the railway or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, threepence;

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.

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article the weight of which including the carriage shall be less than four tons, the Company may demand such sums as they think fit, not exceeding twopence per ton per mile;

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile;

For the carriage of any single piece of timber, stone, machinery,

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or other single article the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit.

Passengers
luggage.

38. Every passenger travelling upon the railway may take with him the 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.

Maximum
rates of
charges for
passengers.

39. The maximum rate of charge to be made by the Company for conveyance of passengers upon the railway, including the tolls for the use of the railway and of carriages and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums :

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

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 halfpenny per mile.

Tolls for
cattle, goods,
&c.

40. And with respect to the conveyance of horses, cattle, carriages, and goods, be it enacted that the maximum rate of charge to be made by the Company, including the tolls for the use of the railway and waggons or trucks and locomotive power, and every expense incidental to such conveyance (except a reasonable sum for the loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the Company), shall not exceed the following sums :

For every horse, mule, ass, or other beast of draught or burden, the sum of fivepence per mile ;

For every ox, cow, bull, or neat cattle, the sum of fourpence per head per mile ;

For every calf or pig, the sum of one penny per mile ;

For every sheep, lamb, and other small animal, the sum of three farthings each per mile ;

For every carriage, the sum of sevenpence per mile ;

For manure and other articles (other than lime) herein-before classed therewith, the sum of one penny halfpenny per ton per mile ;

For lime, twopence per ton per mile ;

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For coals and other articles herein-before classed therewith, the sum of twopence per mile ; A.D. 1878.

For sugar and other articles herein-before classed therewith, the sum of threepence per ton per mile ;

For cotton and other goods and articles herein-before classed therewith, the sum of fourpence per ton per mile.

41. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee. Terminal station.

42. 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 and goods upon the railway. Foregoing charges not to apply to special trains.

43. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

44. The Company and any company or persons for the time being working or using the railway of the Company, or any part thereof, either by agreement or otherwise, may 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 railway authorised by the Narberth Road and Maenclochog Railway Certificate, 1872, (hereinafter referred to as "the Certificate of 1872,") and all stations, 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 railway, but not including any line or lines of rails, station, lands, works, or conveniences of the Great Western Company which is or may be used by the owner or owners for the time being of the Narberth Road and Maenclochog Railway, and, as regards traffic conveyed by them, the Company, or such other company or persons as aforesaid, may demand the same tolls and charges upon and in respect of the said railway and stations as they would Power to use other railways.

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Act, 1878.

A.D. 1878. be entitled to take if such railway and stations were part of the railway by this Act authorised.

Conditions
of use of
railway, &c.

45. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, 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 railway, stations, works, and conveniences shall be such as are from time to time agreed upon between them and the owner or owners for the time being of the Narberth Road and Maenclochog Railway, or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested, and the cost of the arbitration shall be in his discretion, and the decisions of the arbitrator shall be final and binding on all parties.

Power to
enter into
traffic ar-
rangements.
26 & 27 Vict.
c. 92.
36 & 37 Vict.
c. 76.

46. The Company on the one hand, and the Great Western Railway Company and the owner or owners for the time being of the Narberth Road and Maenclochog Railway Company, or any or either of them, 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 and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance by the contracting companies or parties, or any or either of them, of their respective railways and works or any part or parts 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 parties or any or either of them:

The supply and maintenance of engines, stock, and plant necessary for and during the continuance 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 parties or any or either of them, or any part thereof.

Tolls on
traffic con-
veyed partly
on the rail-
way and
partly on

47. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway, or any part thereof, by any other company or person or persons, the railways of the Company and of such other company or person or persons shall for the purposes of short-distance tolls

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and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of such other company or person or persons 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 railway of the Company and partly on the railways of such other company or person or persons.

A.D. 1878.
other rail-
ways.

48. The Company may on any lands acquired by them under the powers of this Act erect or build hotels or other buildings in connexion therewith, and may from time to time demise and lease any such hotels or buildings, and may grant building or other leases of any lands so acquired by them for such rents or sums in gross or both, and upon, under, and subject to such terms and conditions in each case as they think fit, and the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply in the case of any such lands or to the Company in respect thereof: Provided always, that this section shall not extend to any common or commonable lands acquired by the Company under the powers of this Act, except with the consent in writing of the parties interested therein.

Power to
build and
grant leases.

8 & 9 Vict.
c. 18.

49. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not
to be paid on
calls paid up.

8 & 9 Vict.
c. 16.

50. 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.

51. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to

Company not
exempt from
provisions of

[Ch. ccxviii.] *Rosebush and Fishguard Railway* [41 & 42 VICT.]
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A.D. 1878. present or future general railway Acts. railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act. **52.** 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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