CHAPTER cxxx.

An Act to enable the Dublin, Wicklow, and Wexford Railway Company to acquire additional lands and to construct works, and to extend the time for the compulsory purchase of lands and completion of certain authorised works, and other matters relating to their undertaking. A.D. 1875.

[19th July 1875.]

WHEREAS it is expedient that the Dublin, Wicklow, and Wexford Railway Company (herein-after called "the Company") should be empowered to acquire additional lands for the extension of certain of their stations and other premises, and for the purposes of their undertaking, and should be empowered to construct the works herein-after described for the purpose of improving their railways:

And whereas by "The Dublin, Wicklow, and Wexford Railway Act, 1870," (herein called "the Act of 1870,") the Company were authorised to make the railways and works therein described as Nos. 1, 2, and 4, and the period for the compulsory purchase of lands for the said railways and works was limited to the period of three years from the passing of that Act, and the period for the completion of the same was limited to five years from the passing of the said Act, and it is expedient that the powers for the compulsory purchase of lands should be revived, and that the time for completing the works should be extended: 33 & 34 Vict. c. cxxvi.

And whereas it is expedient to authorise the Company to raise additional capital as herein-after provided for the purposes of this Act and for the general purposes of their undertaking:

And whereas certain of the directors of the Company have heretofore, out of their own private funds, paid or advanced various sums of money and incurred liabilities on account of the Company, and it is just that they should be indemnified in respect thereof by the Company:

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And whereas it is expedient to enable the said Company to repay to the London and North-western Railway Company a certain sum of thirty thousand pounds, contributed by the said London and North-western Railway Company to the Company's undertaking, under the powers of the Act of 1870:

And whereas plans and sections of the works by this Act authorised, and plans of all lands to be taken compulsorily, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of all such lands, have been deposited with the clerk of the peace for the county of Wicklow, with the clerk of the peace for the county of of the city of Dublin, and with the clerk of the peace for the county of Dublin, 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 and certain others herein-after provided for 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, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Acts (Ireland), 1851, 1860, and 1864," "The Railways Traverse Act," Part I., relating to construction of a railway, and Part II., relating to extension of time, of "The Railways Clauses Act, 1863," 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 forfeiture of shares for nonpayment of calls, with respect to the remedies of creditors of the Company against the shareholders, 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, with respect to the making of dividends, with respect to the giving of notices, and

with respect to the provisions for affording access to the special Act, and Part I., relating to the cancellation and surrender of shares, Part II., relating to additional capital, and Part III., relating to debenture stock, 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; the expression "the undertaking" means the undertaking of the Company for the time being; the expression "the Act of 1870" means "The Dublin, Wicklow, and Wexford Railway Act, 1870."

Power to make works according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are—

1. The Company may widen the two bridges respectively carrying the line of the Dublin and Kingstown Railway of the Company over Sandwith Street and Cumberland Street South, in the parish of St. Mark and city of Dublin:
2. The Company may widen the present bridge carrying the said Dublin and Kingstown Railway over Barrow Street, in the parish of St. Mark and city and county of Dublin:
3. The Company may widen the present bridges carrying the line of the said Dublin, Wicklow, and Wexford Railway over Harcourt Road and over Adelaide Road respectively, in the parish of St. Peter and city of Dublin.

Provisions as to works.

5. The following provisions shall be applicable to the works by this Act authorised:

A. Where the railway will increase the length of the bridge over Cumberland Street, the Company shall erect, and when and so long as they may be required by the Corporation of the city of Dublin, keep lighted day and night at their expense,

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one lamp of the same pattern and consuming the same quantity of gas per hour as those erected by the said Corporation for the public lighting of the said city:

B. Where the railway increases the length of the bridges over Barrow Street and Adelaide Road, the Company shall erect, and, when and so long as they may be so required by the said Corporation, keep lighted day and night at their expense, one lamp under each bridge as above described:

C. Where the Company proposes to lengthen the bridge over Sandwith Street, iron girders are to be used of the entire width of the street, in place of lengthening the three small arches of the present bridge:

D. The arches or other covering of the said bridges shall be made water-tight, so as to secure the passengers passing under the same from all annoyance from dropping or leaking of water:

E. All water pipe and road materials, in or forming part of Cumberland Place, and the public passages or thoroughfares, are to be removed by and to become the property of the said Corporation.

Power to Company to acquire additional lands for stations, &c.

6. Subject to the provisions of this Act, the Company may, for the purposes of station accommodation and other purposes of their undertaking, enter upon, take, and use such of the lands as are delineated upon the deposited plans and described in the deposited books of reference, and they may also for the aforesaid purposes stop up and discontinue as public thoroughfares, and appropriate all or part of Cumberland Place South and Cottage Place, and other streets and passages delineated on the said deposited plans, and described in the deposited books of reference: Provided always, that nothing in this enactment contained shall authorise the Company to divert, stop up, or in any way interfere with the road called the Quinnsboro' Road, marked No. 1 on the deposited plans and books of reference, in the townland and parish of Bray and county of Wicklow.

As to deposit of plans with clerks of unions.

7. With reference to this Act, all the provisions of sections 7, 8, and 9 of "The Railways Clauses Consolidation Act, 1845," 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 sections 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 "postmaster" (as the case may be).

Powers for compulsory purchases limited.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for completion of works.

9. If the works authorised by this Act are not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Extending time for purchase of lands.

10. The powers conferred upon the Company by the Act of 1870 for the compulsory purchase of lands for the purpose of making the railway and works described as 1, 2, and 4 in that Act shall be and the same are hereby revived and extended, and shall continue in force for a period of two years from the passing of this Act.

Extending time for construction of works.

11. The time limited by the Act of 1870 for the completion of the said railways and works described as 1, 2, and 4 in that Act shall be and the same is hereby extended for a period of three years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

12. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring class to be displaced.

13. Before displacing any persons belonging to the labouring classes, who may for the time being be the occupiers of any house or part of any house which the Company are by this Act authorised to acquire in the parish of St. Mark and city of Dublin, the Company shall (unless the Company and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons; provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may apply for

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the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Power to take easements, &c. by agreement.

14. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to raise additional capital by shares.

15. The Company, for the purposes of this Act, and for the general purposes of the undertaking, may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional capital not exceeding in the whole one hundred and fifty thousand pounds, by the issue at their option of new ordinary shares, or new preference shares, or wholly or partially by either of those modes; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation 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.

Except as otherwise provided, new shares to be subject to the same incidents as other shares.

16. Except as by this Act otherwise provided, the capital in new shares created by the Company under this Act, and the new shares therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever, in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares were shares in that capital.

Dividends on new shares.

17. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company, and shall be entitled to a dividend with the other holders of shares of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares.

Restriction as to votes in respect of preferential shares.

18. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Debenture stock.

19. The Company may, in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise by shares, from time to time raise by the creation

and issue of debenture stock, any sum not exceeding in the whole fifty thousand pounds; but no part thereof shall be created or issued until shares for the whole of such additional capital are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

20. Nothing in this Act contained shall affect any priority of any mortgages granted by the Company and subsisting at the passing hereof, or any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

21. All moneys raised under this Act shall be applied for the purposes authorised by this Act, or for the general purposes of the Company, and to no other purpose.

Repayment of sum subscribed by the London and North-western Railway Company.

22. And whereas, under and by virtue of the twenty-sixth, twenty-seventh, and twenty-eighth sections of the Act of 1870, the London and North-western Railway Company have subscribed and paid towards the undertaking of the Company a sum of thirty thousand pounds, and in respect of such sum have become and are entitled to and now hold certain preference shares in the Company's undertaking, created under "The Dublin, Wicklow, and Wexford Railway Act, 1865," and numbered from 11,075 to 11,674, both inclusive; and under and by virtue of the twenty-ninth section of the Act of 1870, the London and North-western Railway Company have appointed a director of the Company: Now it is hereby enacted, that it shall be lawful for the Company to apply any of the additional capital to be raised under this Act, or of their other authorised capital, in repayment to the said London and North-

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western Railway Company of the said sum of thirty thousand pounds, together with interest thereon, after the rate of five per cent. per annum, commencing from the last payment of dividend thereon, such interest to be considered as accruing de die in diem; and thereupon the said London and North-western Railway Company shall take and accept the said sum of thirty thousand pounds, with such interest as aforesaid up to the day of payment, and shall immediately thereupon transfer and give up to the Company the said several preference shares; and the London and North-western Railway Company shall thenceforward entirely cease to have any rights or interest whatever in the Company's undertaking, under or by virtue of the said recited twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth sections of the Act of 1870, or any of them; and the same sections shall thenceforward be wholly repealed save as to anything theretofore lawfully done under or by virtue of their respective provisions; and the said director for the time being appointed by the London and North-western Railway Company, under the twenty-ninth section aforesaid, shall from and immediately after such payment wholly cease to be a director of the Company by virtue of such appointment, without prejudice, however, to eligibility for election as a director by virtue of his being a shareholder of the Company, and possessed of the necessary qualification in its undertaking.

As to application of shares held by London and North-western Railway Company.

23. At any time after the said preference shares mentioned in the last foregoing section shall have been transferred and given up by the London and North-western Railway Company to the Company, the Company may issue and dispose of the same at such times, to such persons, on such terms and conditions, and in such manner as the directors shall deem most advantageous for the Company.

Providing for payment of sums advanced by directors, &c. for the Company.

24. It shall be lawful for the Company to apply any portion or portions of the additional capital to be raised under this Act, or of their other authorised capital, but not exceeding in the whole a sum of ten thousand eight hundred pounds, as follows; (that is to say,)

Firstly, in repayment, so far as the same may extend, of all such moneys as shall appear to have been actually paid or advanced, in discharge of debts of or otherwise bonâ fide for the advantage or benefit of the Company, by the several directors thereof, whose names are specified in the schedule to this Act, out of their own private funds:

Secondly, in payment of all such costs as the said directors respectively shall appear to have been put to in consequence of such payments or advances by them: Provided, however,

that the entire sum payable by virtue of this section, or thereby applicable by way of indemnity to any one of the said directors now surviving, or to the executors or administrators of such of them as may be dead, shall not exceed the sum set opposite to their respective names in the said schedule to this Act annexed. The exact amount to which each of the said directors named in the schedule, or their executors or administrators respectively, shall be entitled (but not exceeding in any case the maximum sum set opposite to his name in the said schedule) shall be ascertained and certified after due investigation by the award of the auditors for the time being of the Company. The whole circumstances of each individual claim to be investigated by the auditors, and the amount to be awarded to be in their discretion, and in case of any difference of opinion between the said auditors as to the said amounts or any of them, they shall have power to call in an umpire, whose decision shall be conclusive; and the said auditors shall undertake their duties as to the investigation of the said claims as soon as conveniently may be after the passing of this Act.

Saving rights of the Crown.

25. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 21 and 22 of "The Crown Lands Act, 1866."

Saving rights of the Dublin and Kingstown Railway Company.

26. 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.

Interest not to be paid on calls paid up.

27. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall 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."

Deposit for future bills not to be paid out of capital.

28. 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.

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

29. Nothing in this Act contained shall exempt the Company or the railway 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 Acts relating to the Company.

Expenses of Act.

30. 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.

SCHEDULE referred to in the foregoing Act,

	£	s.	d.
Representatives of Laurence Waldron, deceased - -	1,340	0	0
Sir James Power, Bart. - - - - -	1,340	0	0
Richard Martin - - - - - -	1,340	0	0
John Francis Waller - - - - - -	1,140	0	0
Joseph Boyce - - - - - - -	1,140	0	0
William Foot - - - - - - -	1,140	0	0
Thomas Vance - - - - - - -	840	0	0
Representatives of Valentine O'Brien O'Connor, deceased -	1,140	0	0
Representatives of Robert Gray, deceased - - -	1,140	0	0
Alexander Parker - - - - - -	240	0	0
	£10,800	0	0

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