CHAPTER ccviii.

An Act to make provision in respect of the lease of the undertaking of the Dublin and Kingstown Railway Company to the Dublin Wicklow and Wexford Railway Company to enable the Dublin Wicklow and Wexford Railway Company to make certain diversion railways and other works to raise additional money and for other purposes. [11th August 1903.] A.D. 1903.

WHEREAS the Dublin Wicklow and Wexford Railway Company (in this Act called "the Company") were incorporated by the Waterford Wexford Wicklow and Dublin Railway Act 1846 by the name of the Waterford Wexford Wicklow and Dublin Railway Company and by the said Act amongst other things a lease of the Dublin and Kingstown Railway and all works connected therewith and all property and effects of the Dublin and Kingstown Railway Company (in this Act called "the Kingstown Company") was authorised and the agreements therein mentioned in reference to the said lease were rendered binding on the two companies:

And whereas by the Waterford Wexford Wicklow and Dublin Railway Act 1848 the said agreements were varied and special powers for the recovery of the rents to fall due under the first or any future lease were given to the Kingstown Company:

And whereas by the Dublin and Wicklow Act 1851 the name of the Company was changed to the Dublin and Wicklow Railway Company:

And whereas by the Dublin and Wicklow and Dublin and Kingstown Railway Act 1854 the agreements therein recited for modifying the above-mentioned agreements were confirmed:

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And whereas in pursuance of the said recited Acts and of the agreements therein referred to by an indenture of lease (in this Act called "the said lease") dated the thirtieth day of June one thousand eight hundred and fifty-six and made between the Kingstown Company of the first part Richard Michaux Muggeridge of the second part and the Company of the third part the extension railway from Kingstown to Dalkey (part of the Dublin and Kingstown Railway) with all lands on which the same was constructed and all stations buildings and appurtenances was demised to the Kingstown Company and their assigns for the term of ninety-nine years from the twenty-fifth day of March one thousand eight hundred and fifty-six at a nominal rent and the Dublin and Kingstown Railway and works connected therewith and the property and effects of the Kingstown Company therein described were demised unto the Company and their assigns for the term of thirty-five years from the thirtieth day of June one thousand eight hundred and fifty-six at three several rents payable during the term to the Kingstown Company and their assigns first a fixed yearly rent of thirty-two thousand pounds secondly a compensation rent payable on the happening of certain contingencies mentioned in the said lease and thirdly a contingent rent proportioned to the excess of the receipts from the demised premises over a certain fixed sum and by the said lease provision was made for a renewal thereof for a further period of thirty-five years if the terms of renewal were settled not later than the thirtieth day of June one thousand eight hundred and eighty-six between the two companies by agreement or failing agreement by arbitration in manner provided by the said lease:

And whereas by an indenture of agreement dated the first day of October one thousand eight hundred and fifty-nine between the Company of the one part and the Kingstown Company of the other part and confirmed by the Dublin and Kingstown Railway Act 1860 the compensation rent secondly reserved by the said lease was modified:

And whereas by the Dublin Wicklow and Wexford Railway (Enniscorthy Extension) Act 1860 the name of the Company was changed to the Dublin Wicklow and Wexford Railway Company:

And whereas by the Dublin and Kingstown Railway (Lease) Act 1866 (in this Act called "the Act of 1866") as from and after the first day of January one thousand eight hundred and sixty-five inclusive the said lease was modified and the term of ninety-nine years thereby granted to the Kingstown Company was extended

to a term of nine hundred and eighty years from the twenty-fifth day of March one thousand eight hundred and fifty-six and the term of thirty-five years thereby granted to the Company was extended to a term of nine hundred and eighty years from the thirtieth day of June one thousand eight hundred and fifty-six and the fixed yearly rent of thirty-two thousand pounds reserved by the said lease was increased to a yearly rent of thirty-six thousand pounds and the second or compensation rent and the third or contingent rent respectively reserved by the said lease were respectively extinguished and by section 3 of the Act of 1866 it was enacted that the increased rent of thirty-six thousand pounds a year should be secured to and held and enjoyed by the Kingstown Company and their assigns in as full and ample a manner as the three several rents originally reserved by the said lease were secured to and held and enjoyed by them and that they with respect to the increased rent of thirty-six thousand pounds a year should have such and the like powers authorities rights remedies and privileges whether under the said lease or under the several Acts of Parliament relating thereto or any of them as if the increased rent of thirty-six thousand pounds a year had been originally reserved by the said lease and had been the only rent thereby reserved and by section 4 of the Act of 1866 the said lease as modified was confirmed: A.D. 1903.

And whereas by section 6 of the Act of 1866 it was provided that if any railway or tramway capable of competing with the Dublin and Kingstown Railway for traffic between Dublin and Kingstown were made and opened for public traffic then if the Bill for the Act authorising the making of the competing railway or tramway were in good faith opposed by the Company the modification of the said lease effected by the Act of 1866 should on and after the first day of January or the first day of July next after the opening for public traffic of the competing railway or tramway if the Company should so elect but not otherwise absolutely cease and that on and after that day in the event last mentioned the three several rents respectively reserved by the said lease should but as regards the rent secondly thereby reserved as modified by the said agreement of the first day of October one thousand eight hundred and fifty-nine be payable and recoverable as if the Act of 1866 had not been passed and the said lease and the agreement of the first day of October one thousand eight hundred and fifty-nine should be and remain in full force and effect and by section 7 of the Act of 1866 it was enacted that if the event in which the Company were so to elect happened and they elected that

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the modification of the said lease effected by the Act of 1866 should cease they should within three months after the opening for public traffic of the competing railway or tramway declare their election by writing under their common seal served on the Kingstown Company as therein mentioned:

And whereas notwithstanding the strenuous and bonâ fide opposition of the Company statutory powers were from time to time conferred on certain tramway companies for the construction working and maintenance of tramways from Dublin to Kingstown and ultimately powers were granted for working such tramways by electrical power and there now exists a continuous line of tramways worked by electrical power from Dublin to Kingstown closely adjoining and directly competing with the Dublin and Kingstown Railway between Dublin and Kingstown:

And whereas the receipts from the Dublin and Kingstown Railway have largely diminished owing to the competition of the said tramways since they have been worked by electrical power and great loss has been occasioned to the Company:

And whereas the provisions contained in section 6 of the Act of 1866 for the purpose of enabling the Company to obtain a modification of the said rent of thirty-six thousand pounds a year in the event of the making and opening for public traffic during the term of nine hundred and eighty years to which the said lease was extended by the Act of 1866 of any railway or tramway capable of competing with the Dublin and Kingstown Railway for traffic between Dublin and Kingstown are defective:

And whereas the Company have from time to time expended large sums of money in improving and developing and in extensions in connection with the railways and undertaking of the Kingstown Company:

And whereas it is expedient to empower the Company and the Kingstown Company to reduce by agreement the said rent of thirty-six thousand pounds a year:

And whereas it is expedient to authorised the Company to surrender the said lease in the manner and upon the terms hereinafter mentioned:

And whereas the Company's railway for a distance of about fifteen miles runs along the foreshore of the sea or on cliffs adjacent thereto and is exposed to the attacks of the sea and serious encroachments have taken place involving the interruption of public traffic on the Company's main line of railway for considerable periods:

And whereas it is expedient to authorise the Company to abandon the portions of the Company's existing railways so exposed to injury from the sea and to make the diversions of their said railways and to construct the other works hereinafter described:

And whereas the present net revenue of the Company is insufficient to pay any dividends on the ordinary stock and on a considerable portion of the preference stock in the general undertaking of the Company and unless the further facilities hereinafter mentioned are granted to the Company they will be unable to raise the moneys required for the purposes of this Act and the development of their undertaking:

And whereas it is expedient in the public interest to enable the Company to raise capital to be expended for the purposes of the railways and works by this Act authorised and for the development of the railway and the undertaking of the Company and that such facilities for raising the money which may be required for the said purposes should be granted to the Company:

And whereas it is expedient to amend the provisions of the Company's Acts with respect to the nomination and appointment of directors of the Company:

And whereas it is expedient that the other provisions hereinafter contained should be made:

And whereas plans and sections showing the lines and levels of the diversion railways and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Dublin and with the clerk of the peace for the county of Wicklow and are hereinafter respectively referred to as the deposited plans sections and books of reference:

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 King'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:—

1. This Act may be cited as the Dublin Wicklow and Wexford Railway Act 1903. Short title.

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Incorporation of Acts.

2. Subject to the provisions of this Act the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters so far as applicable to the purposes of this Act (that is to say) :—

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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

The giving of notices; and

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

and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Acts are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction or unless it is otherwise explained—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression "the general undertaking" means the general undertaking of the Company other than and exclusive of the separate undertakings of the City of Dublin Junction Railways and of the New Ross and Waterford Extension Railways;

The expressions "the diversion railways" or "the railway" mean the diversion railways authorised by this Act.

As to deposit of plans with clerks of district councils.

4. The provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act be read and construed as if the expression "clerks of the district councils within which such parishes are included in Ireland" or the words "clerks of the district councils" (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 modify rent of Dublin and Kingstown Railway.

5. The yearly rent of thirty-six thousand pounds payable under the said lease as modified by the Act of 1866 may be reduced to such a yearly rent as may be agreed upon in writing between the Company and the Kingstown Company.

For securing payment of rent to Kingstown Company.

6. The rent so agreed upon as aforesaid shall be secured to and held and enjoyed by the Kingstown Company and their assigns in as full and ample a manner as the said rent of thirty-six thousand pounds a year was secured to and held and enjoyed by them at the passing of this Act and they with respect to the said rent shall have such and the like powers authorities rights remedies and privileges whether under the said lease or under the several Acts of Parliament relating thereto or any of them as if the said rent had been originally reserved by the said lease and had been the only rent thereby reserved.

Surrender of lease of Dublin and Kingstown Railway.

7.—(1) The Company may within one year after the passing of this Act give notice in writing to the Kingstown Company of their intention to determine the said lease and if such notice is given shall at such subsequent date as failing agreement shall be fixed by arbitration surrender to the Kingstown Company the railways and hereditaments included in the said lease and convey to the Kingstown Company the lands and premises of the Company adjoining the stations or works of the Kingstown Company and now used therewith.

(2) The terms and conditions upon which such surrender and conveyance shall be made shall failing agreement be determined by arbitration and in such arbitration regard may be had to the expenditure of the Company upon or in connection with the railways hereditaments lands and premises so surrendered and conveyed and to all the other circumstances of the case.

(3) The Company may as from the date of surrender run over and use the railways of the Kingstown Company with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description together with all stations roads platforms points lights signals water water-engines watering places engine and carriage sheds cranes standing room for engines booking and other offices warehouses sidings junctions machinery telegraphs and telephones works and conveniences on or connected with the said railways and as regards traffic of every description conveyed by the Company may demand and take upon and in respect

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of the said railways the rates and charges which the Kingstown Company shall be entitled to demand and take and the terms and conditions on which such running powers shall be exercised shall be fixed at the same time and in the same manner as the terms and conditions of surrender.

(4) Such terms and conditions may include provision for the exclusive user by the Company of any part of the hereditaments lands and premises so surrendered and conveyed which may not be necessary for the carrying on of the undertaking of the Kingstown Company.

(5) Nothing in this Act shall authorise the Company to carry local traffic of any description arising and terminating at stations upon the railway of the Kingstown Company except that the Company shall be entitled in the exercise of their running powers to carry passenger and coaching traffic between the Kingstown Company's stations at Westland Row and Kingstown.

(6) The Kingstown Company may as from the date of surrender run over and use the railway of the Company at Kingstown leading to Carlisle Pier with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description together with all stations roads platforms points lights signals water water-engines watering places engine and carriage sheds cranes standing room for engines booking and other offices warehouses sidings junctions machinery telegraphs and telephones works and conveniences on or connected with the said railway and as regards traffic of every description conveyed by the Kingstown Company may demand and take upon and in respect of the said railway the rates and charges which the Company shall be entitled to demand and take and the terms and conditions on which such running powers shall be exercised shall be fixed at the same time and in the same manner as the terms and conditions of surrender.

(7) The recited Acts so far as they relate to the said lease but not further or otherwise shall be and the same are hereby repealed as from the date of surrender.

(8) Any difference arising between the Company and the Kingstown Company under this section or required by this section to be referred to arbitration shall be referred to an arbitrator to be appointed failing agreement by the Board of Trade on the application of either the Company or the Kingstown Company.

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Separate accounts of receipts and expenditure with respect to Kingstown Railway.

8. As from the first day of January one thousand nine hundred and four and until one year after the date of the passing of this Act and if notice of surrender shall be given until the day of surrender the Company shall in the manner prescribed by the Companies Clauses Consolidation Act 1845 with respect to the keeping of accounts keep full and true accounts of all sums of money received and expended on account of and with reference to the undertaking of the Kingstown Company and the books of the Company showing such receipts and expenditure shall at all times be open to the inspection of the Kingstown Company or their duly authorised officer.

Saving rights of the two companies.

9. Except as is by this Act otherwise expressly provided nothing in this Act shall take away lessen prejudice alter or affect the rights powers and privileges of the Company and the Kingstown Company under the Act of 1866.

Power to make railways.

10. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the diversion railways hereinafter described with all proper stations sidings junctions bridges roads approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The diversion railways hereinbefore referred to and authorised by this Act are—

(1) A Railway No. 1 (hereinafter called "Railway No. 1") two miles seven furlongs and 8·5 chains in length being a diversion of the Kingstown and Bray branch and main line of the Company's railway commencing in the townland of Killiney and urban district of Killiney and Ballybrack and parish of Killiney at a point on the said branch railway distant forty feet or thereabouts measured in a south-easterly direction from the south-east corner of the building formerly used as Ballybrack Railway Station and terminating in the townland of Bray Commons or urban district of Bray and parish of Old Connaught at a point in the six-foot way of the said main line which point is at or near the northern abutment of the bridge carrying the said main line of railway over the Bray River:

(2) A Railway No. 2 (hereinafter called "Railway No. 2") three furlongs and three chains in length being a diversion of the main line of the Company's railway commencing in

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the townland of Shanganagh and parish of Rathmichael at a point in the centre of the said main line distant seven hundred and eighteen yards or thereabouts from the south-west corner of Shankill Railway Station building measured along the said main line in a south-easterly direction and terminating in the townland of Shanganagh and parish of Rathmichael at a point in Railway No. 1 above described distant one mile five furlongs and eight chains or thereabouts from the commencement of the said Railway No. 1:

(3) A Railway No. 3 (hereinafter called "Railway No. 3") eleven miles one furlong and seventy-five yards in length being a diversion of the main line of the Company's railway commencing in the townland of Rathdown Upper and parish of Delgany at a point on the Company's said main line situate six hundred yards or thereabouts measured in a southerly direction from the south face of No. 3 Tunnel being the most southerly tunnel of the Company's railway on Bray Head and terminating in the townland of Clonmannan and parish of Rathnew at a point on the Company's said main line situate one thousand one hundred yards or thereabouts measured in a southerly direction from the south-east corner of the building formerly used as Killoughter Railway Station.

Parts of existing railway may be abandoned and release of Company from obligations &c.

11. So soon as the Diversion Railways Nos. 1 2 and 3 by this Act authorised shall respectively be completed and opened for public conveyance of passengers the Company may abandon and relinquish so much of their existing Kingstown and Bray branch railway and main line of railway as is situated between the respective commencements and terminations of the said diversion railways respectively and thereupon the Company shall be and are hereby released from all liabilities penalties forfeitures and obligations in respect of the said several portions of railway so abandoned and relinquished as aforesaid Provided that all telegraphs existing on along or across the said several portions of railway to be abandoned and relinquished as aforesaid shall at the Company's expense be removed therefrom to the Diversion Railways Nos. 1 2 and 3 by this Act authorised before the said several portions of railway are abandoned and relinquished as aforesaid.

Power to retain sell &c. lands.

12. The Company may notwithstanding the provisions of the Lands Clauses Consolidation Act 1845 or any other Act or Acts

retain hold sell lease let or otherwise dispose of in perpetuity or otherwise and upon such terms and conditions as they think fit any lands belonging to the Company either purchased in connection with or in or upon which the said portions of railways or any part thereof (together with any stations or works connected therewith) authorised to be diverted abandoned and relinquished by this Act are situate:

Provided always that when Railway No. 3 by this Act authorised is completed and opened for the public conveyance of passengers and the existing railway at Greystones is abandoned of which abandonment the Company shall give notice in writing to the trustees of the Burnaby Estate in the county of Wicklow the said trustees shall be entitled if they so desire within six months after the receipt of such notice of abandonment and shall give notice in writing to that effect to the Company to purchase from the Company such of the said lands now belonging to the Company as are situate in the townland of Killincarrig (except such portion of the said lands situated in the said townland as are at present occupied by the existing passenger station of the Company and works connected therewith at Greystones) at such price as shall be agreed upon between the Company and the said trustees or as failing agreement shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Power to cross certain roads on level.

13. 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 only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say):—

No. on deposited Plans.	Parish.	Townland.	Description of Road.
1, 15	Kilcoole	Ballydonarea, Knockroe	Public road.
2	Lower Newcastle	Blackditch	Public road.
11	Rathnew	Clonmannan	Public road.

Inclination of roads.

14. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any

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inclinations not steeper than the inclinations hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Parish.	Townland.	Description of Road.	Intended Inclination.
17	Rathmichael -	Shanganagh -	Public road -	1 in 25
13	Delgany -	Killincarrig -	Public road -	1 in 25
13	Kilcoole -	Kilcoole -	Public road -	1 in 24
2	Lower Newcastle -	Blackditch -	Public road -	1 in 30
1	Killiskey - -	Grange North -	Public road -	1 in 20
11	Rathnew - -	Clonmannan -	Public road -	1 in 25

Height and span of bridges.

15. The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Parish.	Townland.	Description of Road.	Height.	Span.
4	Old Connaught -	Bray Commons -	Public road -	11 feet	20 feet
13	Delgany - -	Rathdown Upper	Public road -	12 feet	12 feet
20	Delgany -	Rathdown Lower	Public road -	15 feet	25 feet
13	Delgany - -	Killincarrig -	Public road	15 feet	25 feet
13	Kilcoole -	Kilcoole -	Public road -	15 feet	25 feet

Width of roadways over bridges.

16. 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 hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Parish.	Townland.	Description of Roadway.	Width of Roadway.
17	Rathmichael -	Shanganagh -	Public road -	24 feet
1	Killiskey - -	Grange North -	Public road -	18 feet

Power to divert roads as shown on deposited plans.

17. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of

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any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Railway.	Parish.	Townland.	No. of Road on deposited Plans.
No. 1	Old Connaught -	Bray Commons - -	4
No. 3	Delgany - -	Rathdown Lower -	28

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

Company may stop up roads and extinguish rights of way.

18. Subject to the provisions of this Act the Company may stop up and discontinue for public traffic any roads highways or footpaths shown on the deposited plans as intended to be stopped up and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage or other rights in over or affecting the same but subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the same.

Extinguishment of rights of way.

19. All public rights of way over or along any road or footpath which shall under the provisions of this Act be diverted stopped up or discontinued shall be extinguished as from the date of such diversion stopping up or discontinuance but any such road or footpath shall not be stopped up or discontinued unless and until the new roads and footpaths which are by this Act authorised to be respectively substituted therefor are completed to the satisfaction of two justices Provided that the Company shall before applying to the said justices for their certificate that any road is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which the road or footpath is situate.

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Further works by Company.

20. Subject to the provisions of this Act the Company may make in the lines and according to the levels shown on the deposited plans and sections relating thereto the roads hereinafter described together with all necessary works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans thereof and described in the deposited books of reference relating thereto as may be required for those purposes (that is to say) :—

A road (hereinafter called "Road No. 1") 4 furlongs and 5·7 chains in length commencing in the townland of Rathdown Lower and parish of Delgany at a point on the Church Road distant two hundred and twenty yards or thereabouts from the north-east corner of the Railway Hotel at Greystones measured in a north-westerly direction and terminating in the townland of Rathdown Lower and parish of Delgany at a point on the public road which runs directly from Windgates to the village of Killincarrig and lies between the townlands of Rathdown Lower and Kendlestown Lower which point is six hundred yards or thereabouts distant from the south-east corner of Blacklion Roman Catholic Chapel measured in a south-easterly direction :

A road (hereinafter called "Road No. 2") 8·8 chains in length commencing in the townland of Rathdown Lower and parish of Delgany at a point in the townland boundary between the townlands of Killincarrig and Rathdown Lower which point is distant three hundred and fifty yards or thereabouts from the south-east corner of the Railway Hotel at Greystones measured in a westerly direction and terminating in the townland of Rathdown Lower and parish of Delgany by a junction with Road No. 1 at a point one hundred and seventy-five yards or thereabouts from the commencement of the said Road No. 1.

Width of Road No. 1 on bridge over railway.

21. The Company may make the roadway over the bridge by which the said Road No. 1 will be carried over the railway of a width between the fences thereof of not less than twenty-four feet.

Roads to become public highways and be maintained by road authority.

22. When and so soon as the said Roads Nos. 1 and 2 respectively are completed the same shall become and be public highways and shall be vested in and repaired maintained and kept in order by the local or road authority or other parties in the same way and manner as the public highways in the district where the said roads are

situated are for the time being by law vested repaired maintained and kept in order.

Power to Company to deviate in construction of roads.

23. The Company may in constructing the said Roads Nos. 1 and 2 deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards so far as is necessary in connection with and for the purposes of the said roads.

Diversion railways &c. to be part of general undertaking.

24. The Diversion Railways Nos. 1 2 and 3 shall for the purposes of tolls rates and charges and for all other purposes be part of the general undertaking of the Company.

Lands for extraordinary purposes.

25. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of railways.

27. If the diversion railways by this Act authorised are 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 said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to take easements &c. by agreement.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) 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.

For protection of corporation of Dublin.

29. For the protection of the right honourable the lord mayor aldermen and burgesses of the city of Dublin (in this section referred to as "the corporation") the following provisions shall

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unless otherwise agreed upon in writing between the corporation and the Company have effect (that is to say):—

(1) In case it shall be necessary for the Company in the construction of Railway No. 3 or any works connected therewith by this Act authorised to raise sink or otherwise alter the position of any water main pipe or other work belonging to the corporation the same shall be done with as little detriment and inconvenience to any houses or persons supplied with water by means of such main pipe or other work as the circumstances will permit and all works relating to or involving interference with such main pipe or other work as aforesaid or necessary for the protection of the same shall be executed by and at the cost of the Company and to the reasonable satisfaction in all things of the engineer to the corporation:

(2) The Company shall not in the construction of Railway No. 3 or any works connected therewith remove or displace any water main pipe or other work of the corporation nor do anything to interrupt or impede the supply of water into or through such main pipe or other work until good and sufficient arrangements shall first have been made by and at the expense of the Company for carrying on the supply of water to the reasonable satisfaction of the engineer to the corporation:

(3) If it shall be necessary to construct Railway No. 3 or any works connected therewith by this Act authorised over any water main or pipe of the corporation the Company shall at their own expense and to the reasonable satisfaction of the engineer to the corporation construct and maintain a good and sufficient culvert over such main or pipe so as to cover the same and make it accessible for the purpose of repairs together with all such other works as may be necessary for protecting from injury such main or pipe:

(4) If in the construction of Railway No. 3 or any works connected therewith the Company or any of their contractors agents officers workmen or servants or any person in their employment shall interrupt the supply of water supplied by the corporation or cause or do any other damage or injury whatsoever in relation thereto the Company shall make good and be responsible for any loss occasioned thereby to the corporation:

(5) Any difference which may from time to time arise between the Company and the corporation under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade on the application of either party.

Restriction on taking houses of labouring class.

30. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Deposit money not to be repaid except so far as railway is opened.

31. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of eight thousand nine hundred and eight pounds seven shillings and fourpence two and three-quarters per centum consolidated stock being five per centum upon the amount of the estimate in respect of the railway has been deposited with or transferred into the name of the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act

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the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them or the personal representatives of such survivor (which persons survivors or survivor or personal representatives of such survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

32. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in

respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividend accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Power to apply funds to purposes of Act relating to general undertaking.

33. The Company may apply for the purposes of this Act relating to the general undertaking to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage or debenture stock and which may not be required for purposes relating to the general undertaking for which the same were authorised to be raised.

Power to borrow additional money as a charge on undertaking of Company.

34. Subject to the provisions of this Act and with the sanction of the holders of not less than three fourths in nominal value of so much of the existing debenture stocks and also of so much of the existing preference stocks respectively of the general undertaking of the Company as shall be represented in person or by proxy at separate meetings of the holders of such stocks respectively specially convened by the directors of the Company for the purpose as provided by this Act the Company may for the purposes of the diversion railways roads and other works by this Act authorised and for the general purposes of the general undertaking of the Company from time to time raise by borrowing on mortgage or by the creation and issue of debenture stock an additional sum of money not exceeding in the whole the sum of three hundred and fifty thousand pounds Which additional money shall both as to principal and interest rank in priority to all the existing debenture stocks of the general undertaking of the Company and the interest thereon Provided nevertheless that such additional money or any part thereof shall not be raised unless and until an arbitrator appointed by the Board of Trade on the application of the Company shall award and declare that the net saving or relief to the Company under the operation of the sections of this Act whereof the marginal notes are "Power to modify rent of Dublin and Kingstown Railway" and "Surrender of lease of Dublin and Kingstown Railway" or either of those sections exceeds in his judgment the amount

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required to pay interest upon such additional money or such part thereof as may be proposed to be raised and any holder or holders of debenture stock of the Company shall be entitled to appear and be heard before such arbitrator and the Arbitration Act 1889 shall apply to such arbitration as if the Company and such holder were the parties to a reference and as if the said Act applied to Ireland.

Holders of debenture and preference stocks to have vote for purposes of Act.

35. Notice of any meeting of the holders of debenture stocks or of the holders of preference stocks respectively to be held in accordance with the provisions of the last preceding section accompanied by a form of proxy shall be sent by the secretary of the Company ten clear days before any such meeting to the said holders of debenture stocks or of preference stocks as the case may be All holders of the existing debenture stocks charged upon the general undertaking of the Company shall be entitled to be present and vote at any such meeting of the holders of debenture stocks and all holders of the existing preference stocks of the general undertaking of the Company shall be entitled in like manner to be present and vote at any such meeting of the holders of preference stocks The votes at any such meeting may be given either personally or by proxy (the proxy of any debenture stockholder being a holder of debenture stock charged upon the general undertaking of the Company) and the provisions of sections 76 to 80 inclusive of the Companies Clauses Consolidation Act 1845 with respect to the giving of votes by shareholders shall mutatis mutandis and except as varied by or inconsistent with the provisions of this Act apply to the giving of votes at any such meeting Any proposition at any such meeting shall be determined by the votes of the holders of not less than three fourths in nominal value of so much of the said existing debenture stocks or of the said existing preference stocks as the case may be as shall be represented in person or by proxy at such meeting.

Debenture stock to be perpetual or redeemable.

36. Any debenture stock created and issued under the powers of this Act may either be issued as perpetual stock or as stock redeemable by the Company at the expiration of twenty years from the creation thereof or at such subsequent date and in such manner and at such price not being less than par as the directors of the Company may determine at the time of issuing such stock.

Mortgages and debenture stock to rank pari passu.

37. All mortgages and debenture stock created and issued under the provisions of this Act shall during the continuance thereof rank pari passu without respect to the dates of the creation and issue of such mortgages or stock.

Receiver may be appointed.

38. Every provision in any Act passed before the present session of Parliament (whereby the Company is authorised to raise money by borrowing for the purposes of their general 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 in respect of the general undertaking shall be and the same is hereby repealed but without 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 general undertaking 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 of the general undertaking by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Terms of issue of mortgages and debenture stock.

39. Any mortgage granted under the powers of this Act may be made subject to such terms and conditions as to the payment of the interest and the repayment of the principal thereby secured either at fixed periods or by periodical instalments of principal and interest or in such other manner as the directors of the Company may determine and any debenture stock created under this Act may be issued at a discount and all such mortgages or debenture stock as the case may be shall during their existence and until redeemed or paid off as provided by this Act rank as regards priority in manner by this Act provided.

Company may redeem mortgages and debenture stock.

40. If the Company shall pay off any mortgages or redeem any debenture stock granted or issued under the powers of this Act the Company may re-borrow on mortgage or debenture stock any money required for paying off such mortgages or debenture stock and any mortgages or debenture stock granted or issued for the purpose of securing any money so re-borrowed shall have the same priority as the mortgages or debenture stock so paid off or redeemed or shall have such other priority as regards the other loan capital of the general undertaking of the Company as the Company shall determine on issuing the same.

Receipt in case of persons non sui juris.

41. If any money is payable by the Company to a mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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Powers to trustees and others to give consents.

42. Trustees executors administrators and all persons empowered under section 7 of the Lands Clauses Consolidation Act 1845 to sell and convey lands who may hold or be entitled to or interested in any debenture or preference stock in the general undertaking of the Company are hereby authorised for the purposes of this Act to exercise all or any of the powers of consenting or voting and other powers and discretions by this Act given to the holders of debenture and preference stock in the general undertaking of the Company.

Application of moneys.

43. All moneys raised under this Act by borrowing on mortgage or by the creation and issue of debenture stock shall be applicable only to the purposes authorised by this Act.

Notices to be given by candidates for office of a director fourteen days at least prior to day of election.

44. No person shall after the passing of this Act be eligible for election as a director of the Company unless notice in writing of the intention of such person to offer himself as a candidate for the office of a director shall fourteen days at least previously to the day on which the election is to take place have been left at or sent by post in a registered letter to the principal office of the Company and every such notice shall be addressed to the secretary of the Company and shall contain the christian and surname description and place of abode of the candidate and shall be signed by him.

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

45. The Company shall not out of any money which they are by this Act authorised to raise 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 construction of any other railway or the execution of any other work or undertaking.

Interest not to be paid out of capital.

46. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

Provision as to general Railway Acts.

47. Except as by this Act otherwise expressly provided nothing in this Act contained shall exempt the Company or the railways of the Company 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. A.D. 1903.

48. 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 out of the funds and revenues of the general undertaking of the Company. Costs of Act.

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