ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clx.

An Act to enlarge the Powers of the *Dublin, Dundrum, and Rathfarnham* Railway Act, 1846, and to enable the Company to make an Extension to *Stephen's Green.* [9th *July* 1847.]

WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of Her present Majesty, intituled *An Act for making a Railway from* Dublin *to* Dundrum *and* Rathfarnham, *to be called the* Dublin, Dundrum, and Rathfarnham *Railway*, a Company was incorporated by the Name and Style of the *Dublin, Dundrum, and Rathfarnham* Railway Company: And whereas the making of an Extension Railway from the said *Dublin, Dundrum, and Rathfarnham* Railway to *Saint Stephens Green* in the City of *Dublin* aforesaid would be of public Advantage: And whereas the said *Dublin, Dundrum, and Rathfarnham* Railway Company are willing at their own Expence to make such Extension Railway: And whereas it is expedient that the said Company should be enabled to enter into Agreements as herein-after mentioned with the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, or the *Dublin and Kingstown* Railway Company; but the several Objects aforesaid cannot be effected without the Authority of Parliament: May

9 & 10 Vict. c. 199.

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, That all Powers, Provisions, Matters, and Things contained in the said recited Act, and in the several Acts incorporated therewith, except such of them (if any) as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall apply to the Railway and Works hereby authorized to be made for the Purposes thereof as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto.

Provisions of recited Act extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments or other Documents, Proceedings at Law or in Equity, or in any other Proceedings whatsoever, it shall be sufficient to use the Expression "The *Dublin, Dundrum, and Rathfarnham* Railway, *Saint Stephens Green* Extension Act, 1847."

Railway to be made according to deposited Plans.

III. And whereas Plans and Sections of the said Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same is intended to pass, have been deposited with the respective Clerks of the Peace for the County of *Dublin* and for the County of the City or Borough of *Dublin*; be it enacted, That subject to the Provisions contained in this Act, and the said recited Act, and the several Acts incorporated therewith, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Lines, and upon 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 said Lands as shall be necessary for such Purpose.

Plans to be deposited with Clerks of Unions in Ireland, instead of Postmasters.

IV. And whereas by the Railways Clauses Consolidation Act, 1845, it is provided that Certificates of any Omission or Mis-statement or erroneous Description 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 situate; and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved by Parliament shall also be deposited with such Postmasters, and be 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 Union instead of such Postmasters; be it therefore enacted, That with reference to this Act all the Provisions of the said "Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and the Expression "Postmasters of the Post Towns in or nearest to such

such Parishes in *Ireland*," or the Word "Postmaster," in the said Act, shall be read and construed as if the Expressions, "Clerks of the Union within which such Parishes are included in *Ireland*," or the Words "Clerks of the Union," (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 "Postmaster" (as the Case may be).

Line of Railway.

V. And be it enacted, That the Line of Railway hereby authorized to be made shall commence by a Junction with the present Terminus of the said *Dublin, Dundrum, and Rathfarnham* Railway on the South Side of *Harcourt Road* in the Townland of *Ranelagh North*, in *Saint Patrick's* Ward, Parish of *Saint Peter*, and in the Borough formerly the County of *Dublin*, and shall terminate at or near a Point on the South Side of *Saint Stephens Green* in *Saint Stephen's* Ward in the same Parish.

Railway not to be brought nearer than Thirty Feet of Wesleyan Centenary Chapel.

VI. And be it enacted, That it shall not be lawful for the said Company, without the Consent in Writing of the Trustees of the Wesleyan Centenary Chapel first had and obtained, to bring the Line of Rail at the Terminus of the said Railway nearer than One Hundred Feet from the Flagway of the South Side of *Saint Stephen's Green*, and that no Line of Rail shall be laid down within Thirty Feet from the said Wesleyan Centenary Chapel.

Lands for extraordinary Purposes.

VII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be purchased by the said recited Act for additional or extraordinary Purposes, to purchase not exceeding Twenty Acres for similar Purposes connected with the Railway and Works hereby authorized.

Periodwithin which Lands are to be purchased.

VIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act, shall not be exercised after the Expiration of Three Years from the passing of this Act.

Works to be completed in Seven Years or Powers to cease.

IX. And be it enacted, That after the Expiration of Seven Years from the passing of this Act, all the Powers hereby granted to the Company for making and executing the said Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

Company to take same Tolls as on Main Line.

X. And be it enacted, That the Company may, subject to the Provisions in the said recited Act and this Act contained, lawfully demand and receive in respect of the said Railway hereby authorized to be made for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages on the same, or any Part thereof respectively, and for and in respect of Locomotive Engines, or other Power supplied by the Company, and for the Conveyance upon the said Railway, or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle, or other Animals, Goods,

Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges as by the said recited Act the Company are authorized to demand and receive in respect of the Railway by the said recited Act authorized to be made or any Part thereof; and all Provisions and Regulations in the said recited Act contained or referred to relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Power to sell the Railway.

XI. And be it enacted, That it shall be lawful for the *Dublin, Dundrum, and Rathfarnham* Railway Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some extraordinary General Meeting of the said Company specially convened for the Purpose, to sell and transfer either to the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, or to the *Dublin and Kingstown* Railway Company, the Undertaking by this or by the said recited Act authorized, or any Share or Interest therein, or any Portion or Portions thereof, whether before or after the Completion thereof (but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same): Provided always, that in the event of the whole of the Undertaking by this and the said recited Act authorized being sold and transferred as aforesaid, then from and after such Sale the *Dublin, Dundrum, and Rathfarnham* Railway Company shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and the general Settlement of the Affairs of the same Company.

Power to lease the Railway.

XII. And be it enacted, That it shall be lawful for the said *Dublin, Dundrum, and Rathfarnham* Railway Company, with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions as they shall think proper, the Undertaking by this and the said recited Act authorized to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto any one of the Railway Companies herein-before mentioned, for such Term and upon such Conditions as may be specified in such Lease.

Power to enter into Contracts.

XIII. And be it enacted, That it shall be lawful for the said *Dublin, Dundrum, and Rathfarnham* Railway Company to make and enter into Contracts or Agreements for effecting the Purposes aforesaid, and for constructing, working, and using the said Railways, or any Part or Parts thereof respectively, or for the Maintenance and Repair thereof, or any Part or Parts thereof respectively, as may be deemed advisable.

Powers of Sale not to be exercised without Cer-

XIV. Provided always, and be it enacted, That it shall not be lawful for the said *Dublin, Dundrum, and Rathfarnham* Railway Company, by virtue of the Powers herein-before contained, to sell, demise,

demise, or lease the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or Lease, that One Half of the whole Amount of the Capital, exclusive of Loans by the Act relating to the said *Dublin, Dundrum, and Rathfarnham* Railway Company authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act.

Certificate of Commissioners of Railways.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, 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 said Company to construct any other Railway, or execute any other Work or Undertaking.

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

XVI. And 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 Two other Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 by this Act.

Railway to be subject to Provisions of any future general Act.

XVIII. And be it enacted, That the Costs and Expences incurred in obtaining this Act, and all Expences preparatory and relating thereto,

Expences of Act.

thereto, shall be paid by the said Company in preference to all other Expences whatever.

Interpretation of Act.

XIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Railway" shall mean the Extension Railway and Works by this Act authorized to be made.

Public Act.

XX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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