ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

***

The Dublin, Rathmines, Rathfarnham, and Rathcoole Railway Act, 1864.

Arrangements herein-after contained with the *Dublin, Wicklow, and Wexford* Railway Company; but the Purposes aforesaid 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:

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

1. "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 Parts 1 and 3 of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

2. The following Words and Expressions shall 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" shall mean the Company incorporated by this Act:

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

Subscribers incorporated.

3. *Francis Edwards, Charles Kernan, Ralph Crofton Lawrenson, Lorenzo Dundas*, 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 Undertakings, and such Company shall be incorporated by the Name of "The *Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole* 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 Undertakings, within the Restrictions herein and in the said Acts contained.

Capital.

4. The Capital of the Company shall be Two hundred and fifty thousand Pounds, and shall be divided into Twenty-five thousand Shares of Ten Pounds each.

Calls.

5. One Fourth of a 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

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.

6. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Eighty-three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred and fifty 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 Monies.

7. 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.

8. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* or *March* and *August* or *September* in every Year.

Number and Qualification of Direetors.

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

Power to vary Number of Directors.

10. 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.

11. Sir *Percy Nugent* Baronet, Sir *Patrick O'Brien* Baronet, *George Knight*, *Joseph Rivolta*, *Daniel Treacy*, *Laurence Edward Knox*, and *William Corbet* M.D. shall be 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

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

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.

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

Power to take Lands according to deposited Plans.

13. Subject to the Provisions of this Act, the Company may from Time to Time enter upon, take, and use and appropriate all or any of the Lands defined on the said deposited Plans and described in the said deposited Book of Reference: Provided nevertheless, and it is hereby expressly declared and enacted, that it shall not be lawful for the Company to permit or suffer the Drainage, Sewage, or other refuse Matter of the Township of *Rathmines*, or other Suburban District, to pass or flow along, through, or under their said Lines of Railway, or the Lands taken and used for the Purpose of the Company, into any Part of the City or Borough of *Dublin*.

Power to make Works according to deposited Plans.

14. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Line 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 Section, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use.

As to Deposit of Plans with Clerks of Unions.

15. 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 situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans

The Dublin, Rathmines, Rathfarnham, and Rathcoole Railway Act, 1864.

Plans and Sections as shall have been approved of by Parliament should 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 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 Railways.

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

No. 1. A Railway commencing in *Trinity Street* in the Parish of *Saint Andrew* in the City of *Dublin*, passing through the Parishes of *Saint Andrew*, *Saint Bridget* or *Saint Bride*, and *Saint Peter*, all in the said City, and terminating on the South Bank of the *Grand Canal* in the Townland of *Portobello* and Parish of *Saint Peter* aforesaid, between *Clanbrassil Bridge* and *Portobello Barracks*:

No. 2. A Railway commencing at the Termination of Railway No. 1, and passing thence through the Townlands of *Portobello*, *Harold's-Cross-East*, *Harold's-Cross-West*, *Rathmines East*, and *Rathmines West*, in the Parish of *Saint Peter* aforesaid, the Townlands of *Rathgar*, *Terenure*, *Rathfarnham*, and *Butterfield*, in the Parish of *Rathfarnham* in the County of *Dublin*, and terminating in a Field in the Townland of *Butterfield*, Parish of *Rathfarnham*, in the Occupation of *Richard Marlow*, adjoining the public Road leading from *Rathfarnham* to *Firhouse* and *Oldbawn*:

No. 3. A Railway wholly in the said Parish of *Saint Peter* commencing by a Junction with Railway No. 1 near *Saint Kevin's Church*, and forming a Junction with the *Dublin*, *Wicklow*, *and Wexford* Railway near the Iron Bridge carrying the same Railway over the *Grand Canal*:

No. 4. A Railway commencing at the Termination of said Railway No. 2 in the Townland of *Butterfield* and Parish of *Rathfarnham*, thence passing in, from, or through the Townlands of *Butterfield*, *Old Orchard*, *Ballyroan*, and *Scholarstown*, in the Parish

Parish of *Rathfarnham*, and the Townlands of *Ballyroan*, *Templeogue*, *Knocklyon*, *Tymon South*, *Ballycragh*, *Ballycullen*, *Oldcourt*, *Killininny*, *Bohernabreena*, *Oldbawn*, *Kiltipper*, *Friarstown Upper*, *Killinardan*, *Ballymana*, *Kiltalown*, *Corbally*, *Gibbons*, *Gortlum*, *Brittas Big*, and *Brittas Little*, in the Parish of *Tallaght*, the Townlands of *Boherboy*, *Crooksling*, *Slade*, *Lugg*, *Raheen*, and *Glenaraneen*, in the Parish of *Saggart*, all in the County of *Dublin*, and terminating in a Field in the Occupation of *Garret Nowlan* in the Townland of *Brittas Little* in the Parish of *Tallaght* in the County of *Dublin*.

Providing for Continuance of Water Supply to the Inhabitants of Dublin.

17. And whereas the Water Supply to the Inhabitants of the City of *Dublin* is vested in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, herein-after called "the Corporation," and in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging to the Corporation will be intersected or otherwise interfered with, and it is expedient that they should have full Control over the Execution of all Works in any way affecting such Supply so as effectually to provide against the same being impeded: Therefore all Works, Matters, and Things which, under the Provisions of "The Railways Clauses Consolidation Act, 1845," or any of the other Acts incorporated with this Act, and this Act, the Company may be empowered or required to do or execute with reference to the said Mains, Pipes, Syphons, Plugs, or other Works, shall be done and executed by the Corporation, under the sole Direction of their Engineer for the Time being, at the Cost of the Company; and in every Case the Company shall give to the Corporation Three clear Days Notice in Writing before they require to execute any Works that may interfere with the said Mains, in order that the Corporation shall make such Arrangements from Time to Time for the Supply of Water to the Inhabitants of the said City as may be necessary under the Circumstances of the Case, and the Company shall pay all the Expenses necessarily attendant thereon or incidental thereto.

For Protection of Sewers under Control of Corporation of Dublin.

18. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the said Corporation, and vested in them by and under the Provisions of "The *Dublin* Improvement Act, 1849," and the Acts incorporated therewith, and of the Acts amending the said Acts or extending the Powers thereof, or with any Sewers or Works to be made or executed by the said Corporation, or shall or may in any way affect the Sewerage or Drainage of the Districts under their Control, the Company shall not commence

commence such Work until they shall have given to the said Corporation Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the Town Clerk of the said Corporation for the Time being, with a Plan and Section showing the Course and Inclination thereof and other necessary Particulars relating thereto, and until the said Corporation shall have signified their Approval of the same, unless the Corporation do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plans, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Orders, Directions, and Regulations of the said Corporation in the Execution of the said Works, and shall provide by new, altered, or substituted Works in such Manner as the said Corporation may deem necessary for the proper Protection of, and for preventing Injury or Impediment to, the Sewers and Works hereinbefore referred to by or by reason of the said intended Works or any Part thereof.

As to Bridges over Cuttings in public Roads and Streets.

19. Wherever the said Railways, or any of them, shall cross, by means of a Cutting or otherwise, under any public Road or public Street within the Limits of the City or Borough of *Dublin*, so as to interfere with or alter the Rates of Inclination of any such Road or Street, they shall be made there and shall thenceforth be maintained so as that the minimum Inclination of such Road or Street shall not in any Case be less than One in Forty; and in respect of other Roads and Streets within the City of *Dublin* not being public Thoroughfares the minimum Inclination of such Roads and Streets shall not be less than One in Thirty; and all Bridges constructed by the Company under any Roads or Streets shall be constructed so as not to lessen the present clear Width of such Road or Street, including the Footway, and shall be further so covered as to prevent, as far as may be practicable, the Escape of Steam, Smoke, or other offensive Effluvia into the said Roads and Streets; and such Bridges shall be so constructed, as far as may be practicable, as to deaden the Sound of Engines, Carriages, and Traffic passing underneath them; and the Company shall not execute or commence the Erection of any such Bridges or Works as aforesaid until they shall have given the said Corporation Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at his Office in the said City of the Engineer of the Corporation, or the Town Clerk, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Corporation shall have signified their Approval of the same, unless the Corporation fail to signify such Approval or their Disapproval or other Directions within Twenty-one Days after Service of the said Notice, and Delivery

of

of the said Plans, Elevations, Sections, and other Particulars, as aforesaid; and the Company shall comply with and conform to all Directions and Regulations of the said Corporation in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Corporation against all and every Expense to be occasioned thereby; and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Corporation at the Costs, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the said Corporation may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to the said Corporation by the Company on Demand.

As to Construction of Bridges over public Streets within the Limits of the City or Borough of Dublin.

20. In the Construction of the said Railways and Works the following Rules shall be observed:

1. Wherever a Railway shall be carried across any public Carriage Road or public Street within the Limits of the City or Borough of *Dublin*, it shall be made there and shall thereafter be maintained so as not to lessen the present clear Width of such Road or Street, including the Footway (where a Footway now exists), as defined on the said deposited Plans:
2. The Arch of the Bridge over such Road or Street shall not, without the Consent of the said Corporation, in any Case be of less Span than the existing Width of Road and Footpath, with a Headway of the clear Height of Fifteen Feet in the Centre; and the Arch over any such Road or Street shall be formed of an ornamental Character, to the reasonable Satisfaction of the Engineer of the Corporation for the Time being:
3. No Abutments or Piers shall project beyond the general Line of Frontage of the adjoining Houses: Provided always, that where there are Gardens or Forecourts in front of Houses, and the Distance between the Houses is great, the Company shall erect and maintain Side Openings, supported with Columns, back to the general Line of the Frontages of the Houses:
4. All Bridges shall be Water-tight, and so constructed as to deaden, so far as it is practicable, the Sound of Engines, Carriages, and Traffic passing over them:
5. The Company shall not commence the Erection of any Bridge proposed to be constructed for the Purpose of carrying a Railway over any Road or Street or Way within the Area under

under the Jurisdiction of the Corporation until they shall have given to the said Corporation Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the said Corporation, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Corporation shall have signified their Approval of the same, unless the Corporation fail to signify such Approval or their Disapproval or other Directions within Twenty-one Days after the Service of the said Notice, and Delivery of the said Plans, Elevations, Sections, and other Particulars, as aforesaid:

6. The Company shall comply with and conform to all Directions and Regulations of the said Corporation in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Corporation against all and every Expense to be occasioned thereby; and all such Works shall, subject to the Provisions of this Act, be done by and under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Corporation, at the Costs, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the said Corporation may be put to by reason of the Works of the Company, whether in the Execution of the Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to the said Corporation by the Company on Demand.

Provision for Continuance of Water Supply to the Inhabitants of Rathmines and Rathgar.

21. And whereas the Water Supply to the Inhabitants of the Township of *Rathmines* and *Rathgar* is vested in the Commissioners, and in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging to them will be intersected or otherwise interfered with, and it is expedient that the Commissioners should have full Control over the Execution of all Works in any way affecting such Supply so as effectually to provide against the same being impeded: Therefore all Works, Matters, and Things which, under the Provisions of "The Railways Clauses Consolidation Act, 1845," or any of the other Acts incorporated with this Act, and this Act, the Company may be empowered or required to do or execute with reference to the said Mains, Pipes, Syphons, Plugs, or other Works, shall be done and executed by the Commissioners, under the sole Direction of their Engineer for the Time being, at the Cost of the Company; and in every Case the Company shall give to the Commissioners Three clear Days Notice in Writing before they require to execute any Works that may interfere

fere with the said Mains, in order that the Commissioners shall make such Arrangements from Time to Time for the Supply of Water to the Inhabitants of the Township as may be necessary under the Circumstances of the Case, and the Company shall pay all the Expenses necessarily attendant thereon or incidental thereto.

For Protection of Sewers under Control of Commissioners of Rathmines and Rathgar.

22. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the said Commissioners, and vested in them by and under the Provisions of "The *Rathmines* Improvement Act, 1847," and the Acts incorporated therewith, and "The *Rathmines and Rathgar* Improvement Act, 1862," or with any Sewers or Works to be made or executed by the said Commissioners, or shall or may in any way affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Commissioners Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the Commissioners for the Time being, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until the said Commissioners shall have signified their Approval of the same, unless the Commissioners do not signify their Approval, Disapproval, or other Directions within Fourteen Days after the Service of the said Plan, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Orders, Directions, and Regulations of the said Commissioners in the Execution of the said Works, and shall provide by new, altered, or substituted Works in such Manner as the said Commissioners may deem necessary for the proper Protection of, and for preventing Injury or Impediment to, the Sewers and Works herein-before referred to by or by reason of the said intended Works, or any Part thereof; and whenever any Difference or Dispute in reference to the Works shall arise between the Engineer of the Company and the Engineer of the Commissioners, all Matters in dispute shall be referred to an Arbitrator to be appointed by the Board of Public Works in *Ireland*.

For Protection of Sewers within Township of Rathmines and Rathgar.

23. And whereas it is proposed by the Plans and Sections deposited for the said Bill that a Part of Railway No. 2. shall be made by deep cutting through and under the Street and public Places within the Township of *Rathmines* and *Rathgar*, destroying or seriously interfering with the Sewerage of the said Streets and those in connexion with same: Therefore the Company shall construct the new Sewers in place of those destroyed or interfered with in the Manner laid down

down on a Plan to be agreed upon by the Engineer of the Commissioners and the Engineer to the Company, or, failing them, by an Engineer to be appointed by the Board of Works in *Ireland*, and, when so agreed on or decided on, to be deposited with the Clerk of the Peace for the County of the City of *Dublin*; and the Company shall save harmless the Commissioners against all and every the Expense to be occasioned by the said Works; and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the Commissioners at the Cost, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the Commissioners may be put to by reason of the Works of the Company, whether in the Execution of the Works, the Preparation or Examination of Plans or Designs, or the Superintendence of the said Works, or otherwise, shall be paid to the said Commissioners by the Company on Demand; and when any new, altered, or substituted Works as aforesaid, or any Works or Defence connected therewith, shall be completed by or at the Costs, Charges, or Expenses of the Company under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Commissioners, as the Case may be, as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, or alter or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Commissioners or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Plan to be deposited with the Clerk of the Peace for the County of the City of Dublin.

24. The Plan mentioned in the preceding Section shall be deposited with the Clerk of the Peace for the County of the City of *Dublin*, who is hereby required to receive the same, and such Deposit shall be deemed to have been made in pursuance of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel the Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*; and the several Provisions of that Act (except so far as the same shall be inconsistent with this Act) shall form Part of this Act.

Bridges over Cuttings in public Roads and Streets.

25. Wherever the Railway shall cross, by means of a Cutting or otherwise, under any public Road or public Street within the Limits of the Township of *Rathmines and Rathgar*, so as to interfere with or alter the Rates of Inclination of such Road or Street, it shall be made there and shall thenceforth be maintained so as that the minimum Inclination of such Road or Street shall not in any Case be less than One

One in Forty; and in respect of other Roads and Streets within the Township not being public Thoroughfares the minimum Inclination of such Roads and Streets shall not be less than One in Thirty; and all Bridges constructed by the Company under any Roads or Streets shall be constructed so as not to lessen the present clear Width of such Road or Street, including the Footway, and shall be further so covered as to prevent, as far as may be practicable, the Escape of Steam, Smoke, or other offensive Effluvia into the said Roads and Streets; and such Bridges shall be so constructed, as far as may be practicable, so as to deaden the Sound of Engines, Carriages, and Traffic passing underneath them; and the Company shall not execute or commence the Erection of any such Bridges or Works as aforesaid until they shall have given the said Commissioners Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the Commissioners, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Commissioners shall have signified their Approval of the same, unless the Commissioners fail to signify such Approval or their Disapproval or other Directions within Twenty-one Days after Service of the said Notice, and Delivery of the said Plans, Elevations, and Sections, and other Particulars, as aforesaid; and the Company shall comply with and conform to all Directions and Regulations of the said Commissioners in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Commissioners against all and every Expense to be occasioned thereby; and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Commissioners at the Costs, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the said Commissioners may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, and Superintendence, or otherwise, shall be paid to the said Commissioners by the Company on Demand.

Regulating Construction of Bridges over public Roads.

26. In the Construction of the said Railways and Works the following Rules shall be observed:

1. Wherever a Railway shall be carried across any public Carriage Road or public Street within the Limits of the Township of *Rathmines* and *Rathgar*, it shall be made there and shall thenceforth be maintained so as not to lessen the present clear Width of such Road or Street, including the Footway (where a Footway now exists):

2. The

2. The Arch of the Bridge over such Road or Street shall not, without the Consent of the Commissioners of *Rathmines* and *Rathgar*, in any Case be of less Span than Thirty Feet, with a Headway of the clear Height of Fifteen Feet in the Centre; and the Arch over any such Road or Street shall be formed of an ornamental Character, to the reasonable Satisfaction of the Engineer of the Commissioners for the Time being:

3. No Abutments or Piers shall project beyond the general Line of Frontage of the adjoining Houses: Provided always, that where there are Gardens or Forecourts in front of Houses, and the Distance between the Houses is great, the Company shall erect and maintain Side Openings, supported with Columns, back to the general Line of the Frontages of the Houses:

4. All Bridges shall be Watertight, and so constructed, so far as it is practicable, to deaden the Sound of Engines, Carriages, and Traffic passing over them:

5. The Company shall not commence the Erection of any Bridge proposed to be constructed for the Purpose of carrying a Railway over any Road or Street or Way within the Area under the Jurisdiction of the Commissioners until they shall have given to the said Commissioners Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the said Commissioners, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Commissioners shall have signified their Approval of the same, unless the Commissioners fail to signify such Approval or their Disapproval or other Directions within Twenty-one Days after the Service of the said Notice, and Delivery of the said Plans, Elevations, Sections, and other Particulars, as aforesaid:

6. The Company shall comply with and conform to all Directions and Regulations of the said Commissioners in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Commissioners against all and every Expense to be occasioned thereby; and all such Works shall, subject to Provisions of this Act, be done by and under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Commissioners at the Costs, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the said Commissioners may be put to by reason of the Works of the Company, whether in the Execution of the Works, the Preparation or Examination

nation of Plans or Designs, Superintendence, or otherwise, shall be paid to the said Commissioners by the Company on Demand.

Company to construct Railway in Rathmines Township in a Tunnel, in lieu of an open Cutting.

27. And whereas by the deposited Plans and Sections it is proposed to construct the Railway in an open Cutting, but if the same, so far as it goes through the *Rathmines and Rathgar* Township, were constructed in a Tunnel the Injury to the Township would be materially lessened, and the Surface thereof would be available for the Site of new Street or Streets: Therefore, the Company shall construct so much of that Part of the said Railway as the said Commissioners shall deem necessary as a Tunnel, commencing from a Point in Land belonging to Mr. *Lawrenson* North of *Leinster Road* in the said Township, continuing thence from and terminating at the Point where the Railway leaves the Township Boundary at or near *Cremorne, Rathgar*, to the Satisfaction of the Engineer of the Commissioners of the Township.

Company to erect Stations in Township.

28. The Company shall make and erect and for ever maintain Three First-class Stations in the Township, as follows:

A Station at *Charleville Road*, South Side of *Leinster Road*, not less than One hundred Feet distant from the Curb Stone on the said *Leinster Road:*

A Station on *Winton Road, Rathgar*, on Land belonging to Dr. *Hamilton:*

A Station within the Limits of the Township on the *Rathgar and Roundtown Road*, near or opposite to Mr. *Hugh Moore's, Cremorne.*

As to Conveyance of Passenger Traffic to and from the Harcourt Street Station of the Dublin, Wicklow, and Wexford Railway Company.

29. The Company shall afford all Facilities for the Conveyance of Passengers to and from the Junction of Railway No. 3 with the *Dublin, Wicklow, and Wexford* Railway Company; and the Company owning or working the said last-mentioned Railway shall, free of Charge, shunt all Carriages of the Company arriving at such Junction, and convey the same into the *Harcourt Street* Station of the *Dublin, Wicklow, and Wexford* Railway Company; and the said Company shall also in like Manner afford all proper Facilities for the Accommodation of the Passenger Traffic of the Company hereby incorporated at the said *Harcourt Street* Station, and the Conveyance thereof in the Carriages of the Company from the said Station to the before-mentioned Junction.

All Works connected with certain Gas Com-

30. And whereas in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging respectively to the Company of Proprietors of the *Hibernian* Gaslight

Gaslight Company and the *Alliance and Dublin* Consumers Gaslight Company may be intersected or otherwise interfered with, and it is expedient to provide as herein-after mentioned for the Protection of the said Gas Companies: Therefore all Works, Matters, or Things which, under the Provisions of "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1860," or this Act, the Company may be empowered or required to do or execute with reference to the Mains, Pipes, Syphons, Plugs, or other Works of the said Gas Company respectively, shall be done and executed by and at the Cost of the Company, but to the reasonable Satisfaction and under the Direction and Superintendence of the Engineer for the Time being of the Company to whom such Mains, Pipes, Syphons, Plugs, and other Works shall belong; and such Works, Matters, or Things shall not be commenced until after Fourteen Days previous Notice thereof in Writing shall have been given to the Company to whom such Mains, Pipes, Syphons, Plugs, and other Works shall belong; and if any Dispute or Difference shall arise between the Company or their Engineer and the said Gas Companies, or either of them, or their Engineers respectively, or either of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

Companies to be executed to the Satisfaction of their Engineer.

31. If any of the Mains, Syphons, or Plugs of the said Gas Companies or either of them shall be interfered with by the Company, or by the Acts of any of the Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, so as to cause Interruption in the Supply of Gas by means of such Interference, the Company shall forfeit and pay to the Gas Company whose Supply shall have been so interrupted, for the Use and Benefit of such Company, a Sum not exceeding Twenty Pounds for every Day in which such Interruption shall occur after Notice to the Company of such Interruption, and such Sum may be recovered by such Gas Company by summary Process before any Divisional Magistrate for the City of *Dublin*.

Penalty for interfering with Gas Pipes.

32. It shall be lawful for the said Gas Companies and their respective Engineers, Workmen, and others in their respective Employment, at all reasonable Times within the Districts in which such Companies are now entitled by Law to lay down Pipes, to enter upon the Railway, Lands, and Premises of the Company for the Purpose of laying and to lay Mains or Pipes under or over the said Railway, Lands, Works, and Premises, or any Part thereof, and to do all such Works in and upon such Railway, Lands, and Premises as may be necessary for laying, repairing, maintaining, or removing or replacing such Mains or Pipes under or over the same Railway, Lands, and Premises:

For Protection of Gas Companies.

Premises: Provided always, that in so doing the said several Gas Companies or either of them shall not interrupt the Traffic passing on the said Railway in any Manner for any longer Period than may be absolutely necessary: Provided also, that all such Works shall be done by the said Gas Companies under the Superintendence of and to the reasonable Satisfaction of the Engineer of the Company: Provided also, that the Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time hereafter be rendered necessary by the Acts or Defaults of the said Railway Company, their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them or either of them, shall be borne and paid by the Company, and may be recovered from them by the said Gas Companies respectively in any Court of competent Jurisdiction: Provided also, that if any Dispute shall arise between the said Companies or any Two of them, or their Engineers respectively, with respect to the Matters mentioned in this present Enactment, or any of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

Lands for extraordinary Purposes.

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

Period for Completion of Railways.

34. 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 Works as shall then be completed.

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

35. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of the Reign of Her present Majesty, Chapter Twenty, the Sum of Twenty thousand Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight Pounds *per Centum* upon Two hundred and fifty thousand Pounds, the estimated Cost of the Railways: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Twenty thousand 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 hereinafter 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

vivors 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 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 thousand 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 thousand 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 Sum of Money, 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.

36. It shall be lawful for the Company to demand any Tolls for the Use of their Railways, 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 Railways, 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, all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, *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 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, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, 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 (excepting 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:

And 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 Sixpence;

And a 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 Railways, as follows:

For every Person, *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

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

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.

37. 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.

38. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon 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:

For every Passenger conveyed in a First-class Carriage, Twopence Halfpenny *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.

39. And with respect to the Conveyance of Horses, Cattle, Animals, Minerals, Carriages, and Goods, the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railways 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 or other small Animal, Three Farthings *per* Mile:

For every Carriage, Sixpence *per* Mile:

For Manure and other Articles herein-before classed therewith, Three Halfpence *per* Ton *per* Mile:

For Bricks and other Articles herein-before classed therewith, Three Halfpence *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.

40. 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 Railways for a less Distance than Six Miles the Company may demand Tolls as for Six entire Miles:

For a Fraction of a Mile beyond Six 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 Railways which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Tolls for small Parcels and single Articles of great Weight.

41. 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 Railways or any Part thereof of any Parcel not exceeding Seven Pounds in Weight, Threepence;

For

For the Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds 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.

42. Every Passenger travelling upon the Railways 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 Eighty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Company may take increased Charges by Agreement.

43. 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.

Restriction as to Charges not to apply to Special Trains.

44. 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.

Power to enter into Traffic Arrangements with Dublin and Wexford Company.

45. The Company and the *Dublin, Wicklow, and Wexford* 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 or any Part of the Railways:

The Collection, Conveyance, and Conduct of Traffic, and the Supply of any Rolling or Working Stock, and of Officers or Servants:

The Dublin, Rathmines, Rathfarnham, and Rathcoole Railway Act, 1864.

The levying of the Tolls, Rates, and Charges arising on the Undertaking of the Company:

The Division between the contracting Companies of the Receipts arising from Traffic, and the Payments to be made respectively with respect to any of the Matters aforesaid.

Interest not to be paid on Calls paid up.

46. 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.

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

47. 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.

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

48. 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.

Short Title. Expenses of Act.

49. This Act may be cited as "The *Dublin, Rathmines, Rathfarnham, and Rathcoole* Railway Act, 1864;" and all the Expenses of obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

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