ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. cclxiv.

An Act to authorize the Construction of Railways from the *Waterford and Limerick* Railway at *Clonmel* to *Lismore* and *Dungarvan*; and for other Purposes. [5th *July* 1865.]

WHEREAS the Construction of Railways from the *Waterford and Limerick* Railway at or near *Clonmel* in the County of *Tipperary* to the Towns of *Lismore* and *Dungarvan* in the County of *Waterford* would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing to construct such Railways, if authorized so to do: And whereas Plans and Sections of the Railways showing the Lines and Levels thereof, with Books of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in or through which such Railways will pass, have been deposited with the Clerks of the Peace for the Counties of *Tipperary* and *Waterford* respectively: And whereas it is expedient that the Company hereby incorporated should be empowered to enter into the Arrangements herein-after contained with the *Waterford and Limerick* Railway Company with respect to the working, Use, and Management of the said Railways, and that Provision should be made for securing the convenient Interchange, Accommodation, and Transmission of Traffic between the Company

Company and the *Waterford and Limerick* Railway Company: And whereas the Purposes of this Act 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 be cited as "The *Clonmel, Lismore, and Dungarvan* Railway Act, 1865."

8 & 9 Vict. cc. 16., 18., & 20., 14 & 15 Vict. c. 70. &c., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part One of "The Companies Clauses Act, 1863," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," and Parts One and Three of "The Railways Clauses Act, 1863," and "The Railways Act (*Ireland*), 1864," "The Lands Clauses Consolidation Act, 1845," so far as it is consistent with "The Railways Act (*Ireland*), 1851," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. The following Words and Expressions in this Act have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

"The Company" shall mean the Company incorporated by this Act:

"The Railway" or "the Undertaking" shall mean the Railways and Works connected therewith by this Act authorized to be constructed.

Same Meaning to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers incorporated.

5. His Grace the Duke of *Devonshire*, Lord *Stuart de Decies*, Sir *Richard Musgrave* Bart., *Robert Percival Maxwell*, *John Bagwell*, *William Malcomson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking, and such Company shall be incorporated by the Name of "The *Clonmel, Lismore, and Dungarvan* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the Acts incorporated herewith contained.

6. The

First and other Meetings.

6. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act, and their subsequent Ordinary Meetings shall be held in the Months of *February* and *August* in every Year, or at such other Period as any General Meeting may from Time to Time appoint; and the Quorum of General Meetings of the Company shall be Twelve Shareholders, present personally or by proxy, holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Quorum.

Number and Qualification of Directors.

7. The Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Undertaking.

Power to reduce the Number of Directors.

8. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Three.

Quorum.

9. The Quorum of a Meeting of Directors shall be Three, and if the Number of Directors be reduced to Three, the Quorum shall be Two.

First Directors.

Such Directors to continue in Office until First Meeting.

10. His Grace the Duke of *Devonshire*, the Earl of *Huntingdon*, Lord *Stuart de Decies*, Sir *Richard Musgrave* Bart., *John Bagwell*, *William Currey*, *William Malcomson*, *Francis Edmund Currey*, and *George Le Hunte* shall be of the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845," or by this Act, or either of them.

Capital.

11. The Capital of the Company shall be Three hundred thousand Pounds, divided into Thirty thousand Shares of Ten Pounds each, but it shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until

until a Sum being not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

12. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share.

Power to borrow.

13. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole One hundred thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Three hundred thousand Pounds shall have been subscribed for, and One Half thereof actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of the Capital have been issued and accepted, and that Half of such Capital has been paid up, and that not less than One Fifth Part of the Amount thereof has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued *bonâ fide*, and are subscribed for and held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same respectively.

Arrears may be enforced by Appointment of a Receiver.

14. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on any such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

Power to take Lands and make Railways according to deposited Plans.

15. Subject to the Provisions in this Act and in the incorporated Acts and Parts of Acts contained, the Company may make and maintain the Railways herein-after described in the Line and upon the Lands delineated on the said deposited Plans, and described in the said deposited Books of Reference, and according to the Levels defined on the said deposited Sections, and may enter upon, take, and use such of the same Lands as shall be necessary for the Purposes of such Railways, and the Stations, Approaches, Works, and Conveniences connected therewith respectively.

Powers for compulsory Purchases limited.

16. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

17. The

Lands for extraordinary Purposes.

17. The Quantity of Land to be taken by Agreement by the Company adjoining or near to the Railway, for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Description of Railways.

18. The following are the Railways and Works authorized by this Act:

A Railway (called Railway No. 1) commencing by a Junction with the *Waterford and Limerick* Railway at or near the *Clonmel* Station in the Parish of *Saint Mary's*, *Clonmel*, in the County of *Tipperary*, and terminating in the Townland of *Cappagh* in the Parish of *Whitechurch* in the County of *Waterford*:

A Railway (called Railway No. 2) commencing near the Brewery of Messrs. *Purser* and *Cody* in the Parish of *Dungarvan* in the County of *Waterford*, and terminating in the Townland of *Townparks East* at *Lismore* in the Parish of *Lismore* and *Macollop* in the County of *Waterford*.

Limiting Period for Completion of Works.

19. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways and Works as is then completed.

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

20. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, the Sum of Twenty-one thousand eight hundred Pounds, being Eight *per Centum* upon the estimated Cost of the Railways authorized by this Act, has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Twenty-one thousand eight hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of

Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for the public Conveyance and Use of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Twenty-one thousand eight hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Twenty-one thousand eight hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railways, either open the same for the public Conveyance and Use of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purpose of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money so deposited as aforesaid, and the Interest and Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

21. It shall be lawful for the Company to demand and take for the Use of the Railways, and for the Supply of Carriages, Waggons, or

or Trucks, any Tolls not exceeding the following; (that is to say,)

First, in respect of Passengers and Animals conveyed in Carriages upon the Railways, or any Part thereof, as follows: For Passengers and Animals.

For every Person, Twopence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 1. For every Horse, Mule, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 2. For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Head *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 3. For every Calf, Pig, Sheep, Lamb, and other small Animal, One Penny each *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Mile.

Second, in respect of Goods and other Things conveyed upon the Railways, or any Part thereof, as follows: Tonnage on Articles of Merchandise.

Class 4. For all Dung, Compost, and all Sorts of Manure, and all undressed Material for the Repair of public Roads or Highways, Coals, Coke, Culm, Cannel, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Limestone, Chalk, Lime, Bricks, Salt, Sand, Fire-clay, Cinders, Slag, and Stone, *per* Ton *per* Mile One Penny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 5. For all Charcoal, Stone for building, pitching, and paving, Tiles, Slates, and Clay (except Fire-clay), and for Wrought Iron not otherwise specifically classed herein, and for heavy Iron Castings, including Railway Chairs, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 6. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metal (except Iron), Nails, Anvils, Vices, and Chains, and for light Iron Castings, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 7. For Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed

veyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, conveyed on a Truck or Platform belonging to the Company, Sixpence *per* Mile, and a like Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for propelling Power.

22. The Company may demand for the Use of Engines for propelling Carriages on the Railways any Sum not exceeding One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum Rates of Charge for Passengers;

23. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers along the Railways, including the Tolls for the Use of the Railways and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Farthing *per* Mile.

for Animals and Goods.

24. And the maximum Rates of Charge to be made by the Company for the Conveyance of Animals and Goods, including the Tolls for the Use of the Railways and Waggons or Trucks and for locomotive Power, and every other Expense incidental to such Conveyance (except a reasonable Sum for 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 Duty or Business of a Carrier, where such Services or any of them are or is performed by the Company), shall not exceed the following Sums; (that is to say,)

For every Animal in Class 1, Fourpence *per* Mile:

For every Animal in Class 2, Threepence *per* Mile:

For every Animal in Class 3, One Penny Halfpenny *per* Mile:

For everything in Class 4, One Penny Halfpenny *per* Ton *per* Mile:

For everything in Class 5, Twopence *per* Ton *per* Mile:

For everything in Class 6, Threepence *per* Ton *per* Mile:

For everything in Class 7, Fourpence *per* Ton *per* Mile:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing

weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence, and One Penny Halfpenny for every additional Quarter of a Ton.

Restrictions as to Charges not to apply to Special Trains.

25. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required upon the Railways, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Passengers Luggage.

26. Every Passenger travelling upon the Railway may take with him his 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.

Tolls for small Parcels and single Articles of great Weight.

27. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage on the Railway, or any Part thereof, of any Parcel not exceeding Seven Pounds in Weight, Threepence:

For the Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fivepence:

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

And for the Carriage of any Parcel exceeding Fifty-six Pounds but not exceeding Five hundred 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 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, 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.

Regulations as to Tolls.

28. The following Provisions and Regulations shall be applicable to the fixing of such Tolls and Charges; (that is to say,)

For Articles or Persons conveyed on the Railways 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 any greater Number of Miles the Company may demand Tolls on Animals, Minerals, and Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

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:

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, and so on in proportion for any smaller Quantity.

Terminal Station.

29. Provided always, That no Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railways which shall not have been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Company may take increased Charge by Agreement.

30. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

As to the Use of Railway between Dungarvan and Lismore by the Waterford, Lismore, and Fermoy Railway Company.

31. And whereas a Bill is now before Parliament for incorporating a Company for the Construction of a Railway to be called the *Waterford, Lismore, and Fermoy* Railway, and by the said Bill it is proposed to construct a Portion of the said proposed Railway from a Point commencing in the Townland of *Shandon* in the Parish of *Dungarvan* to a Point terminating in the Townland of *Townparks East* in the Parish of *Lismore* and *Macollop*, all in the County of *Waterford*,

Waterford, upon the identical Line of a Portion of the Railway of the Company hereby authorized, and it is expedient, if such Bill pass into a Law, that the said *Waterford, Lismore, and Fermoy* Railway Company should have the Privilege of using the Railway hereby authorized to be made from the said Point at or near *Dungarvan* to the aforesaid Point at or near *Lismore:* Therefore, when and so soon as the said *Waterford, Lismore, and Fermoy* Railway shall be constructed from its Terminus at or near *Waterford* to the said first-named Point of Junction at *Dungarvan* with the Railway hereby authorized, it shall and may be lawful for the said *Waterford, Lismore, and Fermoy* Railway Company to use, run, and pass over the Railway of the Company between *Dungarvan* and *Lismore* with their Engines, Carriages, and Waggons, and to have Right of Transit and Passage thereon, subject to such Conditions, Rules, Restrictions, and Regulations, and the Payment of such Tolls, Rates, Rent, Payment, or Charges, as may be mutually agreed upon between the respective Companies, or which, failing such Agreements, shall be determined by an Umpire to be appointed by the Board of Trade.

In the event of the Company not constructing Railway between Dungarvan and Lismore, same may be made by the Waterford, Lismore, and Fermoy Railway Company.

32. If within Three Years from the passing of this Act the Company shall not have constructed the Portion of Railway lying between the Points herein-before mentioned so as to be ready to receive the Traffic of the said *Waterford, Lismore, and Fermoy* Railway, and the said *Waterford, Lismore, and Fermoy* Railway Company shall have constructed their Line from their Terminus at or near *Waterford* to the aforesaid first-named Point of Junction at *Dungarvan* with the Railway of the Company, then and in that Case it shall and may be lawful for the said *Waterford, Lismore, and Fermoy* Railway Company to make and construct the said Railway hereby authorized to be made by the Company between the said first-named Point of Junction at *Dungarvan* and its Termination at *Lismore;* and all the Powers hereby given to the Company for making that Portion of the said Line of Railway shall from thenceforth immediately be vested in and transferred to the said *Waterford, Lismore, and Fermoy* Railway Company as fully and effectually to all Intents and Purposes as if they had been authorized by this Act to construct the said Railway, and had been named herein in the Stead and Place of the Company, and they shall from thenceforth have, hold, and possess such Part of the said Railway as shall then be constructed, and all such Portions of the Lands hereby authorized to be taken for that Purpose, or as may have been taken by the Company, as their own absolute Property: Provided always, that if the Company shall have actually constructed any Portion of the said Railway, Works, or Buildings connected therewith, or purchased any of the Land required for the Purposes of the said Railway, the said *Waterford, Lismore, and Fermoy* Railway Company shall, within Three Months from the Period at which they

enter

enter upon the said Lands, pay to the Company such Sum in return for their said Expenditure as may be agreed upon, or in case the said Companies cannot agree, then the Amount shall be ascertained and settled by Arbitration in the Manner prescribed by the "Railways Clauses Consolidation Act, 1845."

Power to enter into Traffic Arrangements with Waterford andLimerick Railway Company.

33. The Company and the *Waterford and Limerick* Railway Company may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

The working, Use, Management, Maintenance, and Repair of the Railways hereby authorized:

The Supply of any Rolling or Working Stock and Machinery, and of Officers and Servants for the Conduct of the Traffic thereon:

The Payment to be made and the Conditions to be performed with respect to the Matters aforesaid:

The fixing and levying of the Tolls, Rates, and Charges arising on the Railways or any Part thereof respectively:

The Collection, Interchange, Accommodation, Management, Conveyance, and Delivery of Traffic coming from or destined for the respective Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic.

Tolls may be taken by other Companies, subject to Working Agreement.

34. If under the Provisions of this Act, or of "The Railways Clauses Consolidation Act, 1845," or any Contract or Agreement authorized by this Act, the Company agree with any other Company for the Use by any such other Company of the Railways, then and in such Case during such Contract or Agreement Tolls and Charges not exceeding such as are authorized by this Act may be demanded and taken by such other Company upon or in respect of the Railways in accordance with the Terms and Stipulations of such Contract or Agreement, and such Tolls and Charges, or any agreed proportionate Part thereof, shall be paid over to the Company, or be retained by such other Company for their own Use or Benefit, subject to such Deductions, Payments, or Liabilities as may be provided for in such Contract or Agreement.

Railways to be deemed continuous.

35. During the Continuance of any such Agreement Tolls and Charges not exceeding those authorized by this Act may be levied and taken by the Company working the Railways; and in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed over any Part of the Railway of the *Waterford and Limerick* Railway Company, and also over the Railways or any Part of the Railways authorized by this Act, the Distances traversed shall be reckoned continuously on such Railways as if those Railways were One Railway; and in estimating the Amount of Tolls and Charges

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in respect of Traffic conveyed partly on the Railways of the Company and partly on the Railway of the *Waterford and Limerick* Railway Company for a less Distance than Four Miles, which Distances shall be deemed the Short Distances, Tolls and Charges may only be charged as for Four Miles, and for each Mile or Fraction of a Mile beyond Four Miles as for One Mile only for Passengers, and for each Quarter of a Mile or Fraction thereof as for a Quarter of a Mile for Animals, Minerals, and Goods, and the Tolls and Charges to be made shall be those authorized by this Act, and no other Short Distance Charge than such as herein-before mentioned shall be made on the said Railways when worked together.

Saving Rights of the Crown.

36. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving existing Right to contract.

37. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company derive from "The Railways Clauses Consolidation Act, 1845," or from the General Law.

Deposit of Plans with Clerks of Unions.

38. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Misstatement, or erroneous Description in certain Plans and Books of Reference therein referred to shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby shall be situated, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament shall also be deposited with such Postmasters, and be returned and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of Poor Law Unions instead of such Postmasters: Therefore with reference to this Act all the Provisions of "The Railways Clauses Consolidation

Act, 1845," relating to the Matters aforesaid, and to the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmasters" in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerks of the Unions," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmasters," as the Case may be.

Interest not to be paid on Calls paid up.

39. It shall not be lawful for the Company, out of any Money by this Act 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

40. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of this 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.

41. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relating to Railways, or to 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 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 for small Parcels.

Expenses of Act.

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

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