ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap.* clxxv.

## An Act to enable the *Dublin and Wicklow* and the *Dublin and Kingstown* Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes. [24th *July* 1854.]

WHEREAS by "The *Waterford, Wexford, Wicklow, and Dublin* Railway Act, 1846," a Company was incorporated by the Name of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company: And whereas by that Act the said Company was authorized (amongst other things) to take a Lease of the *Dublin and Kingstown* Railway, and of all Works connected therewith, and of all Property and Effects of the *Dublin and Kingstown* Railway Company, and certain Agreements in the said Act mentioned in reference to such Lease were by the said Act rendered binding on both the said Companies: And whereas by "The *Waterford, Wexford, and Wicklow, and Dublin* Railway Act, 1848," the Agreements by the first-recited Act confirmed were varied, as in that Act mentioned: And whereas by "The *Dublin and Wicklow* Railway Act, 1851," the Name of the Company incorporated by the first-recited Act was changed, and the Name of that Company accordingly became, and now is, "The *Dublin and Wicklow* Railway Company:" And whereas by an Indenture or Deed of Agreement, dated the Seventeenth Day of 9 & 10 Vict. c. ccviii.

*The Dublin and Wicklow and Dublin and Kingstown Railway Act*, 1854.

*March* One thousand eight hundred and fifty-four, between the *Dublin and Wicklow* Railway Company of the First Part, *William Dargan* of the Second Part, and the *Dublin and Kingstown* Railway Company of the Third Part, and an Indenture or Deed of Agreement, of even Date therewith, between the said *William Dargan* of the First Part, the *Dublin and Kingstown* Railway Company of the Second Part, and the *Dublin and Wicklow* Railway Company of the Third Part, and an Indenture or Deed of Agreement, dated the Sixth Day of *June* One thousand eight hundred and fifty-four, between the *Dublin and Wicklow* Railway Company of the First Part, and the *Dublin and Kingstown* Railway Company of the Second Part, Agreements were entered into for certain Modifications of the recited Agreements: And whereas it is expedient that those Deeds of Agreement be carried into effect, but for the Purposes aforesaid the Authority of Parliament is necessary: 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 of the Commons, in this present Parment assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title

I. In citing or referring to this Act for any Purpose whatsoever, it shall be sufficient to use the Expression, "The *Dublin and Wicklow and Dublin and Kingstown* Railway Act, 1854."

Companies to carry Agreements into effect.

II. The *Dublin and Wicklow* Railway Company and the *Dublin and Kingstown* Railway Company respectively may and shall carry into effect the Agreements by the first-recited Act confirmed as varied by the secondly-recited Act, and as added to and otherwise varied by the said Deeds of Agreement of the Seventeenth Day of *March* One thousand eight hundred and fifty-four, the Sixth Day of *June* One thousand eight hundred and fifty-four, and this Act, respectively.

Company not to alter Gauge to other than that prescribed for Railways in Ireland.

III. Provided always, That nothing in those Agreements or this Act shall authorize the Two Companies or either of them to alter the Gauge of their respective Railways, or any Part thereof, respectively, to any Gauge other than the Gauge now prescribed by Law for Railways in Ireland.

For Protection of the Rights of the Commissioners of the Harbour of Dunleary.

IV. Provided always, That nothing in this Act or the Acts herein recited or herewith incorporated, or in any of them, contained, shall lessen, abridge, or interfere with the Rights, Powers, and Authorities vested in the Commissioners acting in execution of an Act made and passed in the Fifty-sixth Year of the Reign of His late Majesty King *George*

## *The Dublin and Wicklow and Dublin and Kingstown Railway Act*, 1854.

*George* the Third, intituled *An Act to authorize the Appointment of Commissioners for erecting an Harbour for Ships to the Eastward of* Dunleary, *within the Port and Harbour of* Dublin, or any of the Acts since passed amending the same, or relating to the said Harbour now called and known as 'The Harbour of *Kingstown*;' and notwithstanding anything in this Act or any of the said Acts contained, or in any of the Indentures or Deeds of Agreement herein-before mentioned or referred to, it shall not be lawful for the said Company to carry their Railway, or any Works appertaining thereto, along or under the Shores, Roads, or Ways of the said Harbour, or any of the Approaches thereto, over which the Public have now a Right of Way, or over which the said Commissioners have now Control and Jurisdiction, or on or along any Part of the Lands or Hereditaments, Tramways, or other Property heretofore acquired by the said Commissioners, or to make any Excavations, Tunnels, Bridges, or other Works whatever, in, under, over, or along any Part of the said Shores, Roads, Ways, or Approaches, or in any Manner to interfere with the Property of the said Commissioners connected with the said Harbour or the Works now or hereafter to be executed by the said Commissioners under the said Acts, or with the said Harbour, except upon such Terms and Conditions, and under such Restrictions, and according to such Plans, Elevations, and Sections, as shall be approved of and so signified by the said Commissioners in Writing under their Hands for that Purpose. 55 G. 3. c. 191.

V. Whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Companies from the Provisions of such several Acts respectively, but such Provisions shall be in force in

Railway to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. c. 57. 14 & 15 Vict. c. 64.

in respect of the said Railways and the said Companies so far as the same are applicable thereto.

Railways, &c. not exempt from Provisions of future General Acts.

VI. Nothing herein contained shall be deemed or construed to exempt the said Companies or the said Railways from the Provisions of any General Act relating to such Acts, or 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 the present 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, or of the Rates for small Parcels, authorized by the Acts relating to the said Companies respectively.

Expenses of Act.

VII. The Expenses, Costs, and Charges of obtaining and passing this Act, and incidental thereto, shall be paid by the *Dublin and Wicklow* Railway Company.

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