ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. cliii.

An Act for making a Railway from the *Waterford and Kilkenny* Railway at *Kilkenny* to the *Great Southern and Western* Railway at *Mountrath*, and for other Purposes. [23d *July* 1860.]

WHEREAS the making of a Railway from *Kilkenny* to *Mountrath* would be of great public and local Advantage: And whereas the Persons herein-after named, together with others, are willing, at their own Expense, to carry such Undertaking into execution, if authorized so to do, and it is expedient that they should be incorporated for that Purpose: And whereas it is also expedient that Provision be made to authorize the Company so to be incorporated (in this Act called "the Company") and the *Waterford and Kilkenny* Railway Company to make and carry out working and other Arrangements with respect to the said intended Railway, and also to empower the *Waterford and Kilkenny* Railway Company to contribute towards the Expense of the Undertaking: 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,)

8 & 9 Vict. cc. 16. 18. and 20., 14 & 15 Vict. c. 70., and 21 & 22 Vict. c. 34. incorporated.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," so far as the same is consistent with "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 Years of the Reign of Her present Majesty, intituled *An Act to continue the Railways Act* (Ireland), 1851, shall be incorporated with and form Part of this Act.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

II. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Short Title.

III. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Kilkenny Junction* Railway Act, 1860."

Subscribers incorporated.

IV. *Arthur Kavanagh*, *Michael Cahill*, *Edmund Smithwick*, *William Malcomson*, *Charles Newport*, *James Delahunty*, *James Tidmarsh*, *Henry Davis*, *Thomas Adams*, *George Richardson*, *Edmond Power*, and *Edward Roberts*, 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-after described, with all proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Kilkenny Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

V. The Capital of the Company shall be One hundred and forty thousand Pounds, divided into Fourteen thousand Shares of the Amount of Ten Pounds each.

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

VII. It

Power to borrow on Mortgage.

VII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Forty-six thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the said Capital of One hundred and forty thousand Pounds shall have been subscribed, and One Half paid up, and until 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; and all Monies raised under the Powers of this Act, either by Shares or by borrowing, shall be applied in carrying the Purposes of this Act into execution.

Arrears may be enforced by Appointment of a Receiver.

VIII. It shall be lawful for the Mortgagees of the Company to enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Five thousand Pounds in the whole.

Interest not to be paid on Calls paid up.

IX. 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 Interest or Dividends to any Shareholders on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: 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 shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits on future Bills not to be paid out of Capital.

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

Meetings of the Company.

XI. The First General Meeting of the Company shall be held in the Month of *November* next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *May* and *November*; and all Meetings of the Company, whether ordinary or extraordinary, shall be held at such convenient Place or Places as the Directors for the Time being shall appoint.

Quorum of Meetings of the Company.

XII. The Quorum for every Meeting of the Company, whether ordinary or extraordinary, shall be Ten Shareholders present, personally or by Proxy,

Proxy, and holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XIII. The Number of the Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall not be less than Ten Shareholders holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XIV. The Number of Directors of the Company shall be Nine, and the Qualification of each such Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

First Directors.

XV. *Michael Cahill, Edmund Smithwick, William Malcomson, Charles Newport, James Delahunty, James Tidmarsh, Henry Davis, Edmond Power*, and *Edward Roberts* shall be the first Directors of the Company.

Election of Directors at FirstGeneral Meeting.

XVI. The Directors appointed by this Act, or such of them as shall not die or resign, or become disqualified or be removed, shall continue in Office until the First Ordinary General Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

XVII. At the First Ordinary General Meeting to be held in every Year after the First General Meeting the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845;" and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

Power to reduce Number of Directors.

XVIII. The Number of Directors may be reduced from Time to Time, provided that the Number shall never be less than Six.

Quorum of Directors.

XIX. The Quorum of a Meeting of Directors shall be Three.

Power to make Railway as herein stated.

XX. It shall be lawful for the Company to make and maintain a Railway, with all proper Stations, Works, and Conveniences connected therewith, commencing by a Junction with the *Waterford and Kilkenny* Railway at or near the *Kilkenny* Station thereof in the Townland of *High*

High Hays in the Parish of *Saint John*'s in the County of the City of *Kilkenny*, and terminating by a Junction with the *Great Southern and Western* Railway at or near the *Mountrath* Station on that Railway in the Townland of *Clonard* or *Cappalaughlin* in the Parish of *Clonenagh* and *Clonagheen* in *Queen's County*.

Railway to be made according to deposited Plans.

XXI. Whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the Counties of *Kilkenny* and *Queen's County* respectively: Therefore, subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Railway shall be made in the Line or Course 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; and, subject to the aforesaid Provisions, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Railway and the Works connected therewith.

Portion of Kilkenny Station now occupied separately or jointly by the Irish South-eastern Railway Company not to be taken without Consent.

XXII. Provided always, That nothing in this Act or the Acts incorporated herewith contained shall authorize the Company to enter upon, purchase, take, or use any Portion of so much of the *Kilkenny* Station of the *Waterford and Kilkenny* Railway Company and the Approaches thereto as is now occupied by the *Irish South-eastern* Railway Company, either separately or jointly with the *Waterford and Kilkenny* Railway Company, under any Agreement between the last-mentioned Company and the *Irish South-eastern* Railway Company, without the previous Consent in Writing of the *Irish South-eastern* Railway Company under their Common Seal or under the Hand of their Secretary: Provided nevertheless, that the Company may construct a Girder Bridge across the Approach adjoining the present Booking Office at the said Station, but so as not in any way to obstruct such Approach, or to interfere with the Rights of the *Irish South-eastern* Railway Company.

Passengers to be set down and a Passenger Ticket Stage to be erected at a certain Point in the Townland of Newpark Lower.

XXIII. In order to accommodate the Inhabitants of the lower Part of the City of *Kilkenny* the Company shall set down Passengers by all Trains carrying Third-class Passengers, and shall erect and maintain a Passenger Ticket Stage upon the Land of *Michael Sullivan* Esquire, contiguous to the Road leading from the Corner of the Barracks to *Green's Bridge*, numbered 2. upon the Plans deposited for the Purposes of this Act in the Townland of *Newpark Lower* in the Parish of *Saint Maul* in the County of the City of *Kilkenny*; and the Company shall, in the Construction of the Railway authorized by this Act, make the same in a straight Line from the Point marked Three Furlongs to Five Furlongs

upon the said deposited Plans, and situate in the before-mentioned Townland of *Newpark Lower*.

Certain Works to be completed within a limited Time.

XXIV. The Works of sinking the High Road marked Number 3. on the deposited Plan in the Townland of *High Hays* authorized by this Act shall be completed within One Year from the passing hereof, and the rest of the Works on the First Mile at the *Kilkenny* End of the Line shall be the First Portion of the whole Line to be completed.

As to Deposit of Plans with the Clerks of Unions.

XXV. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided, that a Certificate 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 situate; 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 deposited with the Clerks of the Unions instead of such Postmasters: Therefore, with reference to this Act, in all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster," 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 "Postmasters," as the Case may be.

Roads to be crossed on a Level.

XXVI. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same, with a Double Line of Railway, across and on the Level of the several Roads numbered on the aforesaid Plans as follows; (that is to say,)

Number on Plan.	Townland.	Parish.	Description of Road.
7	Grenan - - -	Attanagh - -	Public Road.
33	Brandra - - -	Abbeyleix - -	Public Road.
13	Curraghacronacon -		
1	Granafallow - -		
1	Clonkeen - - -		

Provided

Provided always, that it shall not be lawful for the Company in shunting Trains to or from any Siding near to the said level Crossings to pass any Trains over such level Crossings, or to allow Trains to stand across the same.

Station or Lodge to be erected at Points of Crossing.

XXVII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges in lieu of level Crossing.

XXVIII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway shall have been completed and opened for Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board to be best adapted for removing or diminishing the Danger arising from such level Crossing; but where any such Road shall be so carried under or over the Railway it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

As to Communications with the Waterford and Kilkenny and Great Southern and Western Railways.

XXIX. The Company may make such Openings in and Alterations of the Rails of the *Waterford and Kilkenny* Railway and of the *Great Southern and Western* Railway, and may do all such Acts and Works as are necessary in order to effect the Communications hereby authorized between the Railway and the *Waterford and Kilkenny* and the *Great Southern and Western* Railways, and such Communications shall be effected in a substantial Manner by means of Connexion Rails and Points of the Construction and laid in the Manner which the Engineer for the Time being of the *Waterford and Kilkenny* Railway Company or the *Great Southern and Western* Railway Company, as the Case may be, may

may from Time to Time approve and require, and shall be executed to his Satisfaction in all respects: Provided always, that in case of Difference between such Engineer and the Engineer of the Company with respect to any Works for effecting such Communications the same shall be determined by an Engineer to be appointed by the Board of Trade.

Expenses of Communications to be borne by the Company.

XXX. The Expenses of the Communications hereby authorized with the *Waterford and Kilkenny* Railway and the *Great Southern and Western* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, and amending such Communication, and for repairing and maintaining such Rails and Points, shall be borne and paid by the Company; and such Communications, Openings, and Works shall be in the first instance made, and be afterwards from Time to Time altered, amended, repaired, and maintained, under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *Waterford and Kilkenny* Railway Company or the *Great Southern and Western* Railway Company, as the Case may be, and in such Manner and by such Ways and Means respectively as shall not injure the Railway with which the Junction is made, or impede or interfere with the free, uninterrupted, and safe Passage along the same.

Provision as to Signals, Watchmen, &c. at Points of Junction.

XXXI. The *Waterford and Kilkenny* Railway Company, or, as the Case may be, the *Great Southern and Western* Railway Company, may from Time to Time erect, maintain, and alter such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Pointsmen, and other Servants as those respective Companies may deem necessary for the Prevention of Damage to, or Detention of, or Interference with Traffic at or near the Junctions between their respective Railways and the Railway hereby authorized; and the working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants, shall belong exclusively to the Company with whose Line the Junction is effected; and all the Costs and Expenses during each Half Year of erecting and maintaining and altering such Signals, Works, and Conveniences, and of employing and paying such Watchmen, Pointsmen, and other Servants, shall, at the Expiration of each Half Year, be repaid by the Company to the Company which may have paid the same, on Demand, and in default the Amount of such Costs and Expenses may be recovered from the Company in any Court of competent Jurisdiction.

Saving Rights of Railway Companies herein named.

XXXII. Except as in this Act expressly provided, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of, vested in, or belonging to the *Waterford and Kilkenny* Railway Company or the *Great Southern and Western* Railway Company.

XXXIII. The

Land for extraordinary Purposes.

XXXIII. The Quantity of Land near or adjoining the Railway which may be purchased by Agreement by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

Powers for compulsory Purchases limited.

XXXIV. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for Completion of Railway.

XXXV. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then have been completed.

As to Repayment of Money deposited with Court of Chancery.

XXXVI. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Eleven thousand two hundred Pounds, being Eight Pounds *per Centum* of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *Ireland* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 Survivor or Survivors of them, unless the Company hereby incorporated shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proofs as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's

Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum shall have been executed by the Company, with One or more Sureties, such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury, conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum if the Company shall not within the Time limited for the Completion of the said Railway either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords and of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

XXXVII. With respect to the Tonnage of any Goods conveyed upon the Railway it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public 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:

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

Articles of Merchandise, *per* Ton *per* Mile not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and Wools, Flax, Hemp, Tow, Cotton and Linen Yarn, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

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 not exceeding Twopence:

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.

For Passengers and Cattle.

XXXVIII. In respect of Passengers and Animals conveyed in Carriages upon the Railway it shall be lawful to demand as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny:

For every Calf, 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.

XXXIX. The

Tolls for propelling Power.

XXXIX. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Maximum Charges for Conveyance of Passengers.

XL. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

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

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

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

Maximum Charges for Conveyance of Goods and Animals.

XLI. It shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company), than the several Sums herein-after mentioned; (that is to say,)

For Dung and other Articles herein-before classed therewith, *per* Ton *per* Mile One Penny Halfpenny:

For Coals and other Articles herein-before classed therewith, *per* Ton *per* Mile Twopence:

For Sugar and other Articles herein-before classed therewith, *per* Ton *per* Mile Threepence:

For Cotton and other Articles herein-before classed therewith, *per* Ton *per* Mile Fourpence:

For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and if weighing more than One Ton, not exceeding One Penny Halfpenny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Twopence Farthing:

And for every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile One Penny.

Regulations as to Tolls.

XLII. 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 Four Miles the Company may demand Tolls and Charges as for Four Miles:

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

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.

XLIII. With respect to small Packages and single Articles of great Weight, 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 on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds in Weight and not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds in Weight and not exceeding Twenty-eight Pounds in Weight, Eightpence:

For any Parcel exceeding Twenty-eight Pounds in Weight and not exceeding Fifty-six Pounds in Weight, One Shilling:

And for any Parcel exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they 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 such Sum as they shall think fit, not exceeding Sixpence *per* Ton *per* Mile; and such Charge shall include all Charges for the Use of Railway, Carriage, and locomotive Power, and all other Charges incident to the Conveyance of the Matters in this Paragraph mentioned:

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 may think fit.

Company may take increased Charges by Agreement.

XLIV. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges hereinbefore limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect to the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Passengers Luggage.

XLV. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for each First-class Passenger, One hundred Pounds in Weight for every Second-class Passenger, and Sixty Pounds in Weight for every Third-class Passenger, without any Charge being made for the Carriage thereof.

Restrictions as to Charges not to apply to Special Trains.

XLVI. The Restrictions as to Charges to be made for Passengers and Articles herein mentioned shall not extend to any Special Trains, but only to the ordinary and Express Trains appointed or to be appointed from Time to Time by the Company.

The Waterford and Kilkenny Railway Company may acquire Shares in the Company.

XLVII. It shall be lawful for the *Waterford and Kilkenny* Railway Company to acquire, take, and hold Shares in the Undertaking of the Company to any Extent not exceeding Twenty thousand Pounds; and it shall be lawful for the *Waterford and Kilkenny* Railway Company to raise for that Purpose such Sums as they shall deem expedient, not exceeding in the whole the Sum of Twenty thousand Pounds, or appropriate and apply to that Purpose any Sums of Money which they are authorized to raise or which shall have been raised by them respectively under the Provisions of the Acts relating to the *Waterford and Kilkenny* Railway Company, or any of them, and which may not be required for the

the Purposes to which they are by any such Act made specially applicable: Provided always, that it shall not be lawful for the *Waterford and Kilkenny* Railway Company to assign or transfer any Shares which they may acquire in the Undertaking of the Company under the Authority of this Act: Provided also, that all Sums raised by the *Waterford and Kilkenny* Railway Company under the Powers of this Act shall be applied only to the taking and holding and paying Calls upon Shares acquired by that Company in the Undertaking of the Company.

Power to Waterford and Kilkenny Company to create new Shares.

XLVIII. For the Purpose of raising the Sums by this Act authorized to be subscribed by them the *Waterford and Kilkenny* Railway Company, with the Consent of Three Fifths of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting of the *Waterford and Kilkenny* Railway Company specially convened for the Purpose, may create and issue new Shares or Stock in their Undertaking of such Amount, and to be appropriated and disposed of in such Manner, and to such Persons, either with or without preferential Dividend not exceeding Five Pounds *per Centum per Annum*, as shall be determined by such Meeting; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer and Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Consolidation of Shares into Stock, shall be applicable to the raising of such Sums by the *Waterford and Kilkenny* Railway Company, and to the Shares and Stock by this Act authorized to be created, and to the Holders or Proprietors of such Shares or Stock.

Dividends on Shares created by Waterford and Kilkenny Company.

XLIX. Any new Shares created by the *Waterford and Kilkenny* Railway Company, under the Provisions of this Act, shall be entitled to the preferential Dividend (if any) which may have been assigned to them out of the Profits of each Year, in priority to the ordinary Shares in that Company; but if in any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the *Waterford and Kilkenny* Railway Company.

Saving Rights of existing Preference Shares.

L. Provided always, That no Guarantee, Preference, or Priority in the Payment of Dividend which may be granted in respect of any Shares raised by the *Waterford and Kilkenny* Railway Company for the Purposes in this Act mentioned shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been granted by the *Waterford and Kilkenny* Railway Company

Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Power to enter into Traffic Arrangements with Waterford and Kilkenny Railway Company.

LI. The Company and the *Waterford and Kilkenny* Railway Company may from Time to Time enter into and carry into effect Contracts and Agreements with respect to the following Purposes or any of them; (that is to say,)

The Use and Working by the *Waterford and Kilkenny* Railway Company of all or any Part of the Railway of the Company, and of the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Waterford and Kilkenny* Railway Company of the whole or any Part of the Traffic upon the Railway:

The Supply of any Rolling or Working Stock required for such Purposes:

The Management, Maintenance, and Repair of the proposed Railway:

The Costs and Expense of such Working, Management, Maintenance, and Repair:

The Collection, Delivery, and general Conduct of such Traffic:

The Interchange and forwarding of Traffic passing to and from the Railway of the Company to or from the Railway of the *Waterford and Kilkenny* Railway Company:

The Division and Apportionment between the said Companies of the Tolls and Profits arising from such Traffic, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of any such Contract or Agreement.

Duration of Contract.

LII. Provided always, That any such Contract or Agreement shall not be for more than Ten Years, and shall not be valid and binding unless and until approved of by the Board of Trade, who shall not approve such Contract or Agreement without being satisfied that the same has been duly assented to by the Shareholders of the Companies, Parties thereto, as herein-after provided.

Joint Committee for carrying Arrangements into effect.

LIII. The said Companies may, by any such Contract or Agreement as aforesaid, appoint a Joint Committee composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of the said Contract or Agreement; and every such Joint Committee so appointed shall have and may exercise the Powers so for the

the Time being delegated to them, in the same Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Arrangements not to take effect unless approved by Shareholders.

LIV. No such Contract or Agreement shall have any Operation or Effect unless and until the same shall have been submitted to and approved of by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of each Company Party thereto specially called for such Purpose.

Meetings, how to be convened.

LV. Such Meeting shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *Dublin*, and in some Newspaper of the County in which the principal Office of the Company is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

During Agreements, Line to be deemed, for Purposes of Tolls, continuous with Waterford and Kilkenny Railway.

LVI. Provided always, That when and so long as any such Contract or Agreement shall be in force, the Railway and the Railways of the *Waterford and Kilkenny* Railway Company shall, for the Purpose of calculating the Tolls payable by any other Company or Person, be deemed One continuous Line of Railway, and the Use of the Railway, and the Management, Regulation, and Transmission of the Traffic thereon, shall be subject to all the Regulations and Byelaws of the *Waterford and Kilkenny* Railway Company for the Time being in force: Provided that the Tolls, Rates, or Charges for Passengers, Animals, and Goods passing over the Railway or any Part of the Railway shall in no Case exceed the Tolls, Rates, and Charges by this Act authorized.

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

LVII. Nothing herein contained shall be deemed or construed to exempt the Company or the Railway by this Act authorized to be made, or the *Waterford and Kilkenny* Railway Company in respect of the Railway and the other Matters provided for by this Act, from the Provisions of any General Act relating to Railways, or to 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 authorized by this Act, or of the Rates for small Parcels.

Expenses of Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.