CHAPTER cxxiii.

A.D. 1895.

An Act for making the Railway and Canal Traffic Acts applicable to the Steamers of the City of Dublin Steam Packet Company between Holyhead and Kingstown during any Mail Contract to authorise that Company to borrow money and for other purposes.

[6th July 1895.]

18 & 19 Vict. c. clxxii.

WHEREAS by the Improved Postal and Passenger Communication between England and Ireland Act 1855 it is amongst other things recited that the City of Dublin Steam Packet Company (herein-after called the Dublin Company) had been for many years established for the purpose of carrying on steam communication between amongst others the ports of Dublin (including Howth and Kingstown) and Holyhead and divers provisions were made and powers conferred on the railway companies therein mentioned and the Dublin Company with the intent and object of facilitating the postal passenger and parcel traffic between England and Ireland and of securing equality of treatment and the provisions of the Railway and Canal Traffic Act 1854 so far as applicable were extended to the steamboats to be provided under the provisions of such Act and to the passengers and parcels carried therein:

And whereas under the powers of the said Act and the other powers of the Dublin Company facilities for postal passenger and parcel traffic between England and Ireland have been provided so far as regards the transit of the channel between Holyhead and Kingstown by the Dublin Company and the steam vessels belonging to them and the mails have for many years been carried between those ports by the Dublin Company:

And whereas by the City of Dublin Steam Packet Company's Act 1884 the provisions of the Railway and Canal Traffic Acts were during the continuance of the postal contract then recently entered into between the Postmaster-General and the Dublin Company (which was to continue in force for the period of twelve years from

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the first day of October one thousand eight hundred and eighty three or until such contract should be thereafter terminated as therein provided) applied to the Dublin Company and to the steam vessels to be from time to time provided by them for the performance of the said contract between Holyhead and Kingstown and to postal passenger and parcel traffic conveyed or intended to be conveyed by such vessels:

And whereas a new postal contract for the conveyance of the mails between Holyhead and Kingstown has been or is about to be entered into between the Postmaster-General and the Dublin Company for a period of twenty years or until such contract shall be thereafter terminated as therein provided and for the performance of such contract the Dublin Company are under obligation to provide new steam vessels of great speed and capacity:

And whereas it is expedient that the provisions of the Railway and Canal Traffic Acts should apply to the Dublin Company and their steam vessels during such new contract and during any other postal contract which may at any time be made between the Postmaster-General and the Dublin Company for the carriage of mails between the same ports:

And whereas the authorised capital of the Dublin Company amounts to the sum of seven hundred and fifty thousand pounds stock of which the sum of five hundred and eighty-five thousand nine hundred and fifty pounds has been raised and the Dublin Company have not raised any money on statutory mortgage or by the creation and issue of debenture stock:

And whereas it is expedient that the Dublin Company should be authorised to borrow money for purposes connected with the performance of such new contract and that provision should be made for the repayment thereof in the manner hereinafter provided:

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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the City of Dublin Steam Packet Company's Act 1895.

Interpretation.

2. In this Act the expression "the Dublin Company" means the City of Dublin Steam Packet Company The term "the contract" means the contract entered into or about to be entered into between the Postmaster-General and the Dublin Company for the carriage of

mails between Holyhead and Kingstown and vice versâ for a period of twenty years or until thereafter terminated as herein-before recited or any extension alteration or modification of such contract The expression "the steam vessels" means the steam vessels provided or to be provided by the Dublin Company for the performance of the contract or any other postal contract to be hereafter entered into between the Postmaster-General and the Dublin Company for the carriage of mails between the above named ports The term "traffic" means and includes all or any postal passenger and parcel traffic conveyed or intended to be conveyed upon the steam vessels The expression "the Traffic Acts" means the Railway and Canal Traffic Act 1854 the Regulation of Railways Act 1873 the Railway and Canal Traffic Act 1888 and any Act amending the same.

Application of Railway and Canal Traffic Acts.

3. The provisions of the Traffic Acts shall during the subsistence of the contract or any other postal contract as aforesaid and as regards all or any traffic whether local or through apply to the Dublin Company and to the steam vessels and to such traffic in all respects as if the Dublin Company were a railway company or canal company or railway and canal company and as if the steam vessels and the routes traversed by them formed part of a continuous line of railway or canal or railway and canal communication with the railways commencing or terminating at Holyhead or Kingstown and as if the terminus station or wharf of the Dublin Company were near the terminus station or wharf of another railway company or canal company or railway and canal company within the meaning of the Traffic Acts and the provisions of the Traffic Acts as made applicable by this Act shall be read and have effect accordingly.

Power to charge rates for passenger and parcel traffic.

4. The Dublin Company may for the conveyance of passenger and parcel traffic in the steam vessels charge and recover such reasonable rates or sums as they think proper being within such maximum rates or sums as shall be sanctioned and approved by the Board of Trade and not exceeding the rates or sums authorised to be taken on the Chester and Holyhead Railway for the conveyance of passengers and parcels for a distance of sixty miles Provided that every first-class passenger conveyed by the steam vessels shall be entitled to 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 Provided also that this section shall not apply to parcels conveyed by the Dublin Company for the Postmaster-General.

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For the protection of railway companies.

5. Where in consequence of the provisions of this Act any railway company shall have made a contract for carrying persons animals or goods in a vessel belonging to the Dublin Company and such railway company shall become liable in damages in respect of loss of life or personal injury or in respect of loss or damage to animals or goods happening during the carriage of the same in such vessel the Dublin Company shall indemnify such railway company against and shall reimburse them any costs or payments which they may incur make or become liable to by reason of any such loss damage or injury as aforesaid.

Saving for the Commissioners of Kingstown Harbour.

6. Nothing in this Act contained shall in any way alter prejudice or affect the rights of the Commissioners of Kingstown Harbour over the Carlisle Pier and the approaches thereto or their property therein or their rights to make and levy tolls rates and charges on persons animals or goods landed upon shipped from or using such pier.

Power for Dublin Company to borrow money.

7. The Dublin Company may from time to time borrow on mortgage of the undertaking any sum or sums of money not exceeding in the whole four hundred thousand pounds and all moneys so borrowed shall be repaid by the Dublin Company within a period not exceeding twenty years from the commencement of the contract and shall be applied to purposes relating to the contract and to the carrying of the same into effect to which capital is properly applicable and to no other purpose.

Appointment of a receiver.

8. The mortgagees of the Dublin Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver but 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 ten thousand pounds.

Certain provisions of Companies Clauses Acts to apply.

9. The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

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

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the moneys hereby authorised to be borrowed and to the mortgagees of the Dublin Company under this Act And for the purposes of this Act the expressions "the company" and "the special Act" in those Acts

shall mean the Dublin Company and this Act respectively and the expression "the undertaking" in those Acts and in this Act shall mean the undertaking of the Dublin Company for the time being.

Sinking fund.

10.—(1.) After the Dublin Company shall have borrowed any money under the powers of this Act they shall out of each quarterly payment received by them under the contract or out of other moneys belonging to them set apart and appropriate after providing for the current interest on the money so borrowed and for the insurance of the steam vessels such a sum by way of a sinking fund to be applied in the repayment of the moneys so borrowed as when accumulated at compound interest at the rate of three pounds per centum per annum will at the time when such money shall be repayable be sufficient to repay the moneys so borrowed and such sinking fund and the interest arising therefrom shall from time to time until so applied be invested in securities authorised by law for the investment of trust funds and be accumulated as aforesaid and shall so long as any moneys borrowed under this Act remain owing be applicable only to the repayment of such moneys Provided that in case of any money so borrowed being at any time discharged otherwise than by means of the sinking fund and not reborrowed the annual sum hereinbefore required to be set apart and appropriated in respect of the same shall thereupon cease to be paid into the sinking fund.

(2.) The Dublin Company may from time to time apply the sinking fund in payment off of any money borrowed under this Act Provided that so long as any periodical payment into the sinking fund in respect of money so paid off is required to be made they shall pay into the sinking fund in addition to such periodical payment and accumulate a sum equal to the annual interest which would have been produced by the sinking fund or part thereof so applied and in the event of the Dublin Company at any time borrowing money under this Act for the purpose of paying off and duly applying such money in paying off any moneys previously borrowed by them under this Act no annual sum shall be required to be set apart and appropriated in respect of the moneys so reborrowed other than the annual sum required in respect of the moneys originally borrowed.

(3.) Any surplus of the sinking fund remaining after the discharge of all the moneys borrowed under this Act may be applied by the Dublin Company to any purposes they may think fit.

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Annual statement with respect to sinking fund.

11.—(1.) The Dublin Company shall on the thirty-first day of December in each year after any money shall have been borrowed by them under this Act or within fourteen days after such annual date deposit and thereafter keep deposited in their principal office in Dublin a statement for the preceding year showing the amount which during such year has been set apart and appropriated for the sinking fund and the description of the securities upon which the money has been invested and the purposes to which any portion of the sinking fund has been applied and the total amount of the sinking fund then remaining at the end of the year.

(2.) Every such statement shall be open for inspection at all reasonable hours by the mortgagees of the Dublin Company under this Act and the provisions of this Act with regard to the sinking fund herein-before required to be set apart and appropriated shall be enforceable at the instance of mortgagees holding mortgages for not less than ten thousand pounds.

Costs of Act.

12. All costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Dublin 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
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