ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. cclxv.

An Act to enable the *Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole* Railway Company to extend their Railway to *Blesinton* and in *Dublin;* and for other Purposes with relation to the same Railway. [5th *July* 1865.]

WHEREAS the *Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole* Railway Company (who are meant when the Expression " the Company " is herein-after used) were incorporated by an Act of the last Session of Parliament bearing their Name for the Purpose of making Railways in and near *Dublin*, which Railways are herein-after referred to as " The *Dublin and Rathmines* Railway :" And whereas it is expedient that the Company should make certain Alterations in their authorized Railways, and should extend their Railway in *Dublin* and to *Blesinton*, and to *Poulaphuca*, and should acquire certain additional Lands for the Purpose of their Undertaking, and they are willing, at their own Expense, to execute the said Works, and to purchase the said Lands: And whereas Plans and Sections showing the Lines and Levels of the Extensions and Deviations authorized by this Act, and Plans of the additional Lands intended to be purchased under the Authority thereof, 27 & 28 Vict. c. cclxxxi.

thereof, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken for the Purposes aforesaid, have been deposited with the Clerks of the Peace for the Counties of *Wicklow*, *Kildare*, and *Dublin*, and for the County of the City of *Dublin*: And whereas it is expedient that the *Dublin*, *Wicklow, and Wexford* Railway Company (who are herein-after called the *Wicklow* Railway Company) should be authorized to work the Railways of the Company: And whereas 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,)

Short Title.

1. This Act may be cited for any Purpose as "The *Dublin, Rathmines, &c.* Railway Act, 1865."

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Acts (*Ireland*), 1851 and 1860," and Parts I. and III. of "The Railways Clauses Act, 1863," relating to "Construction of a Railway" and to "Working Agreements," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed, and the Expression "Superior Courts," or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

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 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.

Company may apply their Funds towards Purposes of Act, and may raise

5. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking; and the Company may, for the same Purposes, from Time to Time raise, in addition

addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole Two hundred thousand Pounds by the Creation of new Shares or Stock in their Undertaking, which Shares or Stock shall form Part of the general Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) and upon such other Terms and Conditions as may be determined on by Three Fifths at least of the Votes of Shareholders present, personally or by proxy, at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

additional Capital by new Shares.

6. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Limit of Amount and Number of Calls.

7. 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.

Shares not to issue until One Fifth paid up.

8. All Shares created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of voting as original Shares of the same aggregate nominal Value in the Capital of the Company would confer.

Qualifications of new Shareholders.

9. If, after having created any new or original Shares in their Undertaking, the Company resolve not to issue the same, or any Class or Part thereof, or if, having issued any such Shares, the Holders thereof shall consent to surrender the same, the Company may cancel the Shares to which such Resolution or Consent applies, and in lieu thereof may create and issue other Shares, in One or more Classes, not exceeding the aggregate nominal Value of the Shares so cancelled.

Unissued Shares, and issued Shares with Consent of Holder, may be cancelled.

10. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Sixty-six thousand Pounds either by Mortgage of their Undertaking, or by the Issue of Debenture Stock, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to

Power to borrow on Mortgage.

to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that Half thereof has been paid up, 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 the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

11. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

12. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railways and Works by this Act and the recited Act authorized.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

13. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"—

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions, and Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Remedies of the Creditors of the Company against Shareholders; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"—

Relating to Cancellation and Surrender of Shares;

Relating to additional Capital; and

Relating to Debenture Stock;

shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed under the Powers of this Act.

14. The

Arrears may be enforced by Appointment of a Receiver.

14. The Mortgagees of the Company may enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Ten thousand Pounds in the whole.

Period for compulsory Purchase of Lands.

15. 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.

Lands for extraordinary Purposes.

16. The Quantity of Land to be purchased by the Company by Agreement adjoining or near to the Railways for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed One Acre.

Power to make Works according to deposited Plans.

17. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Deviations and Extensions herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Works.

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

No. 1.—A Railway commencing by a Junction with the Railway No. 4. authorized to be constructed under the 27th and 28th *Vict.* Chap. 231. in a Field in the Occupation of *Garrett Nowlan* in the Townland of *Brittas Little* in the Parish of *Tallaght* in the County of *Dublin*, and terminating in a Field in the Occupation of *William G. Merry* in the Townland and Parish of *Blesinton* and County of *Wicklow:*

No. 2.—A Railway commencing by a Junction with said last-described Railway No. 1. at the Termination thereof, and terminating in a Field in the Occupation of *George Wolfe* near *Poulaphuca Bridge* in the Townland of *Bishopsland*, Parish of *Ballymore Eustace*, and County of *Kildare.* The Company shall not construct so much of the said authorized Railway No. 4. as lies between a Field in the Occupation of *Edward Devany* in the Townland of *Crooksling* in the Parish of *Saggard* and County of *Dublin*, marked No. 47. on the Plans deposited with relation to the said authorized Railway No. 4., and a Field in the Occupation of *William Brien*, numbered 6 on the said Plans, in the Townland of *Brittas Big* in the Parish of *Tallaght*, and instead thereof the Company shall make and maintain between the Points aforesaid a Railway to pass in or through *Crooksling*, *Lugg*, *Raheen*, *Glenaraneen*, *Gortlum*, *Saggard*, *Brittas Big*, and *Tallaght*, in the County of *Dublin.*

19. Pro-

Compensation to be made when Contracts have been entered into or Notices given.

19. Provided always, That in any Case when before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

As to Deposit of Plans with Clerks of Unions.

20. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Misstatements, or erroneous Descriptions 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 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 of 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 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, instead of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," and as if, instead of the Words "Postmasters," the Words "Clerks of the Unions," had been used and inserted in that Act throughout those Provisions.

21. If

Period for Completion of Railways and Works.

21. If the Railways and Works authorized by this Act are not completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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

22. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twelve thousand eight hundred Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon One hundred and sixty thousand Pounds, the estimated Cost of the Railways: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Twelve 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 Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations 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 of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, 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 to 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 Twelve 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

Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs and Successors, of the said Sum of Twelve thousand eight hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee 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 said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or 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 Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to take Tolls as in 27 & 28 Vict. c. cclxxxi.

23. The Company may demand and take, in respect of the Railways, Tolls and Charges not exceeding those which they are authorized to take for and in respect of the Railway authorized by "The *Dublin, Rathmines, Rathgar, Rathfarnham, and Rathcoole* Railway Act, 1864," and the Railways and Works hereby authorized shall, for the Purposes of Toll and for all other Purposes, be deemed Part of the *Dublin and Rathmines* Railway as though they had been authorized by the same Act.

As to additional Lands.

24. It shall be lawful for the Company to enter upon, take, and use for the Purposes of their Undertaking the Lands, Houses, and Property herein-after mentioned; namely,

The Two Houses Nos. 16 and 17, situate on the South Side of *Trinity Street* in the Parish of *Saint Andrew* and South City Ward in the City or Borough of *Dublin;* Premises on the North-west Side of *Dame Lane* at its Junction with *Trinity Street,* being Twelve Yards from the East Angle or Corner of the said House No. 40, *Dame Street,* to the West Corner of *Dame Lane* at its Junction with *Trinity Street,* and from said Junction

Junction by the North-west Side of *Dame Lane*, Thirteen Yards in a Southerly Direction along *Dame Lane*, all in the South City Ward, Parish of *Saint Andrew*, in said City or Borough of *Dublin*; certain Houses, Lands, and Premises on the South Side of *Dame Court*, and the Houses, Lands, and Premises in *King's Head Court*, from the East Angle of the House No. 16, *Dame Court*, Seventy-four Yards or thereabouts distant in an Easterly Direction to its Junction with *Exchequer Street*, thence Forty Yards distant or thereabouts in a Southerly Direction along the North-west Side of *Exchequer Street* to the Point of Junction with *South Great George's Street*, thence Seventy-eight Yards distant or thereabouts in a North-westerly Direction along the North-east Side of *South Great George's Street* to its Junction with the House and Premises No. 5, *South Great George's Street*, all in the Parish of *Saint Andrew*, South City Ward, in the City or Borough of *Dublin*; and the Houses, Lands, and Premises on the South-east Side of *Exchequer Street*, from and including the House No. 6 in said Street adjoining the Limits of Deviation of the Railway No. 1, so authorized to be made by the said Act (27 and 28 *Vict.* Chap. 281.), Forty-one Yards in a Southerly Direction to its Junction with *South Great George's Street*, thence in a South-easterly Direction Two hundred and one Yards or thereabouts along *South Great George's Street* to its Junction with *Lower Stephen Street*, thence in an Easterly Direction Ninety-seven Yards or thereabouts to the Corner of *Drury Lane* at its Junction with *Lower Stephen Street*; also such Portions of *Castle Market*, *Joseph's Lane*, and *Fade Street* as are not within the Limits of Deviation defined upon the deposited Plans referred to in the said 27 and 28 *Vict.* Chap. 231., thence from the South-west Corner of *Drury Lane* at its Junction with *Lower Stephen Street*, One hundred and thirty Yards or thereabouts along the North-west Side of *Drury Lane* to its Junction with *Joseph's Lane*, including such Portions of *Fade Street* as are not authorized to be taken under said Act (27 and 28 *Vict.* Chap. 281.), in the Parish of *Saint Bridget* or *Saint Bride*, Royal Exchange Ward, in the City or Borough of *Dublin*:

Provided nevertheless, and it is hereby expressly declared, that when and so soon as the Company shall have purchased or acquired the Property and Premises abutting or being on the East Side of *South Great George's Street* in the City of *Dublin*, the Company shall and will remove and set back, or cause to be removed and set back, at their own Expense, and without demanding any Compensation or Consideration for the same, so much or such Parts or Portions of the Houses or Buildings fronting the said Street as will be sufficient to make the said Street of the full minimum Width of Fifty

Feet between the intended new Buildings or Works of the said Company and the Line of Buildings on the opposite Side of the said Street, and shall and will make over the Land or Ground necessary for that Purpose to the Corporation of *Dublin* in order to its being devoted to public Use, or on their failing to do so it shall and may be lawful for the Corporation to cause the said Houses and Buildings of the Company to be set back to the above Extent, and to charge the Expenses thereof to the Company, from whom it may be recovered and recoverable as Damages by or under the Provisions of "The Railways Clauses Consolidation Act, 1845."

Extending certain Provisions of 27 & 28 Vict. c. cclxxxi.

25. The Provisions contained in the recited Act of 1864 for the Protection of the Sewers and Streets within the City of *Dublin*, and also Sections 30, 31, and 32 of the said Act with respect to Gas Works and Gas Companies, shall apply to this Act and to the Works to be made by virtue thereof.

Power to enter into Traffic Arrangements with Wicklow Railway Company.

26. The Company on the one hand, and the *Wicklow* Railway Company on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the Construction, Management, Use, Working, and Maintenance of the Undertaking of the Company, or of any Parts thereof, and the Supply of any Rolling or Working Stock, and of Officers and Servants for the Conduct of the Traffic thereon, and the Payments to be made and the Conditions to be performed with respect to the Matters aforesaid, and also with respect to the Interchange, Accommodation, Conveyance, and Delivery of the Traffic, and the Collection, Appointment, Division, and Appropriation between the said Companies of the Revenue arising from such Traffic.

Railways to be continuous.

27. During the Continuance of any such Agreement, in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed partly on the Railway of one of the contracting Companies, and partly on the Railway of the other of them, the Distances traversed shall be reckoned continuously as if the Railways were One Railway, and the Charges to be made in respect of the Railways so made continuous shall be the Tolls and Charges by this Act authorized; and if the Distance traversed by any such Traffic be for a less Distance than Three Miles, no more than a Charge for Three Miles shall be made in respect of such Traffic passing both on the Company's Railway and on the Railway of the other contracting Company.

Saving existing Right to contract.

28. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from "The Railways Act, *Ireland*, 1851," or from the General Law.

29. It

Interest on Calls not to be paid out of Capital.

29. It shall not be lawful for the Company or for the *Wicklow* Railway 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 said Companies 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 Capital raised under this Act.

30. It shall not be lawful for either of the said Companies, 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 them, or either of them, to construct any other Railway, or to execute any other Work or Undertaking.

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

31. 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.

32. All the Expenses of applying for and obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

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