ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cxxvi.

An Act for authorizing a Deviation and Extensions of the *Dublin, Wicklow, and Wexford* Railway; and for other Purposes. [23d *June* 1864.]

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:* (9 & 10 Vict. c. ccviii) And whereas another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to 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*, (14 & 15 Vict. c. cviii.) 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 Twenty-second and Twenty-third Years of the Reign of

The Dublin, Wicklow, and Wexford Railway Act, 1864.

22 & 23 Vict. c. lxxx. 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

23 & 24 Vict. c. xlvii. Year of the Reign of 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," herein-after called the 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 as Part of the same Capital Stock: And whereas another Act was passed in the Session of Parliament held in the Twenty-sixth and Twenty-seventh

26 & 27 Vict. c. lxxxvi. Years of the Reign of Her present Majesty, intituled *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*, reciting (among other things) that the Five *per Centum* preferential Capital Stock of the 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, consisted of Three hundred thousand Pounds, and that their ordinary Capital Stock consisted of Five hundred thousand Pounds, and by the Act now in recital the Company were authorized to raise for the Purposes therein mentioned the further Sum of One hundred and forty-five thousand Pounds, and to borrow on Mortgage the further Sum of Forty-eight thousand three hundred Pounds; and by the same Act the Company were authorized to make a Railway, commencing by a Junction with the *Dublin, Wicklow, and Wexford* Railway in the Parish of *Arklow* and terminating in the Parish of *Mullinacuff*, both in the County of *Wicklow*; and it is expedient that the Company should be authorized

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to make a Deviation in the Railway so authorized by the Act now in recital: And whereas it is also expedient that the Company should be authorized to make and maintain the several new Lines of Railway by this Act authorized: And whereas it is also expedient that the Company should be authorized to convert all or some Portion of their present and future Mortgage Debt into Debenture Stock: 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,)

Short Title.

1. This Act may be cited as "The *Dublin, Wicklow, and Wexford* Railway Act, 1864."

8 & 9 Vict. cc. 16. 18. & 20., 14 & 15 Vict. c. 70. &c. 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Parts One, Two, and Three of "The Companies Clauses Act, 1863," and so much of "The Lands Clauses Consolidation Act, 1845," as is not inconsistent with or altered by "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1851," as amended by "The Railways Act (*Ireland*), 1860," "The Railway Act (*Ireland*), 1860," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Parts One and Three of "The Railways Clauses Act, 1863," shall, so far as the Provisions of the same respectively are applicable to the Purposes of and not expressly varied by 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 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 Railway" shall mean all the Railways 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 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,

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 Railways herein-after described, with all proper Approaches, Stations, Wharves, Quays, Landing Places, Works, and Conveniences connected therewith; (that is to say,)

A Railway in substitution for a Portion of the Branch Railway authorized by "The *Dublin, Wicklow, and Wexford* Railway Act, 1863," such substituted or diverted Railway commencing in the Parish of *Castlemacadam* in the County of *Wicklow*, at a Point on the *Dublin, Wicklow, and Wexford* Railway near the Distance Post Forty-five Miles from *Dublin*, and terminating in the Townland of *Coolgarrow* in the Parish of *Ballintemple* in the same County, in the Field numbered 8 on the Plans referred to in the said Act as having been deposited with the Clerk of the Peace for the County of *Wicklow*:

A Railway commencing in the Townland of *Templeshannon* in the Parish of *Templeshannon* in the County of *Wexford*, by a Junction with the *Dublin, Wicklow, and Wexford* Railway in a Field numbered 12 in the said Townland on the Plans referred to in "The *Dublin, Wicklow, and Wexford* Railway (*Enniscorthy* Extension) Act, 1860," as having been deposited with the Clerk of the Peace for the County of *Wexford*, and terminating at or near the North-west Side of *Slaney Street* in the Parish of *Saint Selskar's* in the same County.

Railway and Works to be made according to deposited Plans.

5. Whereas Plans and Sections showing the Lines and Levels of the Railways and Works hereby authorized, and the Site of the Lands proposed to be taken by the Company for the Purposes thereof, 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, Buildings, and other Property which may be required to be taken for those Purposes have been deposited for public Inspection with the respective Clerks of the Peace for the Counties of *Wicklow, Wexford, and Carlow:* 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 Railways, 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, Buildings, and other

Property

Property as shall be necessary for such Railway Approaches, Works, and Conveniences, or for any Purpose by this Act authorized.

As to Deposit of Plans with Clerks of Unions.

6. 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.

Abandonment of Portion of authorized Line.

7. The Company shall abandon the Formation of so much of the Railway authorized by "The *Dublin, Wicklow, and Wexford* Railway Act, 1863," as will be rendered unnecessary by or in consequence of the Construction of the deviated Line authorized by this Act.

Compensation to be made where Contracts have been entered into or Notice given.

8. In every Case in which, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were by "The *Dublin, Wicklow, and Wexford* Railway Act, 1863," 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 or other Persons interested in such Lands full Compensation for all Injury or Damage sustained by such Owners or 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 to be taken under the Provisions thereof: Provided also, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to recover from the Company Compensation for any Damage which 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 the Railway, pursuant to the Provisions for that Purpose in "The Railways Clauses Consolidation Act, 1845," contained.

Level Crossing.

9. Subject to the Provisions of this Act, the Company may carry the Railway across and on the Level of the Road numbered on the deposited Plans as follows; (that is to say,)

Number on Plan.	Parish.	Description of Road.
38	Clonmore - - -	Public.

But no more than a single Line of Railway shall be laid down at any such level Crossing so long as the Railway consists of a single Line of Railway, and in no Case shall there be more than a double Line of Railway at any such level Crossing.

Powers for compulsory Purchases limited.

10. 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 extraordinary Purposes.

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

Period for Completion of Railway.

12. The Railway firstly described shall be completed within Three Years and the Railway secondly described within Five Years from the passing of this Act, and on the Expiration of such Periods respectively 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 Periods of Three Years and Five Years respectively, 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

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 deemed to be a Circumstance beyond their Control.

Railway to form Part of the Undertaking of the Company.

13. The several Railways and Works by this Act authorized shall be and be deemed for the Purposes of Tolls, Fares, Rates, and Charges, and for all Purposes whatsoever, except as regards the Periods for the Purchase of Lands and Completion of such Railways 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 several Railways hereby authorized to be made, and of the Engines, Carriages, Waggons, and Trucks to be employed thereon, and for all Services performed by the Company thereon, and for all other Matters with respect to Traffic 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, Carriages, Waggons, and Trucks employed thereon, and for like Traffic and Services, and in like Manner, and with and subject to like Powers and Provisions in all respects as if the Railways hereby authorized to be made had originally formed Part of the Railways and Undertaking of the Company heretofore authorized; and for the Purposes of Tolls, Fares, Rates, and Charges the several Lines of Railway by such Acts and this Act respectively authorized shall be deemed to form One continuous Line of Railway.

Power to apply existing Capital.

14. 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 any of the Acts relating to the Company, and not required to be appropriated to any other specific Purposes.

Power to raise Money by new Shares.

15. For the Purpose of making the several Railways by this Act authorized, and for the other Purposes of this Act, the Company may at any Time, and from Time to Time, as and when they may think fit, raise, by creating and issuing new ordinary Shares in their Undertaking, or new preference Shares therein, or by creating and issuing

partly

partly such new ordinary Shares, and partly such new preference Shares, the additional Capital of One hundred and fifty thousand Pounds; but it shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum, being not less than One Fifth Part of the Amount of such Share, shall have been paid up in respect thereof.

Power to borrow on Mortgage.

16. When the whole of the said Sum of One hundred and fifty thousand Pounds by this Act authorized to be raised shall have been subscribed for *bonâ fide* and issued, and One Half paid up, and the Company has proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the said Sum of One hundred and fifty thousand Pounds has been subscribed for *bonâ fide* and issued, and that One Fifth of every Share has been paid on issue of the same, 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 Fifty thousand 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.

17. 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.

18. The Sum of One hundred and fifty thousand Pounds by this Act authorized to be raised by the Creation of new Shares, and the Sum of Fifty thousand 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.

19. 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."

20. The

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

20. 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.

Saving Rights of the Crown.

21. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Company not to take Property of Commissioners of National Education except upon Terms approved by Commissioners of Public Works.

22. Provided, That nothing in this Act, or in any Act hereby incorporated with and forming Part of this Act, or any of them, or in any other Act contained, shall authorize the said Company in any Manner to interfere with the Building known as "The *Enniscorthy* Model Schoolhouse," or the Lands or Hereditaments connected therewith, and now vested in the Commissioners of National Education in *Ireland*, or in any Trustee or Trustees for or on their Behalf, or to enter upon, possess, or occupy the same or any of them, except upon such Terms, or under such Restrictions, and according to such Plans as shall be approved by the Commissioners of Public Works, such Approval to be signified in Writing under the Hands of the Commissioners of Public Works or any of them.

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

23. 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 or 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.

24. 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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