ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xlvii.

An Act to enable the *Dublin and Wicklow* Railway Company to extend their Railway to *Enniscorthy* in the County of *Wexford;* to change the Name of the Company; and for other Purposes.

[15th *May* 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway and Branch Railway, to be called the* Waterford, Wexford, Wicklow, and Dublin *Railway:* And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to authorize certain Alterations of the Line of the* Waterford, Wexford, and Wicklow *Railway, and to amend the Act relating thereto:* And whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the* Waterford, Wexford, Wicklow, and Dublin *Railway, and to enable the* South Wales *Railway Company to subscribe thereto:* And whereas another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Abandonment of a Portion of the* Waterford, Wexford, Wicklow,

9 & 10 Vict. c. ccviii.

10 & 11 Vict. c. lxi.

11 & 12 Vict. c. xxix.

14 & 15 Vict. c. cviii.

The Dublin, Wicklow, and Wexford Railway (Enniscorthy Extension) Act, 1860.

Wicklow, and Dublin *Railway, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; to extend, in respect of a Portion of the said Undertaking, the Periods at present limited for compulsory Purchase of Lands and for Completion of Works; and to amend the Acts relating to the said Railway; and for other Purposes,* by

which Act the Name of the Company incorporated by the first-recited Act was changed, and the Name of that Company accordingly became "The *Dublin and Wicklow* Railway Company:" And whereas another Act was passed in the Session of Parliament held in the Twentieth and Twenty-

20 & 21 Vict. c. xxix. first Years of the Reign of Her present Majesty, intituled *An Act to confirm the Incorporation of the Undertaking of the* Dublin and Bray *Railway Company with that of the* Dublin and Wicklow *Railway Company, to dissolve the former Company, and to extend the Railway in the City of* Dublin: And whereas another Act was passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the

22 & 23 Vict. c. lxxx. Reign of Her present Majesty, intituled *An Act to enable the* Dublin and Wicklow *Railway Company to extend their Railway to* Gorey *in the County of* Wexford, *and for other Purposes*, by which last-mentioned Act the Company were authorized to raise an additional Capital of Two hundred thousand Pounds by the Creation of new Shares, but no Part of such Capital has yet been raised: And whereas the Construction of a Railway to *Enniscorthy*, in extension of the Railway by the last-recited Act authorized, would be of great public and local Advantage, and it is expedient that the said Company should be enabled to construct the same, and to raise for the Purpose a further Capital of One hundred thousand Pounds by the Creation of Shares, to be issued under the same Conditions and with the same Privileges and Advantages as the Shares to be created and issued under the Authority of the last-recited Act: And whereas it is expedient that the Name of the Company should be changed, and that the recited Acts should in some respects be amended: And whereas the Objects 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; (that is to say,)

Short Title. I. In citing or referring to this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Dublin, Wicklow, and Wexford* Railway (*Enniscorthy* Extension) Act, 1860."

8 & 9 Vict. cc. 16. & 18. and 14 & 15. Vict. c. 70., &c. incorporated. II. "The Companies Clauses Consolidation Act, 1845," and so much of "The Lands Clauses Consolidation Act, 1845," as is not inconsistent with or altered by "The Railways Act (*Ireland*), 1851," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," and the Act of the Twenty-first and Twenty-second *Victoria*,

Victoria, Chapter Thirty-four, for continuing the same, shall, so far as the same are not expressly varied by this Act, be incorporated with this Act.

Sect. 25. of 22 & 23 Vict. c. lxxx. repealed.

III. The Section of the *Dublin and Wicklow* Railway (*Gorey* Extension) Act, 1859," numbered Twenty-five, relating to Dividends on new Shares, shall be and the same is hereby repealed.

Interpretation of Terms.

IV. In construing this Act and (in connexion with this Act) the Acts incorporated herewith the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Railway" shall mean the Railway and Works by this Act authorized:

The Expression "the Company" shall mean the Company incorporated by the first-recited Act, and by this Act directed to be styled "The *Dublin, Wicklow, and Wexford* Railway Company:"

The Expression "the Directors" shall mean the Directors for the Time being of the Company:

The Expression "the Undertaking" shall mean all the Railways, Works, and Undertaking of the Company by this Act and the recited Acts respectively authorized.

Directors to execute Act.

V. The Powers by this Act given (except such of them as are by this Act directed to be exercised at or by any Meeting of the Company) may be exercised by the Directors.

Change of Name of Company.

VI. From and after the passing of this Act the Name, Style, and Title of the Company shall, instead of "The *Dublin and Wicklow* Railway Company," be "The *Dublin, Wicklow, and Wexford* Railway Company," and by that Name the Company shall henceforth have and may exercise the Powers now vested in the *Dublin and Wicklow* Railway Company; and the recited Acts, and all other Acts relating to the *Dublin and Wicklow* Railway Company, already passed or which may be passed during the present Session of Parliament, shall be read and interpreted as if throughout those Acts wherever the Name of the *Dublin and Wicklow* Railway Company, or the Name of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, or any Reference to the *Dublin and Wicklow* Railway Company, or to the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, occurs, the Name of the *Dublin, Wicklow, and Wexford* Railway Company, or a Reference to the *Dublin, Wicklow, and Wexford* Railway Company, were substituted.

VII. No

Actions, &c. not to abate.

VII. No Action, Suit, Bill, Process, Writ, Indictment, Information, or other Proceeding, whether Civil or Criminal, which at or immediately before the passing of this Act had been commenced and was then pending, whether at the Suit or Instance of the *Dublin and Wicklow* Railway Company against any other Corporation or against any Person, or at the Suit or Instance of any other Corporation or of any Person against the same Company, shall abate, determine, or be otherwise impeached or affected for or by reason of the aforesaid Change of the Name of the Company; nor shall any Notice, Tender, Requisition, Warrant, Summons, Pleading (Civil or Criminal), Writ, or other Process, Record, Deed, Contract, Agreement, Writing, or Instrument that shall have been or shall be made, issued, written, or commenced be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the Company or their Railway being therein respectively called by the Name of the *Dublin and Wicklow* Railway Company or the *Dublin and Wicklow* Railway; and it shall not be necessary, in any Bill, Suit, Indictment, Information, Proceeding, Notice, Tender, Requisition, Warrant, Summons, Pleading (Civil or Criminal), Writ, or other Process, or in any Record, Deed, Contract, Agreement, Writing, or other Instrument or Matter, to aver that until the Time of the passing of this Act the Company had been called or known by the Name of "The *Dublin and Wicklow* Railway Company," or that their Railway had been called or known within that Period by the Name of "The *Dublin and Wicklow* Railway," and that by this Act the Names of the Company and their Undertaking were changed as aforesaid, and that after the passing of this Act the Company had been called and known by the Name of "The *Dublin, Wicklow, and Wexford* Railway Company," and their Undertaking by the Name of "The *Dublin, Wicklow, and Wexford* Railway," but it shall be deemed true, lawful, and sufficient therein to aver the Style and describe the Company by the Name of "The *Dublin, Wicklow, and Wexford* Railway Company," and their Undertaking by the Name of "The *Dublin, Wicklow, and Wexford* Railway," in the same Manner as if the Company had been originally incorporated, called, or known by the Name of "The *Dublin, Wicklow, and Wexford* Railway Company," and as if the Undertaking had been called and known by the Name of "The *Dublin, Wicklow, and Wexford* Railway."

General Saving of Rights under recited Acts.

VIII. Notwithstanding the Change of Name of the Company, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by virtue of the recited Acts or any of them shall be as valid as if this Act were not passed, and such Change of Name and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all

all Rights, Liabilities, Claims, and Demands, both present and future, which if such Change of Name had not happened and this Act had not passed would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

Contracts, &c. preserved.

IX. Notwithstanding the Change of Name of the Company, all Deeds, Instruments, Purchases, Sales, Securities, Awards, and Contracts before the Commencement of this Act made under the recited Acts or either of them, or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Company as if the Name of the Company had remained unchanged.

Power to make Railway according to deposited Plans.

X. Whereas Plans and Sections of the Railway hereby authorized, showing the Lines and Levels thereof, and also a Book of Reference to the said Plans, containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands, Houses, and other Property which may be required to be taken for the Purposes thereof, have been deposited for public Inspection with the Clerk of the Peace for the County of *Wexford*: It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions of this Act and the Acts incorporated herewith, to make and maintain, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Railway herein-after described, with all proper Works and Conveniences connected therewith, and to enter upon, take, and use such of the said Lands, Houses, and other Property as shall be necessary for the Purposes of such Railway; (that is to say,)

A Railway commencing from and out of the authorized Line of Railway to *Gorey* of the *Dublin and Wicklow* Railway Company in the Townland of *Clonatin Lower* in the Parish of *Kilnakilloge* in the County of *Wexford*, and terminating at or near *Enniscorthy* in the Townland of *Templeshannon* in the Parish of *Templeshannon* in the same County.

Line of Railway not to deviate towards River Slaney without Consent of Admiralty.

XI. Where the Limits of Deviation course along the Bank of or pass into the River *Slaney* the Railway and other Works shall not deviate riverward of the continuous centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

If deviated without such Consent, Admiralty may abate same.

XII. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation or any Part thereof, and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order local Survey at Expense of Company.

XIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Work of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Cost of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters may be removed by Admiralty, if abandoned.

XIV. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

As to Deposit of Plans with Clerks of Unions.

XV. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided, that Certificates of any Omissions, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to, should be deposited with the Postmaster of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situated, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection, in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are

now

now deposited with the Clerks of Poor Law Unions instead of such Postmasters: Therefore, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and to the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster," in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

Lands for extra-ordinary Purposes.

XVI. It shall be lawful for the Company to purchase by Agreement, and hold in connexion with the Works by this Act authorized to be made, any Quantity of Land, not exceeding Five Acres, for the extra-ordinary Purposes specified in the "Railways Clauses Consolidation Act, 1845."

Powers for compulsory Purchases limited.

XVII. 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.

Limiting Time for Completion of Works.

XVIII. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same shall cease, except as to so much thereof as shall then be completed: Provided always, that if the said Railway shall not be completed and opened for public Traffic within the said Period of Five Years, the Payment of any Dividend on the ordinary Capital of the Company shall, after the Expiration of that Period, be suspended until the said Railway shall be so completed and opened.

Railway to form Part of the Undertaking of the Company.

XIX. The Railway by this Act authorized shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, except as regards the Periods for the Purchase of Lands and Completion of the Railway, Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof.

Tolls.

XX. It shall be lawful for the Company to demand and receive, in respect of the Use of the Railway hereby authorized to be made, and of the Engines and Carriages employed thereon, such Tolls and Charges as they are authorized to demand and receive in respect of the Use of the existing Railways of the Company, and of the Engines and Carriages employed

employed thereon, as if the Railway hereby authorized to be made had originally formed Part of the Railways authorized by the recited Acts.

Power to apply existing Capital.

XXI. The Company may apply to the Purposes of this Act so much of the Monies raised or authorized to be raised by Shares and borrowing, under the Powers of the recited Acts or any of them, as may not be required for the Purposes of such Acts.

Power to raise further Capital by Creation of Shares.

XXII. It shall be lawful for the Company to raise by the Creation of Shares such Sums of Money for the Purposes of this Act, in addition to the Capital which they are already authorized to raise, as they shall deem expedient, not exceeding in the whole the Sum of One hundred thousand Pounds; and all the Powers and Provisions contained in the Twenty-fourth, Twenty-sixth, and Twenty-seventh Sections of the recited Act of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, with regard to the Shares by that Act authorized to be created, and to the Rights, Privileges, and Conditions to be attached thereto, shall be held to apply to the Shares by this Act authorized to be created, in like Manner as though the Capital by this Act authorized to be raised, and the Shares to be issued for the Purposes thereof, had been authorized to be raised and issued by the said last-mentioned Act, and the Capitals so authorized to be raised by the last-recited Act and this Act, and the Shares constituting the same, shall be considered as Part of the same Capital Stock, and may be created and issued as such as and when the Company see fit: Provided always, that such united Capital shall be applied only to the Purposes of the last-recited Act and this Act; provided also, that it shall not be lawful for the Company to assign to any Shares or Stock forming Part of such united Capital any Preference or Priority in the Payment of Dividend exceeding Five *per Centum per Annum* on the Amount for the Time being paid upon such Shares or Stock, anything in the said last-recited Act to the contrary notwithstanding.

Dividends on new Shares.

XXIII. If in any Year ending the Thirtieth Day of *June* there shall not be Profits available for the Payment of the full Amount of the preferential Dividend for that Year which may be attached by the Company to the new Shares to be issued under the last-recited Act and this Act for creating such united Capital, the Arrears of such preferential Dividend shall not be carried forward and paid out of the Profits of any subsequent Year, or out of any other Funds of the Company, with the Exception of the Arrears, if any, which shall have accrued during the Eight Years ending Thirtieth *June* One thousand eight hundred and sixty-eight, which last-mentioned Arrears may be carried forward until paid out of the Surplus available

available in subsequent Years after Payment of the preferential Dividend for such subsequent Years respectively.

Power to borrow on Mortgage.

XXIV. When and so soon as the whole of the Capital which the Company is authorized to raise by the Creation of Shares or Stock under this Act shall have been subscribed, and One Half thereof shall have been paid up, and they shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, it shall be lawful for the Company from Time to Time, with the Authority of any General Meeting of the Company, to borrow on Mortgage of their Undertaking, in addition to any other Sums which they are or may be authorized to borrow, any Sum or Sums of Money not exceeding in the aggregate Thirty-three thousand three hundred Pounds, and the Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the borrowing of Money on Mortgage or Bond," and "with respect to the Conversion of the borrowed Money into Capital," shall be incorporated with this Act, and shall be applicable to the borrowing of such Sums by the Company, and to the Conversion thereof, if they think fit, into Capital: Provided always, that all and every Part of the Money to be raised by Mortgage under the Authority of this Act shall be applied to the Purposes of this Act and to no other Purpose.

Former Mortgages to have Priority.

XXV. All Mortgages granted by the Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Interest not to be paid out of Capital.

XXVI. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of Company's Capital.

XXVII. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay or deposit any Sum which by any Standing Order of either House of Parliament for the Time being in force may require to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the

the Company to construct any other Railway or to execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

XXVIII. Nothing in this Act contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and the maximum Rates of Tolls and Charges authorized by this Act.

Expenses of Act.

XXIX. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

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