ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Nature, called "The Lands Clauses Consolidation Act, 1845:" And whereas another Act was passed in the said Eighth Year of the Reign of Her said Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, called "The Railways Clauses Consolidation Act, 1845:" And whereas the Persons hereafter named, together with other Persons, are willing, at their own Expence, to carry such Undertaking into execution, but the same 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, That the said "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railway Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by or inconsistent with the Provisions of this Act.

8 & 9 Vict. c. 20.

Recited Acts incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to use the Expression "The *Kilkenny and Great Southern and Western* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *George Anderson*, *Charles Hulse*, *George Emery*, *Pierce Somerset Butler*, *Frederick Pratt Barlow*, *Frederick Ricketts*, *Louis Vigurs*, *Henry Trench*, *Thomas Wyse*, *Henry Prittie*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-before mentioned and herein-after more particularly defined, with proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Kilkenny and Great Southern and Western* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said recited Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is Two hundred and twenty-five thousand Pounds; be it enacted, That the Capital of the said Company shall be Two hundred and twenty-five thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Eleven thousand two hundred and fifty, and the Amount of each Share shall be Twenty Pounds.

VI. And

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

Interest to be paid on Calls until Railway completed.

VII. And be it enacted, That it shall be lawful for the Directors of the said Company, until the said Railway shall be completed and opened to the Public, to pay Interest at any Rate not exceeding Four Pounds *per Centum per Annum* in respect of the Calls paid on every Share from the Day on which such Calls shall respectively have been paid up, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or on any other Share holden by the same Proprietor, during such Period as such Call shall remain unpaid.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Seventy-five thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred and twenty-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Mortgagees may enforce Payment of Arrears by Appointment of a Receiver.

IX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due upon such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Fifty thousand Pounds on the whole.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors of the said Company shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

XI. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, provided that the Number of Directors when so increased do not exceed Eighteen, and if reduced be not less than Eight Directors.

First Directors.

XII. And be it enacted, That *George Anderson*, *Pierce Somerset Butler*, *Frederick Pratt Barlow*, *George Emery*, *Charles Hulse*, *Henry Prittie*, *Frederick Ricketts*, *Henry Trench*, *Louis Vigurs*, and *Thomas Wyse* shall be the first Directors of the Company.

XIII. And

Directors to continue in Office till first Meeting after passing of Act.

XIII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the corresponding Ordinary Meeting to be held in the next and every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office in rotation agreeably to the Provisions in the said "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation Act, 1845."

First Ordinary Meeting.

XIV. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

Quorum of Directors.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Seven, and the Quorum of such Committee shall be Three.

Committees not to make Calls.

XVII. And be it enacted, That such Committees shall not be empowered to make Calls for Money on the Shareholders.

Remuneration of Directors and Auditors.

XVIII. And be it enacted, That the Remuneration of the Directors and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of such Company.

Railways to be made according to deposited Plans.

XIX. And whereas Plans and Sections of an intended Railway from *Kilkenny* to *Ballinasloe* showing the Lines and Levels thereof, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, or which might be required to be taken for the Purposes of such Railway, have been deposited with the Clerk of the Peace of the County of the City of *Kilkenny*, with the Clerk of the Peace for the County of *Kilkenny*, with the Clerk of the Peace for the *Queen's County*, and with the Clerk of the Peace for the *King's County*, but it is proposed to make only so much of the said Railway as lies between *Kilkenny* and the Townland of *Cuddagh* in the Parish of *Offerlane* in the *Queen's County*; be it enacted, That, subject to the Provisions

Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain so much of the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference as lies between the City of *Kilkenny* and the Townland of *Cuddagh* in the Parish of *Offerlane* in the *Queen's County*, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XX. And be it enacted, That the said Railway shall commence by a Junction with the *Waterford and Kilkenny* Railway at or near the *Kilkenny* Union Workhouse in the Townland of *High Hays* in the Parish of *Saint John's* in the County of the City of *Kilkenny*, and shall pass through the following Parishes, Townships, and Extra-parochial Places; (that is to say,) *Saint John's*, *High Hays*, *Gardens*, *Roach Pond*, *Saint Maul's*, *New Park Lower*, *Glendine*, *Dunmore*, *Loughmerrins*, *Dunmore* Glebe, *Dunmore West*, *Grangemacombe*, *Ardaloe*, *Dunmore*, *Odagh*, *Suttonsrath*, *Ballycarran*, *Mayne*, *Bracklin*, *Coolcraheen*, *Clints Town*, *Lismaine*, *Rathbeagh*, *Knockroe*, *Grangemacomb*, *Old Town Donoghmore*, *Donghmore*, *Ballyragget*, *Rathduff*, *Moat Park*, *Coole*, *Kilmenan*, *Russeltown*, in the County of *Kilkenny*; *Attanagh* Glebe, *Grenan*, *Ballynafunshin*, *Durrow*, *Rosconnell*, *Clorham*, *Clormaun* or *Garraeen*, *Fermoyle*, *Abbeyleix*, *Curraghacoonacon*, *Brandra*, *Clonkeen*, *Knocknamoe*, *Tallyroe*, *Bally Mullen*, *Abbeyleix* Demesne, *Poormansbridge*, *Clonenagh* and *Clonagheen*, *Boley Lower*, *Boley Upper*, *Shanahoe*, *Killeany*, *Springmount*, *Offerlane*, *Castle Trench*, *Camcloon*, *Cuddagh*, in the *Queen's County*; and shall terminate by a Junction with the *Great Southern and Western* Railway at or near the Townland of *Cuddagh* in the Parish of *Offerlane* in the *Queen's County*.

Company not to take certain Lands without Consent. 1 & 2 Vict. c. 56.

XXI. And whereas it is necessary that the Union Workhouses and other Property vested in the Poor Law Commissioners in *Ireland* by virtue of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and the several Acts amending the same, should be preserved from Injury or Interference in consequence of the said Railway; be it therefore enacted, That nothing in this Act, or in the said "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railway Clauses Consolidation Act, 1845," hereby incorporated with and forming Part of this Act, or in any of them, contained, shall authorize the said Company to construct or carry the said Line of Railway through or across the Union Workhouses, or the Buildings, Lands, or Hereditaments, or any of them, so vested in the said Commissioners as aforesaid or otherwise, or to enter upon, possess, or occupy the same, or any of them, or any Part thereof, for the Purposes of the said Railway or otherwise, without the Consent in Writing of the said Commissioners first obtained.

Power to cross certain Roads and on the Level.

XXII. And be it enacted, That in making the said Railway it shall be lawful for the Company to construct the said Railway across

and on the Level of the following Turnpike presented and public Carriage Roads; that is to say, a public Road at or near the Seventh Mile Fifty-five Chains, and being in or near the Townlands of *Knockroe* or *Lismaine*, or one or both of them, in the Parishes of *Rathbeagh* or *Coolcraheen*, or one or both of them; also a public Road at or near the Tenth Mile Forty-five Chains, and being in the Townland of *Ballyragget* in the Parish of *Donoghmore;* also a public Road at or near the Eleventh Mile Fifty-five Chains in the Townland of *Coole* in the Parish of *Donoghmore;* also a public Road at or near the Thirteenth Mile Seventy-five Chains in the Townland of *Grena* in the Parish of *Attenagh;* also a public Road at or near the Fifteenth Mile Forty-nine Chains in the Townland of *Garraeen* in the Parish of *Rosconnell;* also a public Road at or near the Fifteenth Mile Sixty-eight Chains in the Townland of *Garraeen*, *Curraghacronacon*, or *Brenda*, or one or all of them, in the Parish of *Rosconnel* or *Abbeyleix*, or one or both of them; also a public Road at or near the Sixteenth Mile Forty Chains in the Townlands of *Curraghacronacon* or *Clonkeen*, or one or both of them, in the Parish of *Abbeyleix* or *Rosconnel*, or one or both of them; also a public Road at or near the Eighteenth Mile Seventy Chains in the Townland of *Knockamoe* or *Abbeyleix* Demesne or *Tallyroe*, or one or all of them, in the Parish of *Abbeyleix;* also a public Road at or near the Nineteenth Mile Nine Chains in the Townlands of *Tallyroe* or *Abbeyleix* Demesne, or one or both of them, in the Parish of *Abbeyleix;* also a public Road at or near the Nineteenth Mile Forty-four Chains in the Townland of *Talleyroe* in the Parish of *Abbeyleix;* also a public Road at or near the Twentieth Mile in the Townland of *Tallyroe* or *Poormansbridge*, or one or both of them, in the Parish of *Abbeyleix;* also a public Road at or near the Twenty-first Mile Ten Chains in the Townland of *Boley Lower* or *Poormansbridge*, or one or both of them, in the Parishes of *Abbeyleix* or *Cloneenagh* and *Clonagheen*, or one or both of them; also a public Road at or near the Twenty-second Mile in the Townland of *Boley Upper* in the Parish of *Clonenagh* and *Clonagheen;* also a public Road at or near the Twenty-second Mile Twenty-six Chains in the Townland of *Kelleany* or *Springmount*, or one or both of them, in the Parish of *Clonenagh* and *Clonagheen;* and the Company shall maintain a Station at the Crossing of the said Road in the Townland of *Ballyragget* in the Parish of *Donoghmore*.

Lodges to be erected at level Crossings.

XXIII. And be it enacted, That the said Company shall erect and maintain at each of such level Crossings proper and sufficient Lodges for the Use of the Gate-keepers to be employed by the said Company at such level Crossings respectively; and in case the said Company shall fail so to do they shall be subject and liable to a Penalty not exceeding Five Pounds for each Day during which such Omission shall continue.

Lands for extraordinary Purposes.

XXIV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifteen Acres.

Compulsory Purchase

XXV. And be it enacted, That 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. of Lands limited.

XXVI. And be it enacted, That after the Expiration of Seven Years from passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed. Period for Completion of Railway, &c.

XXVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of any of the said Railways, not exceeding the following; (that is to say,) Tolls.

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes: On Articles of Merchandize.

Class 1.—For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 2.—For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 3.—For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Two-pence:

Class 4.—For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Two-pence:

Class 5.—And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per* Mile not exceeding Sixpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile

Mile not exceeding Two-pence; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding Two-pence:

And the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton.

On Animals, &c.

In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class 6.—For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per* Mile not exceeding One Penny:

Class 7.—For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

Class 8.—For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Regulations as to the Tolls.

XXVIII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile:

For

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each) the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Four-pence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Three-pence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Passengers Luggage.

XXX. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Rates of Charges for Passengers.

XXXI. And be it enacted, That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Three-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

Maximum Charges for Goods and Animals.

XXXII. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company,) shall not exceed the Amounts mentioned in the following Table; that is to say,

For the Matters herein-before mentioned under Class 1, not exceeding One Penny Halfpenny *per* Ton *per* Mile:

For the Matters mentioned under Class 2, not exceeding Two-pence *per* Ton *per* Mile:

For the Matters mentioned under Class 3, not exceeding Three-pence *per* Ton *per* Mile:

For the Matters mentioned under Class 4, not exceeding Four-pence *per* Ton *per* Mile:

For any Carriage mentioned under Class 5 not weighing more than One Ton, not exceeding Seven-pence *per* Mile; and if weighing more than One Ton, not exceeding Two-pence *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton:

For every thing mentioned under Class 6, not exceeding Five-pence *per* Mile:

For every thing mentioned under Class 7, not exceeding Two-pence Farthing *per* Mile:

For every thing mentioned under Class 8, not exceeding One Penny *per* Mile.

Restriction as to Charges not to apply to Special Trains.

XXXIII. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train that may be required to be run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Waterford and Kilkenny Company may subscribe towards the Undertaking;

XXXIV. And whereas the Formation of the Railways hereby authorized to be made would be beneficial to the Interests of the *Waterford and Kilkenny* Railway Company; be it therefore enacted, That it shall be lawful for the said Company to subscribe towards and become Shareholders in the Undertaking hereby authorized to any Extent not exceeding Fifty thousand Pounds.

and raise the requisite Funds.

XXXV. And be it enacted, That for such Purpose it shall be lawful for the said *Waterford and Kilkenny* Company to raise all or any Part of the Money authorized to be subscribed by them as aforesaid by the Creation of new Shares or Stock in the Undertaking of the said *Waterford and Kilkenny* Railway, of such Amount and under such Conditions, and particularly as to the Dividends thereon, whether

whether the same shall be fixed or rateable, and as to the Rights of voting and other Privileges to be conferred on the Holders of such Shares or Stock, as the said *Waterford and Kilkenny* Railway Company at any Special General Meeting of the Proprietors thereof respectively to be convened for the Purpose shall determine; or it shall be lawful for the said Company, if they think fit, to raise the Sums agreed to be subscribed by them, or any Portion thereof, by Mortgage of their Undertaking, in like Manner, and under and subject to the same Provisions, as the said Company by all or any of the Acts relating to their Undertaking is authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the said Company shall not raise any Money by Mortgage until the whole additional Sum shall have been subscribed for, and One Half of the whole Capital paid up, nor shall the Company by such Means increase the Amount which may be owing at any one Time on Mortgage of the said Undertaking beyond the Proportion of One Third of their then existing Capital.

Power to sell Railway.

XXXVI. And be it enacted, That it shall be lawful for the Company hereby incorporated, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the said Company specially convened for the Purpose, to sell and transfer to the *Waterford and Kilkenny* Railway Company, and for the said *Waterford and Kilkenny* Railway Company, by and with a like Authority on the Part of the Proprietors in the said last-mentioned Company, to purchase, the Undertaking by this Act authorized, or any Share or Interest therein, or any Portion or Portions thereof, whether before or after the Completion thereof (but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase (of which Completion a Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the respective Corporate Seals of the Company hereby incorporated and the Company purchasing the said Undertaking, shall be sufficient Evidence,) the Company so purchasing the same may have and hold the said Undertaking, or the Share therein or the Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by this Act on the Company hereby incorporated; and for such Purpose it shall be lawful for the said *Waterford and Kilkenny* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow such Sum of Money, as may be necessary, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purposes of the said Undertaking, and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital, and that no Money whatever shall be borrowed until the whole of the Money to be raised by Shares shall have been subscribed for, and One Half thereof actually paid up: Provided always, that in the event of any Portion

of

of the Undertaking by this Act authorized being purchased by the said *Waterford and Kilkenny* Railway Company, then from and after the Completion of such Purchase all the Powers and Authorities granted by this Act may be exercised, so far as they are applicable, by the Company to whom such Portion shall have been sold, and the Corporate Seal of the said Company be used when necessary in reference thereto in like Manner as though such Railway Company had been originally authorized to carry the same into effect in lieu of the Company hereby incorporated; and in the event of the whole of the Undertaking by this Act authorized being purchased by the said *Waterford and Kilkenny* Railway Company, then from and after the Completion of such Purchase the Company by this Act incorporated shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and the general Settlement of the Affairs of the said last-mentioned Company.

Power to lease the Railway.

XXXVII. And be it enacted, That it shall be lawful for the Company hereby incorporated, with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions, as they shall think proper, the Undertaking by this Act authorized to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto the said *Waterford and Kilkenny* Railway Company, for any Term which shall be agreed upon; and the said *Waterford and Kilkenny* Railway Company is and are hereby authorized, if they think proper, with the like Authority and Approbation on the Part of their Proprietors, to enter into and accept any such Lease or Leases; and such Lease or Leases shall entitle the Lessees to the free Use and Enjoyment of the said Railway and Works connected therewith, or such Share or Interest therein, or such Portion or Portions thereof, as may be included in such Lease or Leases respectively; and during the Continuance of any such Lease or Leases all the Powers, Privileges, and Authorities granted to, or which are or might be held, used, exercised, and enjoyed by, the Company by this Act incorporated, or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of this Act, shall in like Manner and to the same Extent in all respects apply to, and be held, used, exercised, and enjoyed by, the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by this Act upon the Company hereby incorporated.

Power to enter into Contracts with the Waterford and Kil-

XXXVIII. And be it enacted, That it shall be lawful for the Company hereby incorporated, and for the said *Waterford and Kilkenny* Railway Company, to make and enter into Contracts or Agreements for effecting the Purposes aforesaid, and for constructing, working, and using the said Railways, or any Part or Parts thereof

respectively, or for the Maintenance and Repair thereof, or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies. kenny Railway Company.

XXXIX. Provided always, and be it enacted, That nothing in this Act, or in the said "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," the "Railway Clauses Consolidation Act, 1845," hereby incorporated with and forming Part of this Act, or any of them, contained, shall lessen, abridge, or interfere with the Powers and Authorities vested in the Commissioners acting in execution of an Act made and passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River* Shannon; and, notwithstanding any thing in this Act or in any of the said Acts contained, it shall not be lawful for the said Company to carry the said Railway, or any Works appertaining to the same, over, across, or alongside of the said River *Shannon*, or on or along any Part of the Land and Hereditaments heretofore acquired by the said Commissioners, or being within the Jurisdiction of the said Commissioners as heretofore defined by them under the Provisions of the said Act, or to make any Bridges or other Works in, over, or along any Part of the said River, or in any Manner to interfere with the Works now or hereafter to be executed by the said Commissioners under the said Act, or with the Navigation of the said River *Shannon*, except and upon such Terms, under such Restrictions, and according to such Plans, Elevations, and Sections, as shall be approved of and so signified by the said Commissioners in Writing under their Hands for that Purpose. Saving the Rights and Powers of the Commissioners of the River Shannon. 2 & 3 Vict. c. 61.

XL. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto. Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XLI. And be it enacted, That nothing herein 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 this Act, or of any general Act relating to Railways, which may hereafter pass Railway to be subject to Provisions of any future general Act.

pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act. XLII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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