CHAP. cxxvi.

An Act to confer additional powers on the Dublin, Wicklow, and Wexford Railway Company for the construction of works and other matters relating to their undertaking; and to enable the Company and the London and North-western Railway Company to make traffic arrangements; and other purposes. [14th July 1870.] A.D. 1870.

WHEREAS it is expedient that the Dublin, Wicklow, and Wexford Railway Company (herein-after called the Company) should be empowered to make the new works near to the Shanganagh junction, and near to the Bray station, and near to the Sandycove station, herein-after described:

And whereas by the "Dublin, Wicklow, and Wexford Railway Act, 1864," herein called the Act of 1864, the Company were authorised to make a railway commencing in the townland of Templeshannon, and terminating at or near the north-western side of Slaney Street, in the town of Wexford, in the parish of Saint Selkstairs in the county of Wexford; and by the "Dublin, Wicklow, and Wexford Railway Act, 1868," herein called the Act of 1868, the time for purchasing lands and for the construction of the said railway were respectively extended for the period of three and five years from the twenty-fifth day of June one thousand eight hundred and sixty-eight: 27 & 28 Vict. c. cxxvi. 31 & 32 Vict. c. lxii.

And whereas the Company are in course of constructing the said railway authorised by the Acts of 1864 and 1868, but since the passing of the said Acts, and since the plans and sections were deposited with reference to the Act of 1864, a new public carriage road has been made leading from Ferrycarrig to Wexford New Bridge, and the said road crosses the authorised line of the Dublin, Wicklow, and Wexford Railway, and it is therefore expedient that they should be authorised to abandon a part of their authorised railway near the town of Wexford, and to make a new portion of railway in lieu of the portion of railway to be abandoned:

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And whereas in pursuance of the powers of the "Dublin, Wicklow, and Wexford Railway Act, 1868," an extraordinary general meeting was held at Dublin on the seventeenth day of August one thousand eight hundred and sixty-eight, and a resolution was passed purporting to cancel eight thousand five hundred shares of ten pounds each, amounting to eighty-five thousand pounds, which have been alleged to be surrendered, and it is expedient that the Company for the purposes of their undertaking be authorised to create and issue new ordinary shares in lieu of the shares aforesaid, subject to the provisions herein-after contained:

And whereas it is expedient that the Company be authorised to apply towards the purposes of this Act their capital or funds:

9 & 10 Vict. c. ccviii.

And whereas by The Waterford, Wexford, Wicklow, and Dublin Railway Act, 1846, herein called the Act of 1846, the Company have power to elect any number of directors, not exceeding twenty and not being less than ten, and the present number of directors is ten, and it is expedient that the number of directors of the Company be reduced to eight and not less than five:

And whereas it is expedient to enable the Company and the London and North-western Railway Company to enter into contracts and agreements with respect to the interchange, accommodation, and conveyance of traffic;

And to enable the London and North-western Railway Company to subscribe to and hold shares in the undertaking of the Company;

And to appoint a director of the Company:

And whereas plans and sections of the works by this Act authorised, and books of reference to those plans, have been deposited with the clerk of the peace for the county of Wicklow, with the clerk of the peace for the county of Dublin, and with the clerk of the peace for the county of Wexford, which plans and sections and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

And whereas the several purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Dublin, Wicklow, and Wexford Railway Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1860," "The Railways Clauses Consolida-

tion Act, 1845," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," Part I. and Part III. of "The Railways Clauses Act, 1863," and with respect to the share capital authorised to be issued by the Company in terms of this Act, the following provisions of The Companies Clauses Acts, 1845 and 1863, (that is to say,) the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters, (that is to say,) with respect to the distribution of the capital of the Company into shares, with respect to the transfer or transmission of shares, with respect to the payment of subscriptions and the means of enforcing payment of calls, with respect to the consolidation of shares into stock, with respect to the general meetings of the Company and the exercise of the right of voting by the shareholders, and with respect to the provision for affording access to the special Act, and Part I. and Part II. of "The Companies Clauses Act, 1863," as amended by the "Companies Clauses Act, 1869," save so far as any of the sections and provisions of those Acts respectively are by this Act expressly varied or excepted, shall be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Dublin, Wicklow, and Wexford Railway Company, and the expression "the undertaking" means the undertaking of the Company.

As to deposit of plans with clerks of unions.

4. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that certificates of any omission, misstatement, 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 Consolida-

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tion 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 "postmaster," in the said Act shall be read and construed as if the expression "clerks of the unions within which said 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.

Works authorised by this Act.

5. Subject to the provisions of this Act, the Company may construct the following works, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose: Provided that nothing herein contained shall authorise the Company to purchase compulsorily the lands numbered on the deposited plans before referred to 1, 2, 3, 4, 5, and 6, in the townland of Cork Great and parish of Old Connaught. The works authorised by this Act are as follows:

1. The Company may make and maintain an enlargement or widening of the Dublin, Wicklow, and Wexford Railway (one mile two furlongs and two hundred yards, or thereabouts, in length), such widening commencing at a point on said railway situated at the junction of the Company's Kingstown branch railway with the Dublin, Wicklow, and Wexford main line at the point known as the "Shanganagh junction," and terminating at a point thereon situated at or near the station at Bray:
2. The Company may make and maintain a diversion railway (seven furlongs and twenty-five yards, or thereabouts, in length), commencing on the line of the Dublin, Wicklow, and Wexford Railway at a point on the said railway situate two hundred and twenty yards north of the first timber viaduct south of Bray station, and terminating on the said railway at a point situate in a northerly direction three hundred and thirty yards from the north-west end of the third tunnel south of Bray:
3. The Company may make and maintain a railway (one mile four furlongs and eighty-five yards, or thereabouts, in length), commencing in the townland of Park in the parish of Carrick and county of Wexford, from and out of the authorised line of railway to Wexford, in or at the lane or roadway numbered 33 in the said townland on the plans referred to in The Dublin, Wicklow, and Wexford Railway Act, 1864, as having

been deposited with the clerk of the peace for the county of Wexford, and terminating at a point on the vacant space lately the southern approach to the old bridge of Wexford, now removed and situated opposite to and north of the county court house of Wexford:

And with respect to tolls, rates, and charges, and for all other purposes, these works and railway shall be part of the Company's undertaking:

4. The Company may make a diversion of the existing tramway between Dalkey and Kingstown, such diversion commencing at a point ninety yards on north side of centre of railway bridge at Sandycove station of the Company, and terminating at a point one hundred and fifty yards north-east of the centre of railway bridge at Adelaide Road station of the Company.

Saving rights of Mrs. Anna Maria O'Reilly Dease.

6. Nothing in this Act contained shall authorise the Company to take compulsorily any land or property of Mrs. Anna Maria O'Reilly Dease, in the townlands of Ravenswell or Bray Common on the west side of the railway, or to interfere with any right of way or easement she may possess in, over, or upon that part of the road marked on the deposited plans No. 2 in the said townlands and common which extends northward from the junction of the road marked No. 3 on the deposited plans towards the arch of the railway bridge giving access to the sea, or to close up or alter the width or headway of the roadway under the said railway bridge giving access under the railway to the seashore, without the consent in writing of the said Mrs. Anna Maria O'Reilly Dease.

Diversion of certain road.

7. In constructing railway No. 3 by this Act authorised, the Company may divert the road numbered 21*a* in the book of reference deposited with reference to that railway, in the parish of Saint Selskar and in the parish of Saint John's, and in the extra-parochial place adjoining such parish, in the county of Wexford, as shown on the deposited plans and sections of that railway: Provided always, that the Company shall not alter the line nor increase the inclinations of the diversion of the said road, as shown on the said plans and sections, nor make the width of such diversion less at any point than that of the existing road where so diverted; and that the Company shall extend the approach from or in line with the Wexford Free Bridge numbered 15a on the said plans to the said diversion in the line and of the width shown on the said plans, and with an inclination not steeper than that shown on the said sections: Provided also, that the Company shall complete the said diversion and the extension of the said approach, or provide a good and

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sufficient temporary road to the satisfaction of the county surveyor, before interfering with the existing road, and shall maintain the said extension in all time thereafter, and the said diversion until the county surveyor of the county of Wexford is satisfied that the works have been substantially executed and consolidated, and that the surface of the road is in proper order; and on the county surveyor being so satisfied he shall give certificate of same to the Company, after which being so given the maintenance of the diversion shall be taken up and borne by the county.

For protection of Wexford Harbour.

8. The Company shall not, without the consent of the Wexford Harbour Commissioners, in the construction or for the purposes of railway No. 3 by this Act authorised execute any works in or upon the boat dock, slip, or breakwater, numbered on the deposited plans 21e, 21h, and 21g, or in or upon the quay on the western side of the said boat dock, nor shall they enter upon, take, or use temporarily or permanently any part of the said boat dock, slip, breakwater, or quay, except so much of the said boat dock and slip as is situated between the eastern front of the said quay and an imaginary straight line distant eastward from the said quay front twenty-five feet at the northern end thereof next Gafney's wall, and ten feet at the southern end thereof next the abutment of the old bridge, and the said railway where carried across the said boat dock shall be constructed upon open wooden piling, without solid embankment or masonry, and the Company, before entering upon or interfering with the slip numbered on the deposited plans 21h, shall construct for the use of the Wexford Harbour Commissioners a new slip of at least equal dimensions and accommodation with the said existing slip, and immediately to the eastward thereof.

As to construction of works at Bray Dock.

9. In constructing the widening of the railway No. 1 by this Act authorised, the Company shall be bound, where the said widening passes near the dock at Bray, to encroach as little as possible towards the said dock.

As to construction of railway through lands of Ballynamuddagh.

10. In constructing the diversion railway No. 2 by this Act authorised through the lands of Ballynamuddagh, the Company shall not deviate from the centre black line laid down on the said deposited plans, and shall not take or acquire more land than is necessary for the construction, maintenance, protection, and safe working of the said diversion and existing railways; and the Company, in case the existing foot bridge over the railway to be diverted be removed or interfered with, shall be bound to construct and maintain a similar foot bridge over the diverted railway, with approaches, and the Company shall construct a proper

fence on the railway side of the private road through said lands of Ballynamuddagh. A.D. 1870.

Preserving existing rights.

11. The Company may make and maintain the diversion railway No. 2 where it passes through the lands of Rathdown Upper as authorised by this Act; but nothing herein contained shall alter or vary the rights of the Company and the Earl of Meath with respect to a lease from the Company to the said Earl of Meath, dated nineteenth September one thousand eight hundred and sixty-one, of certain lands in Rathdown Upper, the rights of both parties being hereby reserved entire as if this Act had not been passed.

Lands for extraordinary purposes.

12. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised as regards the works 1, 2, and 4, herein-before described, after the expiration of three years from the passing of this Act, and shall not be exercised as regards the railway Number 3, herein-before described, after the expiration of the period limited by the Act of 1868 for the compulsory purchase of lands for the railway authorised by the Act of 1864.

Penalty with reference to railway.

14. If the Company fail within the period limited by this Act to complete the railway No. 3 authorised by this Act, the Company shall be liable to the same penalty which they would have incurred by failure to complete the portion of railway which they are by this Act authorised to abandon, and the said railway No. 3 shall be deemed to be for all purposes in lieu of said portion of railway authorised to be abandoned.

Period for completion of works.

15. The works 1, 2, and 4, herein-before described, shall be completed within five years from the passing of this Act, and the railway Number 3, herein-before described, shall be completed within the period limited by the Act of 1868 for the completion of the railway authorised by the Act of 1864, and if the works shall not be completed within those periods, then on the expiration thereof the powers by this Act granted to the Company for making and completing the works and railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company may abandon portion of authorised line.

16. The Company shall abandon so much of the authorised line of the Dublin, Wicklow, and Wexford Railway rendered unnecessary by the construction of railway No. 3, herein-before

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described, as lies between the lane or roadway numbered thirty-three in the townland of Park and parish of Carrick and county of Wexford on the plans referred to in the Act of 1864 as having been deposited with the clerk of the peace for the county of Wexford, and the terminus of said railway, at the west side of Slaney Street, in the town of Wexford.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

17. The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that behalf of the "Railways Clauses Consolidation Act, 1845," or such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act.

Compensation to be made in respect of portions of railways abandoned.

18. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the "Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof, or of the Acts of 1864 and 1868.

Company may apply funds towards construction of works.

19. The Company may apply any of their capital or funds towards the construction of the works by this Act authorised.

Company may issue shares in lieu of shares cancelled by them.

20. For constructing the works by this Act authorised, and for the general purposes of their undertaking, the Company may, in lieu of the shares cancelled by them to the amount of eighty-five thousand pounds, create and issue a similar amount by means of new ordinary

shares of fifty pounds each in their undertaking: Provided that the power to issue shares, in lieu of those alleged to be cancelled, shall not be exercised in case the Court of Chancery shall in the suit now pending, so far as relates to said shares, finally determine that such cancellation was illegal; and subject to the provisions of this Act the directors may from time to time fix the amounts and times of payment of the calls on those shares.

Shares not to issue until one fifth part paid up.

21. 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 of the amount of such share shall have been paid in respect thereof.

Calls.

22. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Application of money.

23. All moneys raised by the Company under this Act by shares shall be applied for the purposes to which the same are made applicable by this Act only.

Reduction of number of directors of the Company.

24. The number of directors, which is at present ten, shall cease to be the number defined by the Act of 1846, and shall (subject to the provisions for further reduction herein-after contained) be reduced to eight, and such reduction shall take place by the next two vacancies which shall occur in the board by death or resignation not being filled up.

Further power of reduction.

25. The Company, if they think fit, may still further reduce the number of directors, provided that the total number of directors when so reduced shall not be less than five, exclusive of any director to be appointed by the London and North-western Railway Company in terms of this Act.

Power to London and North-western Railway Company to subscribe, and to apply funds for that purpose.

26. The London and North-western Railway Company may, with the authority of three fourths of the votes of their shareholders present, in person or by proxy, at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking of the Company, not exceeding in the whole thirty thousand pounds; and the said Company may, with the like authority, contribute and apply in payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys

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which they are by this Act authorised to raise; and the said Company shall, in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the London and North-western Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to raise money by the creation of shares or stock.

27. The London and North-western Railway Company may from time to time raise for the purposes of their subscription to the undertaking any sums of money, not exceeding in the whole the amount which the said company may as aforesaid agree to subscribe, by the creation and issue of new ordinary shares or stock and new preference shares or stock in their capital, or, at the option of the said company, by any of those modes; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; that is to say,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends; and

The giving of notices;

and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," shall extend and apply to the London and North-western Railway Company, and to the additional capital which they are by this Act authorised to raise.

Shares of Company not to issue until one fifth part paid up.

28. The London and North-western Railway Company shall not issue any share or stock under the authority of this Act, nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share or such stock shall have been paid in respect thereof.

London and North-western Railway Company may appoint a director.

29. The London and North-western Railway Company after they shall have subscribed the sum of thirty thousand pounds to the undertaking of the Company, in terms of this Act, and whilst

shareholders to that extent, shall have power to appoint one of the eight directors of the Company; and to make room for that director upon the application of the London and North-western Railway Company, if there shall be at that time eight directors appointed by the Company, one of them shall cease to be a director, and such director shall be selected by agreement amongst the directors appointed by the Company, or, failing agreement, by ballot amongst these directors.

Power to enter into traffic arrangements with London and North-western Railway Company.

30. The Company on the one hand, and the London and North-western Railway Company on the other hand, may from time to time enter into contracts and arrangements with respect to the interchange, accommodation, and conveyance of traffic arising on or coming from or destined for the undertakings of the two companies, and with respect to the division and appropriation of the revenue arising from such traffic: Provided always, that no such agreement between the London and North-western Railway Company and the Company shall preclude the Company from entering into agreements with any other company or companies with reference to the interchange, accommodation, and conveyance of traffic on the railways of the Company and of such other company or companies.

As to publication of agreements.

31. Every contract or arrangement made or entered into under the authority of this Act between the Company and the London and North-western Railway Company (herein-after called the contracting companies) shall be carried into effect by a written agreement, and notice that the same has been entered into shall be advertised once in the London, the Dublin, and the Edinburgh Gazettes, and also once at least in each of three successive weeks in a Dublin and in a London daily newspaper, and the notice shall state that copies of the proposed agreement have been deposited at the Board of Trade, and also at the principal office of each of the contracting parties, and may be obtained by all persons asking for the same at a price not exceeding one shilling for each copy.

Contracting companies must make similar agreements with other companies, if required.

32. When the contracting companies have entered into any such agreement they and each of them shall (if required) enter into a similar agreement with any company or person not parties to any such agreement, and being owners of a railway or canal or navigation, and being carriers of traffic passing between England and Ireland; and such similar agreements shall, among other things, provide that the said contracting companies, or such one of them as may be parties to any such agreement, shall not demand or receive upon traffic passing from or to any English port or place to or from which such owners of a railway or canal or navigation carry traffic

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any greater rate or charge, whether by sea or land, than is demanded and received by the contracting parties severally upon traffic conveyed by them under any agreement entered into by them under the powers of this Act.

Means of enforcing enactments.

33. If complaint shall be made to the Court of Common Pleas that the contracting companies are acting in contravention of this Act, or have not deposited any such agreement or copy of an agreement, or withhold copies thereof, or refuse to enter into similar agreements with other companies or persons, it shall be lawful for the said court to take all such proceedings and to make such inquiry into the reasonableness of such complaint, and to enforce all such orders against the contracting companies, or either of them, as if this enactment had been contained in "The Railway and Canal Traffic Act, 1854."

Interest not to be paid on calls paid up.

34. The Company shall not, out of any money by this Act authorised to be raised by calls, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Saving rights of the Crown in the foreshore.

35. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the said Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving of rights as to future accretions.

36. If any land to the seaward of the lands by this Act authorised to be embanked or reclaimed, and under the management of the Board of Trade, shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above, instead of being, as all land to the seaward of the lands by this Act authorised to be reclaimed now is, below the line of ordinary high-water mark, the Company shall not by virtue of the

ownership of any lands which they are by this Act empowered to reclaim have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised, or otherwise; but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

37. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said river Slaney, or of the sea beyond the mouth thereof, belonging to Her Majesty, and under the management of the Board of Trade, shall be inned, gained, or reclaimed from the water, the said Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed, for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

Saving rights of the Dublin and Kingstown Railway.

38. Nothing in this Act contained shall extend to prejudice or take away any of the rights, privileges, or powers of the Dublin and Kingstown Railway Company.

Deposits for future Bills not to be paid out of capital.

39. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

40. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

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Expenses of Act.

41. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1870.