ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cccxxix.

An Act for making a Railway from the *Great Southern and Western* Railway in the Parish of *Naas* and County of *Kildare* to the Town of *Baltinglass* in the County of *Wicklow;* and for other Purposes. [29th *July* 1864.]

WHEREAS the making of a Railway from the *Great Southern and Western* Railway in the Parish of *Naas* in the County of *Kildare* to the Town of *Baltinglass* in the County of *Wicklow* would be attended with great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to construct the Railway; but the Purposes aforesaid 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,)

1. This Act may be cited for all Purposes as "*Dublin and Baltinglass Junction* Railway Act, 1864." Short Title.

2. "The

8 & 9 Vict. cc. 16. 18. & 20., 14 & 15 Vict. c. 70., 23 & 24 Vict. cc. 97 & 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," "The Lands Clauses Consolidation Act, 1845," so far as it is consistent with "The Railways Act (*Ireland*), 1851," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part One of "The Railways Clauses Act, 1863," and Part One of "The Companies Clauses Act, 1863," are 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 such Construction; (that is to say,)

The Expression "the Company" means the Company incorporated by this Act:

The Expression "the Railway" means the Railway and the Works connected therewith by this Act authorized to be constructed:

The Expression "the Undertaking" means the Railway and Works connected therewith by this Act authorized.

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

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned 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. *William Bunbury M'Clintock Bunbury*, *William Jones Westby*, *Abraham Shackleton*, *David Mahony*, *Thomas Pim* junior, *Richard S. Chandlee*, and *Thomas Rawdon Hardy*, 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 *Dublin and Baltinglass Junction* 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 said Acts contained.

Capital.

6. The Capital of the Company shall be One hundred and eighty thousand Pounds, and shall be divided into Eighteen thousand Shares of Ten Pounds each.

7. Two

Calls.

7. Two Pounds and Ten Shillings *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: Provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

8. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Sixty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and eighty thousand Pounds shall have been subscribed for, and One Half thereof shall have been 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 all such Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Application of Sums raised.

9. All and every Part of the Monies which the Company are by this Act authorized to raise by Shares or Mortgage shall be applied only to the Purposes by this Act authorized.

First and other Meetings.

10. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every Year, or at such other Period as any General Meeting of the Company may from Time to Time appoint.

Number and Qualification of Directors.

11. The Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to reduce the Number of Directors.

12. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that their Number when reduced be not less than Five.

First Directors.

13. *William Bunbury M'Clintock Bunbury*, *William Jones Westby*, *Abraham Shackleton*, *David Mahony*, and *Thomas Pim* junior shall be the First Directors of the Company, and shall continue in

Such Directors to continue in Office until First Meeting after passing of Act.

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.

Quorum.

14. The Quorum of a Meeting of Directors shall be Three.

Power to make Railway according to deposited Plans.

15. And whereas Plans and Sections describing the Line and Levels of the Railway, and also the Lands which by virtue of this Act are intended to be or may be taken or used for the Purposes of the Railway, and the Stations, Works, and Conveniences to be connected therewith, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands have been deposited with the Clerks of the Peace for the Counties of *Kildare* and *Wicklow:* Therefore, subject to the Provisions in this Act contained, and to the Powers of Deviation contained in the Acts incorporated herewith, it shall be lawful for the Company to make and maintain the Railway and other Works on the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands described upon the said Plans and in the said Books of Reference as may be requisite for such Purposes.

As to Deposit of Plans with Clerks of Unions.

16. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should 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 should also be deposited with such Postmasters, and be retained

retained 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 the 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, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmaster of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

Describing Line of Railway.

17. The Railway by this Act authorized is the following:

A Railway commencing in the Parish of *Naas* in the County of *Kildare* by a Junction with the *Great Southern and Western* Railway, and terminating in the Parish of *Baltinglass* in the County of *Wicklow*.

Regulating Inclinations of certain Roads.

18. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after mentioned on the said deposited Plans, over or under the Railway, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Number on Plan.	Townland.	Parish.	Rate of Inclination.
		County of Wicklow.	
29	Dunlavin, Lower	Dunlavin - -	1 in 15 on one Side and level on the other.
24	Ballylea - -	Ditto - -	1 in 15.

Lands for extraordinary Purposes.

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

Powers for compulsory Purchases limited.

20. 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.

Period for Completion of Railway.

21. If the Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the

the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

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

22. 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 Fifteen thousand four hundred and eighty-five Pounds New Three Pounds *per Centum* Consolidated Bank Annuities, representing the Sum of Fourteen thousand four hundred Pounds, which is Eight Pounds *per Centum* upon the estimated Cost of the Railway, has been transferred into the Name of the Accountant General of the Court of Chancery in *Ireland* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Amount of Stock so transferred 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 Railway, either open the Railway 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 Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Amount of Stock so transferred 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 Persons 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 Fourteen thousand four 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

Her Heirs or Successors, of the said Sum of Fourteen thousand four hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway 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 such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Amount of Stock so transferred, 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 Lord 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.

23. It shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage of Articles of Merchandise.

First. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, and for all Coals, Coke, Culm, Charcoal, and Cinders, *per* Ton *per* Mile One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Cotton, Flax, Yarns, and Wools, Drugs (except Vitriol), manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

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, carried or conveyed on a Truck or Platform belonging to the Company, *per* Mile Fivepence:

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 so conveyed may weigh.

Tolls for Passengers.

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof, as follows:

For every Person, *per* Mile Twopence; and if conveyed in orupon any Carriage belonging to the Company, an additional Sum *per* Mile of One Halfpenny:

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

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Halfpenny:

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

Tolls for propelling Power.

24. The Company may demand for the Use of Engines for propelling Carriages on the Railway 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.

25. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway or any Part thereof, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

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 *per* Mile.

For Animals and Goods.

26. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every 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:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fourpence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Mile:

For every Calf or Pig, One Penny *per* Mile:

For every Sheep, Lamb, or other small Animal, Three Farthings *per* Mile:

For every Carriage, Sixpence *per* Mile:

For Manure and other Articles herein-before classed therewith, One Penny Halfpenny *per* Ton *per* Mile:

For Coke and other Articles herein-before classed therewith, Twopence *per* Ton *per* Mile:

For Sugar and other Articles herein-before classed therewith, Threepence *per* Ton *per* Mile:

For Cotton and other Goods and Articles herein-before classed therewith, Fourpence *per* Ton *per* Mile.

Regulations as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls as for Four entire Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise, Minerals, or Animals 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 Weight, and so on in proportion for any smaller Quantity:

No Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Goods, or are not directed to be delivered thereat to the Consignee.

Tolls for small Parcels and single Articles of great Weight.

28. 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 Tolls not exceeding the 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 in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

Passengers Luggage.

29. 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.

Company may take increased Charges 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.

31. Pro-

Restriction as to Charges not to apply to Special Trains.

31. 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 Railway, 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 Railway.

Interest not to be paid on Calls paid up.

32. 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 in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

33. 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 not exempt from Provisions of present and future General Acts.

34. Nothing herein contained shall be deemed or construed to exempt the Railway 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.

35. 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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