CHAPTER xxviii.

A.D. 1895.

An Act for empowering the Fishguard and Rosslare Railways and Harbours Company to provide and use steam and other vessels and for other purposes.

[30th May 1895.]

WHEREAS by the Fishguard Bay Railway and Pier Act 1893 (in this Act referred to as "the Act of 1893") the Fishguard Bay Railway and Pier Company were incorporated for the purpose of making and maintaining certain railway pier and other works in the county of Pembroke:

And whereas by the Fishguard and Rosslare Railways and Harbours Act 1894 the undertakings of the Waterford and Wexford Railway Company and the Rosslare Harbour Commissioners were transferred to the Fishguard Bay Railway and Pier Company and the name of that Company was changed to the Fishguard and Rosslare Railways and Harbours Company:

And whereas it would be of public advantage that the Company should be empowered to provide work and use steam vessels in connexion with their railways between the ports of Rosslare and Fishguard and other ports and places in this Act mentioned and it is expedient that the Company should be authorised to provide work and use steam vessels for the conveyance of traffic between such ports and places and should have other powers in reference to steam vessels harbours docks wharves and quays and should be empowered to raise money for such purposes by the creation of shares or stock in their undertaking and by borrowing:

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

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

Short title.

1. This Act may be cited for all purposes as the Fishguard and Rosslare Railways and Harbours (Steam Vessels) Act 1895.

A.D. 1895.

Incorporation of general Acts.

2. The following Acts or parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and Part IV. (relating to steam vessels) of the Railways Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts 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" means the Fishguard and Rosslare Railways and Harbours Company 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 in any Act 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 may provide and work steam and other vessels between certain ports and places.

4. The Company may purchase hire build charter and provide use and maintain steam and other vessels of every or any description and may navigate work and use the same and may therein and thereby convey and carry passengers animals minerals goods merchandise and things of every description between the following ports and

places (namely) Fishguard in the county of Pembroke and Rosslare in the county of Wexford or either of them or any other port where there is a station of the Company for the time being on the one hand and all or any of the following places (that is to say) Goodwic Aberdovey Aberystwyth Holyhead and Newport (Pembrokeshire) and any other port or ports on the west coast of Great Britain and Wexford and Kingstown and any other port or ports on the south or east coasts of Ireland other than Waterford and Cork.

Company may make charges for conveyance of traffic.

5. The Company may ask demand and recover for the conveyance of passengers animals minerals goods merchandise and other things in the steam or other vessels so provided and used by them such reasonable fares rates or sums as they shall think fit.

Passengers luggage.

6. Every first class passenger conveyed in such vessels may take with him without extra charge his ordinary luggage not exceeding one hundred and twenty pounds in weight and every second class passenger not exceeding one hundred pounds in weight and every third class passenger not exceeding sixty pounds in weight.

Provision as to through fares.

7. The Company shall upon demand make with any person owning hiring or using a steam vessel not being a vessel to which or to the traffic carried thereby the provisions of the Railway and Canal Traffic Acts 1873 and 1888 extend and being a carrier of passengers between the ports and places to and from which the Company are by this Act authorised to use and work steam vessels through fares for the conveyance of such passengers by such vessel and the railway of the Company not exceeding the fares charged for the time being by the Company for the conveyance of passengers by their own vessels and railway between the same points and any question as to the division of such fares shall failing agreement be determined by the Railway and Canal Commission as in proceedings under the Railway and Canal Traffic Acts 1873 and 1888 and in accordance with the provisions thereof.

Power to make agreements with owners of harbours docks piers wharves &c.

8. The Company may enter into and carry into effect agreements with any company body or person owning or who may hereafter own any harbour dock pier quay or wharf for the user of any such harbour dock pier quay or wharf by the Company and the persons employed by them or by persons or goods carried in the steam vessels of the Company.

Power to make agreements for supply of steam vessels.

9. The Company may enter into agreements with any company body or person being or who may hereafter become proprietors of steam vessels with reference to the supply use maintenance employment and hiring of any such vessels for the conveyance of traffic to or from the ports and places to and from which the Company are by this Act authorised to use and work steam vessels and

A.D. 1895.

with reference to the payment or other consideration to be made or given by the Company therefor and such consideration may be in whole or in part by way of subsidy or rebate Provided that the aggregate amount payable under all such agreements and such subsidies or rebates shall not in any year exceed five per centum on the capital by this Act authorised to be raised.

Power to raise additional capital.

10. The Company may from time to time for the purposes of this Act raise any additional capital not exceeding in the whole fifty thousand pounds exclusive of the other capital and other moneys which they are or may be authorised to create and issue or raise by any other Act or Acts by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to the same incidents as other shares or stock.

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

Dividends on new shares or stock.

12. Subject to the provisions of this Act every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

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

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

New shares or stock raised under this Act and any other Act already

14. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and

the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

passed may be of same class.

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

Power to borrow.

16. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 20 of the Act of 1893 Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

Debenture stock.

17. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

A.D. 1895.

Power to apply corporate funds to purposes of Act.

18. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest not to be paid on calls paid up.

19. 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.

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

20. 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.

Provision as to general railway Acts.

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

Costs of Act.

22. 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.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
John Menzies & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
Hodges, Figgis, & Co., Limited, 104, Grafton Street, Dublin.