CHAPTER xxviii.

An Act to extend the period for the completion of the railway authorised by the Bray and Enniskerry Light Railway Act 1886 to confer additional powers on the Company with reference to their capital and undertaking and for other purposes. [18th June 1894.]

A.D. 1894.

WHEREAS by the Bray and Enniskerry Light Railway Act 1886 (in this Act called "the Act of 1886") the Bray and Enniskerry Railway Company (in this Act called "the Company") were incorporated and empowered to make and maintain the railway thereby authorised (in this Act called "the said railway") and the period for the completion of the said railway was limited to a period of five years from the tenth day of May 1886:

And whereas by the Bray and Enniskerry Railway Act 1890 (in this Act called "the Act of 1890") (the Act of 1886 and the Act of 1890 being in this Act together referred to as "the recited Acts") the period limited by the Act of 1886 for the completion of the said railway was extended for a period of three years from the tenth day of May 1891 and further provision was made as to the capital and undertaking of the Company:

And whereas the Company are in course of constructing the said railway but further powers are required for the completion of the same:

And whereas it is expedient to extend the period limited by the recited Acts for the completion of the said railway:

And whereas it is expedient to authorise the Company to issue preference shares as by this Act provided in lieu of an equal nominal amount of ordinary shares which have been or may be forfeited and cancelled for non-payment of calls:

And whereas it is expedient that further powers should be conferred upon the Company as herein-after provided:

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

A.D. 1894.

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 as the Bray and Enniskerry Railway Act 1894.

Acts of 1886 and 1890 and this Act to be cited together.

2. This Act and the recited Acts may be cited as the Bray and Enniskerry Railway Acts 1886 to 1894:

Incorporation of parts of general Acts.

3. Subject to the provisions of this Act the following parts of Acts are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act (that is to say) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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 non-payment of calls;
The remedies of the creditors of the Company against shareholders;
The borrowing of money;
The conversion of borrowed money into capital;
The consolidation of 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 by all parties interested;

and 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 II. (relating to extension of time) of the Railways Clauses Act 1863.

Extension of time for completion of railway.

4. The period limited by the Act of 1886 as extended by the Act of 1890 for the completion of the said railway shall be and is hereby extended for a period of three years from the tenth day of May one thousand eight hundred and ninety-four.

Extended period to be deemed period limited for

5. The extended period hereby granted for making and completing the said railway shall for all purposes referred to in the recited Acts with reference to the completion of the same be deemed to be the period limited by the said Acts for the completion of the same

Provided that if the said railway for the completion of which the period is by this Act extended shall not be completed within the extended period limited by this Act then on the expiration of such period the powers by the recited Acts and by this Act granted to the Company for the construction and completion thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed and the recited Acts and this Act shall be read and take effect accordingly.

Completion of railway.

6. The Company may construct complete work and maintain the said railway on a gauge of not less than three feet.

Gauge of railway.

7. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 in lieu of an equal nominal amount of existing shares in the capital of the Company authorised by the recited Acts which have been or may be forfeited and cancelled by reason of the non-payment of calls raise any sum not exceeding in the whole fifteen thousand pounds by the issue at their option of preference shares bearing dividend not exceeding the rate of six pounds per centum per annum but the Company shall not issue any preference share of less nominal value than ten pounds nor shall any preference 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 shall have been paid in respect thereof Provided always that it shall not be lawful for the Company to issue any such preference shares under this Act in lieu of any shares liable to be forfeited and cancelled until the Company shall have forfeited and cancelled an equal nominal amount of shares and upon such shares being forfeited and cancelled it shall not be lawful for the Company again to issue the same but the same shall be and are hereby extinguished Provided further that as regards the powers of borrowing conferred on the Company by the recited Acts the new preference shares shall be considered and treated as if they were for that purpose part of the existing share capital in lieu of which they may be issued.

Power to raise capital in lieu of forfeited shares.

8. The Company shall not under the powers of this Act purchase or acquire 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 except with the consent of the Local Government Board for Ireland 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 purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages

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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 of such persons who may be residing with them.

Except as otherwise provided preference shares to be subject to the same incidents as other shares but with rights of preference.

9. Except as by this Act otherwise provided the c pital in preference shares issued by the Company under this Act and the said preference shares 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 and the said preference shares were shares in that capital but with rights of preference as authorised by this Act attached thereto.

Preference shares to form part of capital of Company.

10. The capital in preference shares so issued shall form part of the capital of the Company.

Dividends on preference shares.

11. Every person who becomes entitled to preference shares issued under this Act shall in respect of the same be a holder of preference shares in the Company and shall be entitled to a preferential dividend as authorised by this Act.

Restriction as to votes in respect of preference shares.

12. Except as otherwise expressly provided by the resolution authorising the issue of the same no person shall be entitled to vote in respect of any such shares issued under this Act to which a preferential dividend shall be assigned.

Application of moneys.

13. All moneys raised under this Act shall be applied only to the purposes of the Company to which capital is properly applicable.

For the protection of Viscount Powerscourt.

14. Out of the moneys authorised to be raised under this Act the Company shall pay to the Right Honourable Mervyn Viscount Powerscourt his heirs or assigns (herein-after called "the Viscount") the sum of ninety-three pounds eleven shillings and eightpence (with interest on the sum of sixty-nine pounds ten shillings and fourpence at the rate of five per centum per annum from the tenth day of February one thousand eight hundred and ninety-four to the date of payment of said sum) being the amount due by the Company to the Viscount for the balance of the purchase money of certain lands purchased by the Company from the Viscount under the powers of compulsory purchase conferred on the Company under the Act of 1886 and the Company shall also out of the said moneys authorised to be raised under this Act pay to the Viscount all reasonable and proper costs charges and expenses incurred by the Viscount in connexion with the sale by him to the Company of the said lands including the costs of the proceedings under the Lands Clauses Acts of the arbitration thereunder and of the proceedings for dealing with the funds lodged by the Company in part payment

of the said purchase money in the Chancery Division of the High Court of Justice in Ireland.

Maximum rates and charges on merchandise to be taken by the Company.

15. Notwithstanding anything contained in the recited Acts the classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 which Order is confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 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.

Interest not to be paid on calls paid up.

16. 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.

17. The Company shall not out of any money by this Act authorised to be raised by them 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.

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

Costs of Act.

19. 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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