CHAPTER xlvii.

An Act to enable the Dublin Wicklow and Wexford Railway Company to construct certain diversion railways of their authorised line and to confer further powers on the Company with reference to their undertaking and for other purposes. [19th June 1882.] A.D. 1882.

WHEREAS it is expedient that the Dublin Wicklow and Wexford Railway Company (in this Act called "the Company") should be empowered to construct the diversion railways hereinafter described so as to remove the line at those points further from the cliffs or edge of the sea;

And whereas the periods limited by the Dublin Wicklow and Wexford Railway Act 1877 (herein called the Act of 1877) (section 13) and by the Dublin Wicklow and Wexford Railway Act 1878 (herein called the Act of 1878) (section 20) for the completion of the railways and works thereby authorised expire as regards the Act of 1877 on the sixth day of August eighteen hundred and eighty-two and as regards the Act of 1878 on the twenty-second day of July eighteen hundred and eighty-three and it is expedient that those periods should in so far as herein-after specified be extended as by this Act provided And that the powers for the compulsory purchase of lands granted for the purposes of the Act of 1878 which expired on the twenty-second day of July eighteen hundred and eighty-one should in so far as herein-after specified be revived and extended as by this Act provided; 40 & 41 Vict. c. ccx. 41 & 42 Vict. c. clxxxix.

And whereas the Company were authorised by the Act of 1878 (section 26) for the purposes of that Act or any of them and for the general purposes of their undertaking to 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;

And whereas the Company were by the Act of 1878 (section 31) from time to time in respect of the said additional capital of one

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hundred and fifty thousand pounds which they were thereby authorised to raise empowered upon the conditions therein expressed to raise by borrowing any sum not exceeding fifty thousand pounds and the Company were authorised (section 32) to create and issue debenture stock in place of raising money by mortgage and the Company have not exercised their powers with reference to the said share capital and borrowing powers or any part thereof;

And whereas in order to enable the Company more easily to raise the capital authorised by the Act of 1878 it is expedient that the amount which they are authorised to raise by shares or by stock by the said Act should be reduced and the amount which they are authorised to raise by borrowing on mortgage or by debenture stock should be increased as by this Act provided;

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

And whereas plans and sections of the diversion railways by this Act authorised 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 Dublin and with the clerk of the peace for the county of Wicklow (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 purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the Dublin Wicklow and Wexford Railway Act 1882.

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.
31 & 32 Vict. c. 70.
8 & 9 Vict. c. 20.

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;

The Railways Clauses Consolidation Act 1845;

Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863. 26 & 27 Vict. c. 92.

Interpretation.

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 diversion railways" means the diversion railways by this Act authorised to be made.

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 "postmasters" as the case may be.

Power to make works.

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 diversion railways herein-after described with all proper stations 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 diversion railways herein-before referred to and authorised by this Act are:

1. A diversion railway six furlongs in length or thereabouts commencing on the line of the Dublin Wicklow and Wexford Railway (Kingstown and Bray portion) at or near a point on the said railway about eight hundred yards in a northerly direction from the centre of the bridge which carries the railway over the public road known as Cawbawn Lane in the townland of Shanganagh, and running on the west side of the existing line of railway and said bridge and terminating on the line of the said railway in the said townland of Shanganagh at or near a point about five hundred and twenty yards in a southerly direction from the centre of the said Cawbawn Lane Bridge which diversion railway and works and conveniences connected therewith will be situated in the townland and parish following (that is to say): the townland of Shanganagh parish of Rathmichael in the county of Dublin.

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2. A diversion railway seven furlongs and two hundred yards in length or thereabouts commencing on the line of the Dublin Wicklow and Wexford Railway at or near a point on the said railway about seven hundred and seventy-three yards in a northerly direction from the centre of the bridge known as Ennis's Bridge which carries the railway over the approach road to the Strand in the townland of Rathdown Upper and running on the west side of the existing line of railway and said bridge and terminating on the line of the said railway in the townland of Rathdown Lower at or near a point about nine hundred and sixty-seven yards in a southerly direction from the centre of the said Ennis's Bridge which diversion railway and works and conveniences connected therewith will be situated in the townlands and parish following (that is to say) the townlands of Rathdown Upper and Rathdown Lower and the parish of Delgany in the county of Wicklow.

3. A diversion railway one mile two furlongs and one hundred and thirty yards in length or thereabouts commencing on the line of the Dublin Wicklow and Wexford Railway at or near a point on the said railway about two yards in a southerly direction from the centre of the culvert which carries the railway over the stream which divides the parish of Kilcoole from that of Delgany in the townland of Ballynerrin and running on the west side of the existing line of railway and terminating on the line of the said railway in the townland of Ballygannon at or near a point about two thousand three hundred and thirty yards in a southerly direction from the centre of said culvert which diversion railway and works and conveniences connected therewith will be situated in the townlands and parish following (that is to say): the townlands of Ballynerrin and Ballygannon and parish of Kilcoole in the county of Wicklow.

And the diversion railways shall for the purposes of tolls rates and charges and for all purposes form part of the undertaking of the Company.

Period for compulsory purchase of lands.

6. The powers of the Company for the compulsory purchase of lands for the purposes of the diversion railways shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of diversion railways.

7. If the diversion railways 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.

Power to take easements &c. by agreement.

8. 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.

Extension of time for completion of railway authorised by the Act of 1877.

9. The period limited by the Act of 1877 for the completion of the Railway No. 1 thereby authorised shall be and is hereby extended for a period of three years from the sixth day of August eighteen hundred and eighty-two instead of the period limited by the said Act.

Revival of powers and extension of time for compulsory purchase of lands and extension of time for completion of works authorised by the Act of 1878.

10. The powers conferred on the Company by the Act of 1878 for the compulsory purchase of lands for the purposes of that Act in so far as regards Railways No. 1 No. 2 and No. 3 thereby authorised 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 and the period limited by the Act of 1878 for completing the said works in respect of which the powers for compulsory purchase of lands are hereby revived and extended shall be and is hereby extended for a period of three years from the twenty-second day of July eighteen hundred and eighty-three instead of the period limited by the said Act.

Extended periods to be deemed periods limited by Acts of 1877 and 1878 for completion of works.

11. The extended periods hereby granted for making and completing the said works shall for all purposes referred to in the Act of 1877 and the Act of 1878 respectively with reference to the completion of the same be deemed to be the periods limited by the said Acts respectively for the completion of the same Provided if the said works for the completion of which the periods are by this Act extended shall not be completed within the extended periods limited by this Act then on the expiration of such periods respectively the powers by the Act of 1877 and by the Act of 1878 and by this Act granted to the Company for the construction and completion thereof or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

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Power to reduce share capital and to increase borrowing powers.

12. The following provisions shall have effect in order to reduce the amount which the Company are authorised by the Act of 1878 to raise by shares or by stock and to increase the amount which the Company are by that Act authorised to raise by borrowing on mortgage or by debenture stock for the purpose of that Act (that is to say):

(1) Section 26 of the Act of 1878 (power to raise additional capital) shall be read and have effect as if the words "and fifty" had not been inserted in that section so as to limit the sum which the Company are authorised to raise by shares or stock under the provisions of the Act of 1878 as amended by this Act to the sum of one hundred thousand pounds.

(2) Section 31 of the Act of 1878 (power to borrow) shall be read and have effect as if the words "and fifty" in the second line thereof had not been inserted in that section and as if the word "fifty" in the fourth line of that section had been struck out and the words "one hundred" had been inserted so as to increase the sum which the Company are authorised to raise by borrowing or by debenture stock or either of them under the provisions of the Act of 1878 as amended by this Act from the sum of "fifty thousand pounds" to the sum of "one hundred thousand pounds."

and all moneys raised under the Act of 1878 as amended by this Act and by this Act shall be applied for the purposes authorised by the Act of 1878 and to no other purpose.

Power to apply corporate funds to purposes of Act.

13. The Company may apply towards the construction of the diversion railways 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.

Saving rights of the Dublin and Kingstown Railway Company.

14. 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.

Working agreements between Company and Fermoy and Lismore Railway Company.

36 & 37 Vict. c. 48.

15. The Company on the one hand and the Fermoy and Lismore Railway 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 railway of the Fermoy and Lismore Railway 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 railway of the Fermoy and Lismore Railway 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 rates and 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 Fermoy and Lismore Railway Company, &c.

16. During the continuance of any working agreement to be entered into between the said companies 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 of the Company or of any railway worked by the Company and partly on the railway of the Fermoy and Lismore Railway Company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four 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 four 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 Fermoy and Lismore Railway Company.

Classification table to be open to inspection and copies to be sold.

17. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the

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nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Interest not to be paid on calls paid up.

18. 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.

8 & 9 Vict. c. 16.

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

19. 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.

Provision as to general Acts.

20. 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.

Costs of Act.

21. 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.

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