ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxxvi.

An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to purchase Lands in the City and County of *Dublin*; to construct a Branch Railway in the County of *Wicklow*; to raise additional Capital; and for other Purposes. [22d *June* 1863.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway and Branch Railway, to be called the* Waterford, Wexford, Wicklow, and Dublin *Railway*; and by that Act the Company thereby incorporated were authorized (among other Things) to take a Lease of the *Dublin and Kingstown* Railway: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to authorize certain Alterations of the Line of the* Waterford, Wexford, and Wicklow *Railway, and to amend the Act relating thereto:* And whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the* Waterford, Wexford, Wicklow, and Dublin *Railway*,

9 & 10 Vict. c. ccviii.

10 & 11 Vict. c. lxi.

11 & 12 Vict. c. xxix.

way, and to enable the South Wales *Railway Company to subscribe thereto:* And whereas another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present

14 & 15 Vict. c. cviii. Majesty, intituled *An Act to authorize the Abandonment of a Portion of the* Waterford, Wexford, Wicklow, and Dublin *Railway, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; to extend in respect of a Portion of the said Undertaking the Periods at present limited for compulsory Purchase of Lands and for Completion of Works; and to amend the Acts relating to the said Railway; and for other Purposes,* by which Act the Name of the Company incorporated by the first-recited Act was changed, and the Name of that Company accordingly became "The *Dublin and Wicklow* Railway Company:" And whereas another Act was passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her

17 & 18 Vict. c. clxxv. present Majesty, intituled *An Act to enable the* Dublin and Wicklow *and the* Dublin and Kingstown *Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes:* And whereas another Act was passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled

20 & 21 Vict. c. xxix. *An Act to confirm the Incorporation of the Undertaking of the* Dublin and Bray *Railway Company with that of the* Dublin and Wicklow *Railway Company, to dissolve the former Company, and to extend the Railway in the City of* Dublin: And whereas another Act was passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the

22 & 23 Vict. c. lxxx. Reign of Her present Majesty, intituled *An Act to enable the* Dublin and Wicklow *Railway Company to extend their Railway to* Gorey *in the County of* Wexford; *and for other Purposes,* by which Act the Company were authorized to raise by the Creation of Shares the Sum of Two hundred thousand Pounds, and to borrow on Mortgage the further Sum of Sixty-six thousand Pounds: And whereas another Act was passed in the Session of Parliament held in the Twenty-third Year of the Reign of

23 & 24 Vict. c. xlvii. Her present Majesty, intituled *An Act to enable the* Dublin and Wicklow *Railway Company to extend their Railway to* Enniscorthy *in the County of* Wexford, *to change the Name of the Company; and for other Purposes,* by which last-mentioned Act the Name of the *Dublin and Wicklow* Railway Company was changed, and the Name of that Company accordingly became "The *Dublin, Wicklow, and Wexford* Railway Company;" and by the same Act the Company were authorized to raise, by the Creation of Shares, such Sums of Money for the Purposes of that Act, in addition to the Capital which they were already authorized to raise as they should deem expedient, not exceeding in the whole the Sum of One hundred thousand Pounds, and to borrow on Mortgage the further Sum of Thirty-three thousand three hundred Pounds; and it was thereby provided that the Capital so authorized to be raised by that Act, and the said Act of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, and the Shares constituting the same, should be considered

considered as Part of the same Capital Stock: And whereas another Act was passed in the Session of Parliament held in the Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to enable the Dublin, Wicklow, and Wexford Railway Company to make a Deviation in their authorized Railway; and for other Purposes:* And whereas the Five *per Centum* Preferential Capital Stock of the said *Dublin, Wicklow, and Wexford* Railway Company authorized to be raised under the Powers of the recited Acts of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter 80, and of the Twenty-third Year of the Reign of Her present Majesty, Chapter 47, consists of Three hundred thousand Pounds, and their ordinary Capital Stock consists of Five hundred thousand Pounds: And whereas the Company have proceeded to extend their Railway to *Enniscorthy*, and the said Sum of One hundred thousand Pounds authorized to be raised in Shares, and the Sum of Thirty-three thousand three hundred Pounds authorized to be raised by Mortgage for the Purpose, have been found insufficient for the Completion of such Extension: And whereas it is expedient that the Company should be enabled to complete such Extension, and also to enlarge and improve the Stations or Termini of their Railway in or near *Harcourt Street*, and of the said *Dublin and Kingstown* Railway in or near *Westland Row*, in the County of the City of *Dublin* respectively; and also to acquire Lands for the Improvement of their Undertaking in the County and City of *Dublin* respectively; and that they should be enabled to raise for those Purposes the further Sum of Forty-five thousand Pounds: And whereas the Construction of a Branch Railway from the Company's Main Line at *Wooden Bridge* to *Shillelagh* in the County of *Wicklow* would be of great public and local Advantage, and it is expedient that the Company should be enabled to construct such Branch Railway, and to raise for such Purpose a further Capital of One hundred thousand Pounds: And whereas the Objects of this Act 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,)

24 & 25 Vict. c. xi.

1. This Act may be cited or referred to for any Purpose as "The *Dublin, Wicklow, and Wexford* Railway Act, 1863." Short Title.

2. "The Companies Clauses Consolidation Act, 1845," and so much of "The Lands Clauses Consolidation Act, 1845," as is not inconsistent with or altered by "The Railways Act (*Ireland*), 1851," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1860," shall, so far as the Provisions of 8 & 9 Vict. cc. 16. 18. & 20., 14 & 15 Vict. c. 70., and 23 & 24 Vict. cc. 97. & 106. incorporated.

of the same respectively are applicable to the Purposes of and not expressly varied by or inconsistent with this Act, be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In construing this Act and (in connexion with this Act) the Acts incorporated herewith the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

"The Special Act" shall mean this Act:

"The Railway" shall mean the Railway and Works by this Act authorized:

"The Company" shall mean the Company incorporated by the first-recited Act, and herein-before mentioned as "The *Dublin, Wicklow, and Wexford* Railway Company:"

"The Directors" shall mean the Directors for the Time being of the Company:

"The Undertaking" shall mean all the Railways, Works, and Undertaking of the Company by this Act and the recited Acts respectively authorized:

And, except as may by this Act be otherwise provided, the several Words and Expressions to which in the said incorporated Acts Meanings are assigned shall have in this Act the same respective Meanings, unless such Meanings shall be excluded by the Subject or Context.

Railway and Works authorized.

4. It shall be lawful for the Company to make and maintain the Railway herein-after described, with all proper Approaches, Stations, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing from and out of and by a Junction with the authorized Line of the *Dublin, Wicklow, and Wexford* Railway, in the Townland of *Kilcarra* West in the Parish of *Arklow* in the County of *Wicklow*, and terminating at or near *Shillelagh* Flour Mills in the Townland of *Ballynultagh* in the Parish of *Mullinacuff* in the same County.

Lands for Improvement of Stations, &c.

5. The Lands and Property which may be taken by the Company under the Powers of this Act for Stations, Sidings, Approaches, and other Works and Conveniences in connexion with their Undertaking, in addition to the Lands and Property to be taken for the Purposes of the new Railway herein-before described, are:

1. Certain Lands and Houses in the Parish of *Saint Peter* in the County of the City of *Dublin*:
2. Certain Lands and Houses in the Parish of *Saint Mark* in the County of the City of *Dublin*:
3. Certain Lands in the Townland of *Cork Little* in the Parish of *Old Connaught* in the County of *Dublin*:

4. Certain

4. Certain Lands in the Townland of *Milltown* in the Parish of *Saint Peter* in the County of *Dublin:*

5. Certain Lands in the Townland of *Killiney* in the Parish of *Killiney* in the County of *Dublin.*

Railway and Works to be made according to deposited Plans.

6. Whereas Plans and Sections showing the Lines and Levels of the Railway hereby authorized, and the Site of the Lands proposed to be taken by the Company for the Purposes thereof, and also for the Purposes of or in connexion with the respective Works and Improvements aforesaid, together with Books of Reference to the said Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands, Houses, and other Property which may be required to be taken for those several Purposes, have been deposited for public Inspection with the Clerk of the Peace for the County of the City of *Dublin*, with the Clerk of the Peace for the County of *Dublin*, and with the Clerk of the Peace for the County of *Wicklow* respectively: Therefore it shall be lawful for the Company, subject to the Provisions and with the Powers of Deviation and other Powers in this Act and the Acts incorporated herewith contained, to make and maintain in the Line or Course 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, the Railway, Approaches, Stations, Works, and Conveniences so delineated and described and hereby authorized; and, subject to the aforesaid Provisions, it shall be lawful for the Company to enter upon, take, and use such of the said Lands, Houses, and other Property as shall be necessary for such Railway, Approaches, Works, and Conveniences: And it shall also be lawful for the Company to enter upon, take, and use such of the Lands, Houses, and other Property herein-before referred to and defined on the said Plans, and described in the said Books of Reference, as they may require for the Purposes of any of the Improvements aforesaid, and to make and maintain such Improvements.

Certain Lands not to be taken without Consent of the Hon. S. H. Hutchinson and J. H. Hutchinson.

7. Provided that the Company shall not without or otherwise than in accordance with the previous Consent in Writing of the Honourable *Sophia Hely Hutchinson* and *John Hely Hutchinson*, or the Survivor of them, or the Heirs or Assigns of such Survivor, to be given on such Terms and Conditions as they and the Company mutually approve, take, use, enter upon, or in any way interfere with any of the Lands lying between *Harcourt Road*, *Adelaide Road*, and *Hatch Street*, in the City of *Dublin*, shown on the deposited Plans, and specified in the deposited Books of Reference thereto, or any of the Lands or Roads now in the Possession of the said *Sophia Hely Hutchinson.*

Certain Lands not to be taken

8. Provided also, That nothing in this Act contained shall enable the Company to purchase, take, use, or in any way interfere with any Lands or

without Consent of E. G. Magan.

or Property before and at the Time of the passing of this Act vested in or belonging to *Elizabeth Georgina Magan*, situate in the Townland of *Cork Little* in the County of *Dublin*, without the Consent in Writing of the said *Elizabeth Georgina Magan* or her Heirs or Assigns.

As to Deposit of Plans with Clerks of Unions.

9. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Mis-statement, or erroneous Description 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 situated; and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament 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 Poor Law 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, and to the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmasters," in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerks of the Unions," 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 "Postmasters," as the Case may be.

Power to alter Engineering Works.

10. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described on the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the 11th, 12th, and 15th Sections of that Act, and so as the Nature of the Work as described be not altered; and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch, or Arches, as shown thereon: Provided, that every such Substitution be authorized by a Certificate of the Board of Trade, who are hereby empowered to grant such Certificates, provided it shall appear to them upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished

diminished thereby; provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the 11th, 12th, 14th, or 15th Sections of "The Railways Clauses Consolidation Act, 1845."

Period of completing Purchase of Lands.

11. The Powers granted by this Act for the compulsory Purchase and taking of the Lands by this Act authorized to be taken shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extra-ordinary Purposes.

12. The Company may by Agreement purchase and hold any Quantity of Land near or adjoining the Railway not exceeding Two Acres for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845."

Dimensions of Arch over Cumberland Street South.

13. In enlarging and improving the *Westland Row* Station of the *Dublin and Kingstown* Railway, in the Parish of *St. Mark* in the County of the City of *Dublin*, the Company may make and maintain an Arch over *Cumberland Street South*, provided they do not lessen the present clear Width of that Street, including the Footways, and that the clear Headway over the whole Width of such Street is not less than Twelve Feet Four Inches in Height.

Dimensions of Arches over Adelaide and Harcourt Roads and Albert Place.

14. In enlarging and improving the Terminus of their Railway at *Harcourt Street* in the Parish of *St. Peter* in the County of the City of *Dublin*, the Company may make and maintain an Arch or Arches over *Adelaide* and *Harcourt* Roads and *Albert Place* respectively: Provided they do not lessen the present Width of those Roads, including the Footways, and that the clear Headway be not in each Case less than that provided for by "The Railways Clauses Consolidation Act, 1845."

Period for Completion of Railway.

15. The Railway hereby authorized 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 same shall cease, except as to so much thereof as shall then be completed: Provided always, that if such Railway shall not be completed and opened for public Traffic within the said Period of Five Years, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of that Period until the Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

16. The

Railway to form Part of the Undertaking of the Company.

16. The Railway and Works by this Act authorized shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever except as regards the Periods for the Purchase of Lands and Completion of such Railway and Works (which Periods are prescribed by this Act), Part of the Undertaking of the Company, in the same Manner as if the same respectively had originally formed Part thereof; and it shall be lawful for the Company to demand and receive in respect of the Use of the Railway hereby authorized to be made, and of the Engines and Carriages to be employed thereon, such Tolls and Charges as they are authorized to demand and receive in respect of the Use of the existing Railways of the Company, and of the Engines and Carriages employed thereon, as if the Railway hereby authorized to be made had originally formed Part of the Railways authorized by the recited Acts.

Power to apply existing Capital.

17. It shall be lawful for the Company at any Time and from Time to Time, as and when they may think fit, to apply to any of the Purposes authorized by this Act any Portion of their existing Capital, or of the Monies raised or authorized to be raised by Shares and borrowing under the Powers of the recited Acts or any of them, and not required to be appropriated to any other specific Purposes.

Power to raise Money by new ordinary Shares.

18. For the Purpose of completing the authorized Extension of their Railway to *Enniscorthy*, and for the other Purposes of this Act, the Company may at any Time and from Time to Time, as and when they think fit, raise, by creating and issuing new ordinary Shares of Ten Pounds each in their Undertaking, in addition to any other Sums which they are by any of the Acts relating to the Company authorized to raise, such Sums of Money as they shall deem expedient, not exceeding in the whole the Sum of One hundred and forty-five thousand Pounds; and, subject to the Provisions of this Act, the Directors of the Company may from Time to Time fix the Amounts and Times of Payment of the Calls on those ordinary Shares, and dispose of such Shares at such Times, to such Persons, on such Terms and Conditions and in such Manner, as they think advantageous to the Company.

New ordinary Shares to form Part of general Capital.

19. All the new ordinary Shares which may be created by virtue of this Act shall form Part of the general ordinary Capital of the Company, in addition to and as Part of their present ordinary Capital Stock of Five hundred thousand Pounds aforesaid, and shall confer on the Holders thereof respectively the like Rights of Voting and other proportionate Privileges as the existing Shares therein.

Calls.

20. One Fifth Part of the Amount of any Share created under the Authority of this Act shall be the greatest Amount of any One Call which the Directors may make in respect of such Share, and Two Months

Months at least shall intervene between successive Calls in respect of such Share, and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Four Fifths of the Total Amount thereof.

Power to borrow on Mortgage.

21. When the whole of the said Sum of One hundred and forty-five thousand Pounds by this Act authorized to be raised by ordinary Shares shall have been actually subscribed for or taken, and One Half of that Sum shall have been actually paid up, and the Company shall have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the said Sum of One hundred and forty-five thousand Pounds has been subscribed for or taken *bonâ fide*, and that the Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence), the Company may from Time to Time borrow on Mortgage any Sums not exceeding in the aggregate Forty-eight thousand three hundred Pounds, in addition to the Sums which they are by any other Acts relating to the Company authorized to borrow.

Existing Mortgages to have Priority.

22. All Mortgages or Bonds granted by the Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall, during their Subsistence, have Priority over all Mortgages or Bonds to be granted by the Company under the Authority of this Act.

Application of Monies.

23. The Sum of One hundred and forty-five thousand Pounds by this Act authorized to be raised by ordinary Shares, and the Sum of Forty-eight thousand three hundred Pounds by this Act authorized to be borrowed on Mortgage, shall be applied to the Purposes authorized by this Act and to no other Purpose.

Interest on Calls not to be paid out of Capital.

24. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

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

25. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being 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.

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

26. Nothing in this Act contained shall be deemed or construed to exempt the Undertaking of 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 the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Tolls for small Parcels, and of the maximum Rates of Fares and Charges authorized to be taken by the Company.

Expenses of Act.

27. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preliminary or incidental thereto, shall be paid by the Company.

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