ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. clxxxiii.

An Act to enable the *Pembroke and Tenby* Railway Company to construct new Lines of Railway; and for other Purposes. [14th *July* 1864.]

WHEREAS the *Pembroke and Tenby* Railway Company, in this Act called " the Company," were incorporated by " The *Pembroke and Tenby* Railway Act, 1859," and were thereby authorized (among other things) to make and maintain a Railway commencing in the Parish of *St. Mary's*, *Pembroke*, in the County of *Pembroke*, and terminating in the Parish of *St. Mary's*, *Tenby*, in the said County, and the same is now completed and open for public Traffic between the Towns of *Pembroke* and *Tenby*: And whereas the Construction of the Lines of Railway, Stations, and Works hereinafter mentioned would be attended with great local and public Advantage, and the Company are willing and it is expedient that they should be empowered to construct the same, and to raise further Capital for that Purpose: And whereas Plans and Sections of the new Railways and Works by this Act authorized, and Plans of the additional

22 & 23 Vict. c. vi.

tional Lands required by the Company for the Purposes of their existing Undertaking, with Books of Reference to the Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in which the same are to be made, have been deposited with the respective Clerks of the Peace of the Counties of *Pembroke* and *Caermarthen*, and those Plans, Sections, and Books of Reference are herein-after referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas it is expedient that the Company should be enabled to make and maintain the Railway and Works authorized by "The *Pembroke and Tenby* Railway Act, 1859," across the public Roads herein-after mentioned on a Level: And whereas the aforesaid Objects cannot be accomplished 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; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Pembroke and Tenby* Railway (Extension) Act, 1864."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Parts I. and III. of "The Railways Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts respectively are expressly varied or excepted by this Act,) are incorporated with and form Part of this Act.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares for Nonpayment of Calls:

With respect to the Remedies of Creditors of the Company against the Shareholders:

With respect to the borrowing of Money by the Company on Mortgage or Bond:

With

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Consolidation of Shares into Stock:

And with respect to the affording Access to the Special Act:

And Parts I., II., and III. of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares and Debenture Stock created and issued, and to Mortgages granted and Money borrowed under this Act.

Interpretation of Terms.

4. In construing this Act and (in connexion with this Act) the Acts in whole or in part incorporated herewith, the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" shall mean the *Pembroke and Tenby* Railway Company:

The Expression "the Directors" shall mean the Directors for the Time being of the Company:

The Expression "the Undertaking" shall mean the Railways, Works, and Undertaking of the Company by this Act and by "The *Pembroke and Tenby* Railway Act, 1859," respectively authorized:

The Expression "Superior Courts," or "Court of competent Jurisdiction," 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:

And, except as may by this Act be otherwise provided, the several Words and Expressions to which in the said incorporated Acts Meanings are assigned shall have in this Act the same respective Meanings, unless such Meanings shall be excluded by the Subject or Context.

Power to take and use Lands for Works authorized by Act.

5. For the Purposes of the Railways and Works by this Act authorized, and subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think requisite, and, subject to the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," they may by Agreement purchase and use any Rights, Easements, or Privileges in or affecting those Lands, or any of them, without taking any other Estate or Interest therein.

6. Subject

Additional Lands at Pater.

6. Subject to the Provisions of this Act, the Company may for the Purposes of their Undertaking from Time to Time purchase, take, and use, in addition to the other Lands which they are hereby authorized to purchase, certain Lands and Houses abutting upon the South Side of the *Pembroke and Tenby* Railway at *Pater* in the Parish of *Saint Mary, Pembroke*, in the County of *Pembroke*, and now enclosed and held by Messieurs *Davies* and *Roberts*.

Powers for compulsory Purchases limited.

7. 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 after the passing of this Act.

Lands for extraordinary Purposes.

8. The Company may from Time to Time purchase, but only by Agreement, for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," and in addition to the other Lands which they are authorized to purchase, any Quantity of Land adjoining or near to the Railways, not exceeding in the whole Five Acres.

Power to Company to make Railway Works authorized by Act.

9. Subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands shown on the deposited Plans and specified in the deposited Books of Reference, the Railways and Works shown on the deposited Plans and next herein-after described.

Description of Works authorized by this Act.

10. The Railways and Works shown on the deposited Plans and by this Act authorized to be made and maintained by the Company comprise the following Railways, with all proper Stations and other Works and Conveniences in connexion therewith respectively; (that is to say,)

(1.) A Railway commencing by a Junction with the *Pembroke and Tenby* Railway in the Parish of *Penally*, at or near the Distance Post near the *Black Rock Bridge* which indicates the Distance of Nine Miles from the *Pembroke* Station on that Railway, thence passing from, in, through, or into the Parishes and Places of *Penally*, In-liberty and Out-liberty of *Saint Mary*, *Tenby*, *East Williamston*, *Begelly*, *Saint Issell's*, and South Division of the Parish of *Narberth*, and terminating in such last-mentioned Parish at or near the Side of the Road leading from the *Boar's Head* Inn at *Templeton* to *Ludchurch*,

Ludchurch, at or near the Point where that Road joins the Turnpike Road from *Tenby* to *Narberth*, all in the County of *Pembroke*:

(2.) A Railway commencing by a Junction with the said last-mentioned Railway (No. 1) at the Termination thereof, in the South Division of the Parish of *Narberth*, thence passing from, in, through, or into the Parishes and Places of South and North Divisions of *Narberth*, *Lampeter-Velfrey*, and *Crinow*, in the County of *Pembroke* and Parish of *Llan-Gan*, in the County of *Caermarthen*, and terminating in the last-mentioned Parish by a Junction with the *Great-western* (*South Wales*) Railway, near the *Whitland* Station thereon, at or near the Mile Post indicating 258¾ Miles from *London*:

(3.) A Railway (to be wholly situate in the Parish of *Saint Issell's* in the County of *Pembroke*) commencing at or near a Point on the proposed Railway No. 1, in a Field, the Property of *James Mark Child*, and in the Occupation of *Benjamin Morgan*, which Field on the East and South abuts upon the private Road leading from *Kilawen* Farm to the Turnpike Road from *Tenby* to *Narberth*, and terminating on the Common called *King's Moor*, by a Junction with the Tramway leading from *Thomas Chapel* to *Saundersfoot*, at or near a Point Five hundred and fifty Yards South-east from the Bridge which carries the said Tramway over the Turnpike Road from *Hobb's Point* to *Caermarthen*:

(4.) A Railway (to be wholly situate in the Parish of *Begelly*, and County of *Pembroke*) commencing by a Junction with the aforesaid Tramway, at or near a Point a Hundred Yards North-west of the Bridge which carries the said Tramway over the Turnpike Road which leads from *Hobb's Point* to *Caermarthen*, and terminating in a Field the Property of *Thomas Harcourt Powell*, in the Occupation of *Lewis Wilson*, which Field abuts on the South-east on Lands the Property of the Reverend *James Henry Alexander Phillipps*, in the Occupation of *Henry Phillips*, and on the West by the Road which leads from *Langdon* to *Saint Issell's*, and is about Two hundred Yards from the Intersection of that Road by the Turnpike Road from *Hobb's Point* to *Caermarthen*, near the Mile Post which indicates Ten Miles from *Hobb's Point*.

Power to cross certain Roads on Level.

11. It shall be lawful for the Company in the Construction of the Railways by this Act authorized to carry the same with the following Number of Lines of Railway across and on the Level of the several

several Roads numbered on the deposited Plans as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.	No. of Lines of Railway.
66	Saint Issell's -	Public Road -	Two.
77*a*	Saint Issell's -	Turnpike Road -	Two.

Mechanical Power not to be used.

Provided always, that no Engines, Carriages, or Trucks drawn or propelled by Steam or by Atmospheric Agency, or drawn by Ropes in connexion with a stationary Steam Engine, shall be allowed to cross either of the said Roads on the Level.

Inclination of certain Roads.

12. The Company may make the several Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (to wit,)

No. of Road on deposited Plans.	Parish in which the Road is shown on those Plans.	Description of Road.	Intended Inclination.
77*a*	St. Issell's - -	Turnpike Road -	1 in 20 on the North Side, and level on the South Side to the existing Road.
1	Penally - -	Public - -	1 in 14.
7	St. Mary's, Tenby	Public - -	1 in 14.
41	St. Issell's - -	Public - -	1 in 16.
93	St. Issell's - -	Turnpike - -	1 in 22.
40 41 65	Narberth - -	Public - -	1 in 18.

Period for Completion of Railway.

13. The Railways shall be completed within Five Years from the passing of this Act, and upon 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 to be exercised, except as to so much of the Railways as shall then be completed.

Penalty if Railway not completed within a certain Time.

14. If the Railways hereby authorized shall not be completed and opened for public Traffic at the Period herein-before prescribed, the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Railways shall be so completed and opened; and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly;

accordingly: Provided always, that if the Company has been prevented from completing or opening the said Railways, or any of them, by unforeseen Accident, or by Circumstances beyond their Control (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be the sole and conclusive Evidence), the Company shall not be liable to the Payment of the said Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid; but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls on Railways.

15. Subject to the Provisions of this Act and of "The *Pembroke and Tenby* Railway Act, 1859," the Company from Time to Time may demand and take in respect of all Passengers, Animals, and Things conveyed on the Railways by this Act authorized to be made and used by them, and for Carriages, Waggons, and Trucks respectively carrying the same, and for Locomotive Engines or other Power, and all other Matters with respect to Traffic thereon, the Tolls, Fares, Rates, and Charges which by "The *Pembroke and Tenby* Railway Act, 1859," the Company are authorized to demand and take for like Traffic, Services, and Matters on and with respect to the Railways by that Act authorized, and with and subject to the like Powers and Provisions as if the Railways by this Act authorized to be made and used by the Company were Part of the Railways authorized by "The *Pembroke and Tenby* Railway Act, 1859."

Power to carry authorized Line across certain Roads on a Level.

16. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railways and Works by "The *Pembroke and Tenby* Railway Act, 1859," authorized to carry the same with the following Number of Lines of Railway across and on the Level of the several Roads numbered on the deposited Plans referred to in "The *Pembroke and Tenby* Railway Act, 1859," as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.	No. of Lines of Railway.
19	Manorbeer - -	Public Road -	2
58	Manorbeer - -	Public Road -	2
97	Manorbeer - -	Public Road -	2

Dimensions of certain Bridge

17. The Bridge for carrying the Railway authorized by "The *Pembroke and Tenby* Railway Act, 1859," over the public Road in the

under authorized Line.

the Parish of *Saint Mary*, *Pembroke*, numbered 95 on the deposited Plans referred to in that Act, shall have a clear Headway of at least Twelve Feet over the whole Span.

Inclination of certain Road over authorized Line.

18. In carrying the public Road in the Parish of *Hodgeston* numbered 20 on the deposited Plans referred to in "The *Pembroke and Tenby* Railway Act, 1859," over the Railway authorized by that Act, the Company may make the Inclination of such Road, when altered, not steeper than One in Twelve on the South Side of the Railway.

Power to raise additional Capital by new Shares.

19. For the Purposes of this Act the Company from Time to Time may raise by the Creation and Issue of new ordinary Shares or Stock or Preference Shares or Stock any Sums not exceeding Two hundred thousand Pounds; but the Company shall not issue any Share or Stock, nor shall any Share or Stock vest in the Person accepting the same, unless and until Twenty *per Centum* of the nominal Amount of such Share or Stock shall have been paid up in respect thereof.

Power to borrow on Mortgage.

20. In addition to the Sum which the Company are already authorized to borrow, they may from Time to Time borrow on Mortgage for the Purpose of their Undertaking any additional Sum of Money not exceeding Sixty-six thousand six hundred Pounds; but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares or Stock is subscribed for or taken, and One Half of the Amount of that Capital is actually paid up, and the Company shall prove to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such additional Capital has been subscribed for or taken and issued *bonâ fide*, and that Twenty *per Centum* has been paid up at the Time of the Issue or Acceptance thereof, and that such Shares or Stock were taken *bonâ fide* and held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given, the Certificate of the Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

21. All Mortgages granted by the Company before the passing of this Act and then in force shall, while in force, and in accordance with their respective Privileges among themselves and the Property comprised therein respectively, have Priority over all Mortgages granted by the Company under this Act.

22. The

Company may create and issue Debenture Stock.

22. The Company may create and issue Debenture Stock, and may attach to such Debenture Stock a fixed and perpetual preferential Interest not exceeding Five Pounds *per Centum per Annum*.

Company may apply Funds for Purposes of Act.

23. The Company may apply for the Purposes of the Works by this Act authorized any of the Monies which the Company are authorized to raise by "The *Pembroke and Tenby* Railway Act, 1859," for the Purposes of the Railways and Works thereby authorized, and not wanted for those Purposes, and may apply for any of the Purposes of their Undertaking the Monies raised by them by Shares and by borrowing under this Act.

Interest not to be paid on Calls paid up.

24. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

25. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway, &c. not exempt from Provisions of present and future General Acts.

26. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relative to Railways, or to the better or 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates of small Parcels.

Expenses of Act.

27. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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