CHAPTER clxxxix.

An Act to enable the Dublin, Wicklow, and Wexford Railway Company to construct a railway to the city of Waterford, and certain branch railways and other works, and to confer further powers on the Company with reference to their undertaking, and other purposes. [22d July 1878.]

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WHEREAS it is expedient that the Dublin, Wicklow, and Wexford Railway Company (in this Act called "the Company") should be empowered to construct a railway in the counties of Kilkenny and Waterford from the New Ross extension of their railway to Waterford and a branch in connexion therewith, and a railway in the county of Wexford connecting the New Ross extension of their railway with the Ballywilliam branch of their railway, and also to acquire certain property and to construct the works herein-after described for the purpose of improving their undertaking:

And whereas it is expedient to authorise the Company to raise additional capital, and to make provision with reference to the issue of certain authorised capital of the Company:

And whereas it is expedient that the Company should be empowered to run over and use certain portions of the railways and works of the Waterford, Dungarvan, and Lismore Railway Company (herein-after called "the Lismore Company"):

And whereas it is expedient that the Company should be authorised to contribute towards the completion of a portion of the Lismore Company's undertaking at Waterford, and that that company should be authorised to contribute towards the construction of certain of the railways authorised by this Act, as by this Act provided:

And whereas it is expedient that the Company and the Lismore Company should be empowered to enter into agreements as herein-after mentioned:

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And whereas plans and sections of the railways and other works by this Act authorised, and plans of all lands to be taken for the purposes of the undertaking, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of all lands to be taken compulsorily, have been deposited with the clerk of the peace for the county of Waterford, with the clerk of the peace of the county of the city of Waterford, with the clerk of the peace for the county of Kilkenny, with the clerk of the peace for the county of Wexford, with the clerk of the peace of the county 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 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, 1878.

Incorporation of general Acts.

2. The following Acts and parts of Acts are, except where expressly varied by or inconsistent with this Act, incorporated with and form part of this Act; (that is to say,)

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
14 & 15 Vict. c. 70.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
14 & 15 Vict. c. 70.

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the Railways Acts (Ireland), 1851, 1860, and 1864, and the Railways Traverse Act;

8 & 9 Vict. c. 20.

The Railways Clauses Consolidation Act, 1845;

26 & 27 Vict. c. 92.

Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863;

8 & 9 Vict. c. 16.

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (namely,)

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 shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The provision to be made for affording access to the special Act by all parties interested; and

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863. 26 & 27 Vict. c. 118.

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 railway" means the several railways and works by this Act authorised to be made; the expression "the Act of 1877" means the Dublin, Wicklow, and Wexford Railway Act, 1877; the expression "the Act of 1876" means the Waterford, New Ross, and Wexford Junction Railway (Sale) Act, 1876. 40 & 41 Vict. c. ccx. 39 & 40 Vict. c. xcviii.

As to deposit of plans with clerks of unions.

4. 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. 8 & 9 Vict. c. 20.

Power to make railways according to deposited plans.

5. 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 railways and works herein-after described, with all proper stations, sidings, and approaches, and 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 those purposes. The railways and works herein-before referred to and authorised by this Act are:

1. A railway, thirteen miles seven furlongs and eighty yards in length or thereabouts (herein called "Railway No. 1"), commencing by a junction with the terminus of the railway authorised by the Dublin, Wicklow, and Wexford Railway Act, 1877 (herein referred to as the "Act of 1877"), in the townland of Rosbercon, parish of Rosbercon, and county 40 & 41 Vict. c. ccx.

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of Kilkenny, and terminating at a point twenty-three chains or thereabouts, measured due north, from the north corner of Newrath House, all in the townland of Newrath, parish of Kilculliheen, county of the city of Waterford, and county of Waterford:

2. A railway, five furlongs four chains and seven yards in length or thereabouts (herein called "Railway No. 2"), commencing by a junction with Railway No. 1 at its terminus in the townland of Newrath, crossing the navigable River Suir by means of an opening bridge, and terminating by a junction with the authorised line of the Waterford, Dungarvan, and Lismore Railway, at a point distant four hundred and fifty yards or thereabouts, measured along said authorised line, from the east face of the bridge which has been constructed to carry the public road in the townland of Gibbethill and parish of Trinity Without over said railway;

3. A railway, one furlong seven chains and seventeen yards in length or thereabouts (herein called "Railway No. 3"), commencing by a junction with Railway No. 2 at a distance of fourteen chains from its junction with Railway No. 1, and terminating by a junction with the Waterford and Central Ireland Railway, at a point distant one thousand and seventy yards or thereabouts, measured along said railway in a south-easterly direction, from the level crossing carrying the public road from Waterford to Carrick-on-Suir across the Waterford and Central Ireland Railway:

4. A railway, six furlongs and three and one quarter chains in length or thereabouts (herein called "Railway No. 5"), commencing by a junction with the railway leading from the Ballywilliam branch of the Dublin, Wicklow, and Wexford Railway to New Ross, authorised by the Act of 1877, at a point in the field numbered 11a, in the townland of Ballinvegga, on the plans of said authorised railway deposited with the clerk of the peace for the county of Wexford, and terminating by a junction with the said Ballywilliam branch, at a point distant three hundred and eighty-five yards or thereabouts, measured in a south-easterly direction along said Ballywilliam Branch Railway, from the east face of the bridge carrying the public road over said Ballywilliam branch, in the townland of Ballygalvert and parish of Clonleigh:

5. The Company may widen on the east side the existing bridge carrying the Dublin, Wicklow, and Wexford Railway over

Charlemont Place and the Grand Canal and banks thereof, in the parish of St. Peter's, in the city of Dublin.

Bridge over Charlemont Place to be lighted.

6. Where the railway increases the width of the bridge over Charlemont Place and the Grand Canal and banks thereof, the Company shall erect, and when and so long as they may be so required by the Corporation of Dublin keep lighted at their own expense, 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 city of Dublin, and the covering of the said bridge shall be made watertight so as to secure the passengers passing under the same from all annoyance from dropping or leaking of water.

Power to cross certain road on the level.

8 & 9 Vict. c. 20.

26 & 27 Vict. c. 92.

7. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,)

RAILWAY No. 1.

Townland.	No. on deposited Plan.	Parish.	Description of Road.
Curraghmore - -		Kilcolumb - -	Public.

Inclination of roads.

8. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

RAILWAY No. 1.

Townland.	No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
Rosbercon -	31	Rosbercon -	Public -	1 in 16, and level on the other side.
Rosbercon -	34	Rosbercon -	Mail coach	1 in 20.
Carrickcloney -	28	Kilmakevoge	Public -	1 in 10, and level on the other side.
Curraghmore -	25	Kilcolumb -	Public -	1 in 14, and level on the other side.

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Height and span of bridges.

9. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

RAILWAY No. 1.

Townland.	No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
Shanbogh Upper -	9	Shanbogh -	Mail coach -	15 feet	25 feet.
Ballyverneen -	57	Ballygurrim -	Mail coach -	15 feet	25 feet.

Widths of certain roadways.

10. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

RAILWAY No. 1.

Townland.	No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
Rosbercon - -	34	Rosbercon -	Mail coach -	25 feet.
Luffany - -	23	Rathpatrick -	Mail coach -	25 feet.

Diversion of certain roads.

11. In constructing the Railway No. 1 by this Act authorised the Company may divert the road numbered 34 and the road numbered 47, both in the townland of Rosbercon, the road numbered 23, in the townland of Luffany, the road numbered 13, in the townland of Ballynamona, and the road numbered 39, in the townland of Killaspy, on the deposited plans and books of reference with reference to that railway, in manner shown on the deposited plans and sections of that railway.

Warping buoys and moorings to be laid down in the River Suir.

12. For the purpose of ensuring the safe passage of vessels through the opening bridge which carries Railway No. 2 over the navigable River Suir, the Company may in connexion with the said bridge, to the reasonable satisfaction of the Waterford Harbour Authority, lay down and maintain warping buoys and moorings in and on the bed of the River Suir immediately above and below the said bridge; provided that in case any difference shall arise between the Company and the Waterford Harbour Authority or their respective engineers with reference to the said warping buoys and moorings, the same shall be settled and determined by an arbitrator to

be appointed, on the application of the said two parties, or either of them, by the Board of Trade, whose decision shall be final and carried into effect accordingly. A.D. 1878.

Company may make byelaws as to bridge.

13. The Company may from time to time make byelaws, rules, and regulations with respect to the time and mode of vessels passing through the intended opening bridge carrying Railway No. 2 over the said River Suir, but subject always to this provision, that all such byelaws, rules, and regulations shall, in the first place, have been approved of by the Waterford Harbour Authority; and if any difference shall arise between the Company and the said Harbour Authority with reference to the said byelaws, rules, and regulations, or the approval thereof, such difference from time to time, as the same shall arise, shall be settled and determined by an arbitrator to be appointed by the Board of Trade upon the application of either of the parties, and the decision of such arbitrator shall be final; and in every case the said byelaws, rules, and regulations shall be submitted for confirmation to the Board of Trade, and shall not until such confirmation be valid or have any effect.

Evidence of byelaws as to bridge.

14. A printed or written copy of any such byelaws, rules, or regulations, purporting to be made and confirmed under the authority of this Act, and signed by the secretary of the Company, shall be conclusive evidence of the validity of such byelaws, rules, or regulations in any prosecution or proceeding under the same for any purpose.

Power to acquire certain lands, &c.

15. Subject to the provisions of this Act, the Company may, for the purposes of extending stations, sidings, and other accommodation of the Company, and for other purposes connected with the undertaking, acquire compulsorily or by agreement and enter upon, take, and use the lands, houses, and buildings herein-after described or referred to, and which are delineated upon the deposited plans and described in the deposited books of reference; (that is to say,)

Certain lands and houses in Cumberland Street South, Cottage Place, Sandwith Street, and Devlin's Place, situated south of Cumberland Place South and between Cumberland Street South and Sandwith Street, in the parish of Saint Mark's and county of the city of Dublin:

Certain lands and houses in the parish of Saint Mark's and county of the city of Dublin, situated along the south side of the Dublin and Kingstown Railway of the Company for about one hundred and fifty feet or thereabouts in depth, extending from the Grand Canal Quay westwards for a distance of about four hundred yards:

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A certain piece of land in the parish of St. Peter's and county of the city of Dublin, adjoining and on the east side of the Dublin, Wicklow, and Wexford Railway, near Peter Place, and also a certain piece of land and house situated in said parish and city of Dublin, in Charlemont Place, also adjoining and on the east side of said railway:

A certain piece of land situate in the townland of Ranelagh North, township of Rathmines, parish of St. Peter's, and county of Dublin, one hundred feet in depth or thereabouts, situated immediately on the east side of the said Dublin, Wicklow, and Wexford Railway, and lying between the Grand Canal and Northumberland Street:

A certain piece of land in the townland of Milltown and parish of St. Peter's, and county of Dublin, one hundred feet or thereabouts in depth, extending along the west side of the said Dublin, Wicklow, and Wexford Railway, from the southern boundary of the McGeough Asylum to Richmond Avenue:

A certain piece of land in the townland of Raheenduff, parish of Adamstown, and county of Wexford, situate immediately on the north side of the Chapel Station of the Company, on the west side of the public road leading from Adamstown to Clonroche, and on the east and south sides of the Aughnaglaur River.

Notice to be given of taking houses of labouring classes.

16. 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 labouring classes to be displaced.

17. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or 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 let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Railways, &c. to be part of the Company's undertaking.

18. Except as by this Act otherwise provided, the lands and property from time to time acquired by the Company by virtue of this Act, and the railways and works by this Act authorised to be constructed, shall for the purposes of tolls, rates, and charges, and for all purposes, be part of the undertaking of the Company, as if the Company had by the Waterford, Wexford, Wicklow, and Dublin Railway Act, 1846, as amended by the Dublin and Wicklow Act, 1851, been authorised to acquire, make, and maintain the same.

9 & 10 Vict. c. ccviii. 14 & 15 Vict. c. cviii.

Period for compulsory purchase of lands.

19. 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 three years from the passing of this Act.

Period for completion of railway.

20. If the railway authorised by this Act be not completed within five 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 completed.

Lands for extraordinary purposes. 8 & 9 Vict. c. 20.

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

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

22. 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 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.

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Owners may be required to sell parts only of certain lands and buildings.

23. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the Company, and that such portions may be severed from the remainder of the said properties without material detriment thereto:

8 & 9 Vict. c. 18.

Therefore, notwithstanding section 92 of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the books of reference deposited with the clerk of the peace for the county of Kilkenny with reference to this Act, and also described in the schedule to this Act, and whereof parts only are required for the purposes of the Company, may, if such portions can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the premises so required, without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them, and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Company liable to penalty unless railways opened within the time limited.

24. If the Company fail within the period limited by this Act to complete the railways by this Act authorised, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimate cost of the railway not completed and open for public traffic, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of the Accountant General on behalf of the Chancery Division of the Supreme Court of Judicature in Ireland specified in such warrant or order, and shall not be paid thereout except as herein-after provided, 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 was prevented from completing or opening the said railways by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

25. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit, and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to raise additional capital.

26. The Company, for the purposes of this Act or any of them, 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 stock or new preference shares or stock, 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 or stock vest in the person or corporation accepting

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the same unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Dividends on new shares or stock.

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

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

28. Except as by this Act otherwise provided, the capital in the new shares or stock created by the Company under this Act, and the new shares or stock 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 or stock were shares in that capital.

Restriction as to votes in respect of preference shares or stock.

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

Preference shares or stock authorised by Act of 1876 to be raised as part of capital under Act of 1877 or this Act.

30. And whereas no part of the additional share capital of twenty thousand pounds which the Company were authorised to raise by the Act of 1876 by means of ordinary shares or stock or new preference shares or stock has been raised: Be it enacted, that if the Company shall resolve to raise the said additional share capital of twenty thousand pounds by means of new preference shares or stock, they may create and issue such new preference shares or stock as part of and to rank pari passu and to be of the same class with the new preference shares or stock which they are authorised to raise and issue by the Act of 1877 or by this Act, as if the same had been authorised to be raised and issued under the powers of the Act of 1877 or by this Act in place of the before-recited Act of 1876.

Power to borrow on mortgage.

31. The Company may from time to time, in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise by shares or stock, borrow on mortgage any sum not exceeding in the whole fifty thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares is issued and accepted, and one half thereof is paid up, and the Company 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 shares for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said additional capital is raised by shares, 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 shall be sufficient evidence thereof.

Company may create debenture stock.

32. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest on all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

33. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Company shall, during the continuance thereof, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

For appointment of a receiver.

34. Every provision in any Act passed before the present session of Parliament, whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking, with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal, or principal and interest, shall be and the same is hereby repealed, but without

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prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power to apply corporate funds to purposes of Act.

35. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise by shares, stock, debenture stock, or mortgage, by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application of money.

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

Saving rights of the Dublin and Kingstown Railway Company.

37. 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.

Power to run over portion of railway, &c. of Lismore Company.

38. The Company and all other companies or persons lawfully using the undertaking of the Company may run over, work, and use with their engines, carriages, and trucks, and for the purposes of traffic of every description, so much of the railway of the Lismore Company as is situate between the termination of Railway No. 2, in the townland of Gibbet Hill and county of Waterford, and the termination of the railway of the Lismore Company at or near Waterford, and the terminal station at Waterford, and any extension railway of the Lismore Company into the city of Waterford connected therewith to be authorised by any Act to be passed in the present session of Parliament, and all stations, sidings, offices, sheds, buildings, watering places, works, and conveniences connected with the said portions of railway, and the Company may levy tolls, rates, and charges on the said portions of the Lismore Railway not exceeding the tolls, rates, and charges authorised to be levied thereon by the Lismore Company.

Terms of such use.

39. The terms, conditions, and regulations to which the Company shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not

agreed upon between them and the Lismore Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of the Company or of the Lismore Company.

As to decision of arbitrator.

40. The decision of any such arbitrator shall be binding and conclusive, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct, and either of the said companies who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day such offence shall continue.

Power to Company to contribute to works of Lismore Company.

41. The Company may contribute from their funds any sum not exceeding one half of the cost of the construction of the said portion of the railway of the Lismore Company situated between the termination of Railway No. 2 and the terminus of the railway of the Lismore Company at Waterford, and of the terminal station thereof at Waterford, and any extension of the railway of the Lismore Company into the city of Waterford to be authorised by any Act to be passed in the present session of Parliament, and all works and conveniences connected therewith, on such terms and conditions as may be agreed upon between the said companies.

Lismore Company to contribute half of cost of Railways 2 and 3.

42. The Lismore Company may and they are hereby required to contribute one half of the cost of the construction of the said Railways Nos. 2 and 3.

Power to Lismore Company to raise capital.

43. The Lismore Company may from time to time raise, for the purposes of defraying their contribution towards the cost of the said Railways 2 and 3, any capital not exceeding in nominal amount twenty thousand pounds, by the issue, at their option, of shares or stock, or by either of those modes; and subject to the provisions of this Act, and in so far as consistent therewith, 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;

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

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, shall extend and apply to the Lismore Company, and subject as aforesaid to the additional capital which they are by this Act authorised to raise.

Capital to be separate capital.

44. The capital so to be raised by the Lismore Company shall be raised as a distinct capital separate from all the other capital of the Lismore Company, and neither the said capital nor the revenues to be paid by the Company to the Lismore Company as herein-after mentioned shall be applicable to or be liable for any of the debts, liabilities, or obligations of that company of any kind with reference to their undertaking, but the said capital and revenues shall be applied only as regards the capital towards the purposes of the Lismore Company's contribution towards the construction of the said Railways 2 and 3, and as regards the said revenues towards the payment of dividend as provided by this Act.

Separate registers to be kept.

45. The Lismore Company shall keep separate and distinct registers of the proprietors of the capital hereby authorised to be raised by the Lismore Company, and separate accounts with reference to the expenditure of said capital and of the revenue to arise in respect thereof as provided by this Act.

As to dividend on separate capital.

46. The proprietors of the said capital shall not be entitled to participate in the general revenues of the undertaking of the Lismore Company, but the said revenues to arise from the said Railways Nos. 2 and 3 as provided by this Act to be received by the Lismore Company from the Company shall be applicable towards payment of dividend on the said capital.

Providing for dividend of revenues.

47. For the purpose of ascertaining and fixing the revenues of the said Railways 2 and 3 as between the Company and the Lismore Company for the purposes of dividend on the said separate capital the following provisions shall be applicable:

1. The Company shall keep separate accounts of the cost of constructing the said Railways Nos. 2 and 3, which shall remain their absolute property, subject to the right of the Lismore Company to use the same as hereby conferred:

2. The Company and the Lismore Company, by the joint committee herein-after mentioned, shall keep separate accounts of the cost of working and maintaining and repairing the said Railways Nos. 2 and 3, and of the revenues arising from the joint traffic thereon:

3. The Lismore Company, in consideration of their subscribing to the construction of the said Railways Nos. 2 and 3 as herein provided, shall have power to run over, work, and use with their engines, carriages, and trucks, and for the purposes of traffic of every description, the said railways, and to levy tolls, rates, and charges for all goods and passengers conveyed by them over said railways (except for goods and passengers conveyed from or to their terminal station at Waterford only), such tolls, rates, and charges to belong exclusively to the Lismore Company:

4. All tolls, rates, and charges to be levied in respect of all goods and passengers conveyed over said Railways Nos. 2 and 3 by the Company, or from the terminal station of the Lismore Company at Waterford to any station of the Company upon their railway, to belong exclusively to the Company:

5. All tolls, rates, and charges to be derived in respect of all other goods or passengers conveyed over the said Railways Nos. 2 and 3 by either the Company or the Lismore Company to or from the station of any other company or conveyed by any other company, and also all terminal charges arising or derived from such traffic, shall be divided rateably between the Company and the Lismore Company, according to their respective proportions of the cost of the said railways actually contributed by each company, after deduction of the costs of working, management, maintenance, and repair, and other expenses (if any) in connexion with the said Railways Nos. 2 and 3, as shall be ascertained by the joint committee herein-after mentioned:

6. In case there shall arise any deficiency to pay the costs of working, management, maintenance, and repair, and other expenses (if any) in connexion with the said Railways Nos. 2 and 3 out of the tolls, rates, and charges arising under sub-section 5, a moiety of such deficiency shall be made good by the Lismore Company out of their special earnings arising on the said railways under the sub-section 3:

7. The tolls, rates, and charges (not exceeding those authorised to be taken by the Company) in respect of the before-mentioned

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traffic applicable for division between the Company and the Lismore Company shall be from time to time fixed by the companies, or in case of difference by arbitration as provided by this Act.

Settlement of differences.

48. In case any difference or dispute shall arise between the Company and the Lismore Company in reference to any matter arising out of the Lismore Company's contribution towards the cost of the construction of the said Railways 2 and 3, or with respect to the working and maintaining or repairing the said railways, or with respect to the said revenues applicable for division between the Company and the Lismore Company, or with reference to the amount of the tolls, rates, or charges to be taken on the said traffic applicable for division between the said companies, or with reference to the Company's contribution towards the construction of the said portion of the Lismore Company's undertaking, or with reference to any other matter arising out of any agreement made between the said companies under the powers of this Act, if no other mode of settlement is specially provided by any such agreement, the same shall from time to time as required be submitted to the decision of an arbitrator to be agreed on by the said companies, or if they cannot agree, then to an arbitrator to be appointed, on the application of either company, by the Board of Trade, whose decision shall be final, and the costs of such arbitration shall be in the discretion of the arbitrator.

Power to constitute joint committee.

49. The Company and the Lismore Company may constitute a joint committee out of their directors with respect to the construction, management, and use of the said portions of the Waterford, Dungarvan, and Lismore Railway, and the station and works and conveniences connected therewith, towards the cost of the construction of which the Company are authorised by this Act to contribute (provided the Company shall so contribute), and with respect to the management and use of the said Railways Nos. 2 and 3, and the works and conveniences connected therewith, towards the cost of the construction of which the Lismore Company are authorised by this Act to contribute (provided that that company shall so contribute), after the same shall have been opened for traffic, and may vest in and delegate to such committee all necessary powers for these purposes.

Working agreements between Company and Lismore Company.

50. The Company on the one hand, and the Lismore Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into

agreements with respect to the following purposes or any of them; (that is to say,)

The working, use, management, and maintenance of the undertaking of the Lismore Company or any part or parts thereof by the Company:

The management, regulation, and delivery of traffic upon or coming from or destined for the undertaking of the Lismore Company:

The supply of engines, rolling stock, and plant necessary for the purposes of such agreement, and of officers and servants for the conduct of such traffic:

The fixing, collection, payment, appropriation, and division of the revenues arising from such traffic, and the payments and allowances to be made and allowed in respect of any such traffic.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Lismore Company.

51. During the continuance of any working agreement to be entered into between the said companies, or the exercise of running powers, the railways of the companies shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Lismore Company for a less distance than six miles, tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Lismore Company.

Providing for facilities to the Waterford and Central Ireland Railway Company.

52. The Company shall give all reasonable facilities for the conveyance of traffic to or from the Waterford and Central Ireland Railway over No. 2 Railway to and from the terminal station at Waterford, so far as they lawfully can, upon terms to be agreed upon between the companies, with the concurrence of the Waterford, Dungarvan, and Lismore Railway Company, or, failing agreement, to be settled by an arbitrator to be appointed by the Board of Trade.

Saving rights of the Corporation of Waterford and the

53. Except as otherwise expressly provided and declared by this Act, nothing in this Act contained shall extend to prejudice, diminish, alter, or to take away any of the rights, privileges, or

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Waterford Harbour Commissioners.

powers enjoyed by the Corporation of the city of Waterford or the Commissioners for improving the Port and Harbour of Waterford respectively.

Saving rights of Crown.

54. 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 Crown in the foreshore.

55. Nothing contained in this Act shall authorise the 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 this Act 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.

Interest not to be paid on calls paid up.

56. 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.

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

57. 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 Railway Acts.

58. Nothing in this Act contained shall exempt the Company or the undertaking 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.

59. 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

Describing Lands, Buildings, and Manufactories, of which portions only are required.

Parish.	Townland.	No. on deposited Plans.
Rosbercon - -	Raheen - -	5, 5A, 5B, 6, 6A, 5C, 7, 7B.

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