ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxi.

An Act to enable the *Waterford and Kilkenny* Railway Company to make certain Deviations in the authorized Line of the said Railway; and to amend the Act relating thereto.

[22d *July* 1848.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Waterford *to* Kilkenny, *with a Branch to* Kells, *in the County of* Kilkenny: And whereas it is expedient that some Parts of the authorized Line of the said Railway should be altered, and that the said Company should be empowered to abandon the Formation of the said Branch to *Kells*, and that the Times limited by the said recited Act for the compulsory Purchase of Lands and Houses, and for the Construction and Completion of Works thereby authorized, should be extended: And whereas the said *Waterford and Kilkenny* Railway Company are willing, at their own Expense, to make such Alterations; but the several Purposes 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 8 & 9 Vict. c. 87.

Extending Provisions of recited Act to this Act.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained in the said recited Act, and in the several Acts incorporated therewith, except such of them as are inapplicable to the Purposes of this Act, or are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall apply to the several Objects and Purposes thereof, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Objects and Purposes.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, or other Proceedings whatsoever, it shall be sufficient to use the Expression "The *Waterford and Kilkenny* Railway Amendment Act, 1848."

Power to make Alterations.

III. And be it enacted, That it shall be lawful for the said Company to construct the several Lines of Railway or Deviations hereinafter mentioned; (that is to say,) One of such Lines of Railway or Deviations (to be called the Deviation N° 1.) commencing on the public Road situate in the Townland of *Jerpoint Hill*, Parish of *Jerpoint Church*, and numbered 6 a on the original Plan of the authorized Line deposited with the Clerk of the Peace for the County of *Kilkenny*, and terminating at a certain Point on a public Road in the Townland of *Derrynahinch* and Parish of *Derrynahinch*, numbered 6 on the Plan deposited as aforesaid, and which said Deviation is proposed to pass from, in, through, and into the several Parishes, Townships, Townlands, extra-parochial and other Places following, or some of them, that is to say, the Townlands of *Jerpoint Hill*, *Ballylowra*, *Ballynamona*, *Ballyconway*, *Jerpoint Church* in the Parish of *Jerpoint Church*, *Derrynahinch*, *Ballydowan* in the Parish of *Derrynahinch*, the said Townlands and Parishes being situate in the County of *Kilkenny*; another of such Lines of Railway or Deviations (to be called the Deviation No. 2.) commencing at or near a certain Point on an Occupation Road in the Townland of *Kiltorcan*, Parish of *Derrynahinch*, and numbered 56 on the Plan deposited as aforesaid, and terminating at a certain Point in a Field in the Townland of *Knockmoylan* and Parish of *Kilkeasy*, being numbered 123 on the Plan deposited as aforesaid, and which said Deviation No. 2. is proposed to pass from, in, through, and into the several Parishes, Townships, Townlands, extra-parochial and other Places following, or some of them, that is to say, the Townlands of *Kiltorean*, *Knokwilliam*, *Coolmeen*, *Ballytarsna*, *Castlebanny*, *Crowbally*, *Castlegannon* in the Parish of *Derrynahinch*, *Kilkeasy*, *Knockmoylan* in the Parish of *Kilkeasy*, the said Townlands and Parishes being situate in the said County of *Kilkenny*; and the Third of such Lines of Railway or Deviations (to be called the Deviation No. 3.) commencing at or near a certain Point in a Field in the Townland of *Knockmoylan* and Parish of *Kilkeasy*, being numbered 133 on the said Plan deposited as aforesaid, and terminating at or near a certain Point in a Field in the Townland of *Newrath* and Parish of *Kilculliheen* in the West Ward of the City or Borough of *Waterford* or

in the County of *Waterford*, being numbered 20 on the said Plan deposited as aforesaid, and which said Deviation No. 3. is proposed to pass from, in, through, and into the several Parishes, Townships, Townlands, and extra-parochial and other Places following, or some of them, that is to say, the Townlands of *Knockmoylan*, *Kilkeasy* in the Parish of *Kilkeasy*, *Killahy*, *Killeen*, *Redacres North*, *Knockmore*, *Moneyhenry*, *Ballinva South*, *Ballinva North*, *Ballynockbeg*, *Ballymorris*, *Inchacarran* in the Parish of *Killahy*, *Smithstown*, which includes Part of *Lukeswell* Village, *Earlsrath*, *Ballylusky*, *Garrandarragh*, *Mullinavat* Town and Townland in the Parish of *Kilbeacon*, *Deerpark*, *Glendonnell*, *Scart*, *Rahard East*, *Rahard West*, *Rossinan* in the Parish of *Rossinan*, *Cappagh*, *Fahy*, *Gaulstown*, *Bishops Hall*, *Ballykillaboy*, *Ballynamorahan*, *Ballincurragh* in the Parish of *Gaulskill*, *Ballykeoghan*, *Ballykillaboy*, *Skeard*, *Greenville*, *Milltown*, *Newtown*, *Blossomhill*, *Dunkitt*, *Ballymountain*, *Smart's Castle East*, *Smart's Castle West*, *Strangsmill Glebe* situate in the Townland of *Dunkitt*, *Mullinabro'*, all being in the Parish of *Dunkitt*, *Clonassy*, *Ballydaw*, *Newtown*, *Ballynearla*, *Dangan*, *Narrabaun North*, *Narrabaun South*, *Kilmacow*, *Granny* in the Parish of *Kilmacow*, the same Townlands and Parishes being situate in the County of *Kilkenny*, *Newrath* in the Parish of *Killculliheen* in the West Ward of the City or Borough of *Waterford* or County of the City or Borough of *Waterford*, now or late in the Liberties of *Waterford* or the County of *Waterford* or County of *Kilkenny*.

Alterations to be made according to deposited Plans.

IV. And whereas Plans and Sections of the Works by this Act authorized, showing the Lines and Levels thereof, and also Books of Reference 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, have been deposited with the Clerks of the Peace for the Counties of *Kilkenny* and *Waterford*, and with the Clerk of the Peace for the County of the City or Borough of *Waterford*; be it enacted, That, subject to the Provisions of this and the said recited Act, and the several Acts incorporated therewith, it shall be lawful for the Company to make and maintain the said Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Plans to be deposited with Clerks of Unions.

V. And whereas by the "Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters 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 by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein provided: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents

ments heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Union, instead of such Postmasters; be it therefore enacted, That, with reference to this Act, all the Provisions of the said "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 Union within which such Parishes are included in *Ireland*," or the Words "Clerks 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.

Roads to be crossed on a Level.

VI. And be it enacted, That it shall be lawful for the Company to construct the Railways across and on the Level of the following Roads; (that is to say,)

No. on Plan.	Parish.	Townland.
	DEVIATION No. 1.	
4	Derrynahinch - -	Derrynahinch.
	DEVIATION No. 3.	
4	Kilbeacon - -	Garrandarragh.
45	Ditto - -	Ditto.
6	Ditto - - -	Glendonnell.
39	Rossinan - -	Deerpark.
38	Ditto - - -	Rossinan.
15	Dunkitt - - -	Milltown.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Commissioners of Railways as to Speed of Trains.

VII. And be it enacted, That 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 said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall 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 Commissioners of Railways; and if the said 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 any 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.

Plan of Bridge over the River Suir to be

VIII. And be it enacted, That previously to the Construction of the Bridge over the Pill or Branch of the River *Suir* near *Waterford* the Company shall deposit at the Admiralty Office, *Whitehall*, Plans and

and Sections of the said Bridge and Works, for the Approval of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral.

deposited at the Admiralty.

IX. And be it enacted, That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of 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.

Lords of the Admiralty may order local Survey of Works.

X. And be it enacted, That during the Construction of the said Bridge and Works connected therewith the Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and in case the said Company shall neglect to exhibit and keep such Light burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Five Pounds.

Light to be exhibited at Bridge for Guidance of Vessels.

XI. And be it enacted, That if any Bridge to be constructed by the Company across any navigable or tidal Water shall be abandoned or suffered to fall into Disuse or Decay by the Company, 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.

If Bridge abandoned, Lords of the Admiralty may cause same to be removed.

XII. And whereas by the said *Waterford and Kilkenny* Railway Act, 1845, after reciting that the Company proposed to construct the Railway with Wooden Rails upon the Principle of *Prosser*'s Patent Guide-wheel System, and that it might be desirable that an Alteration should hereafter take place in the Construction of the permanent Way, it was enacted, that the Company should be bound to make such Alteration whenever and in such Manner as the Board of Trade should require, but no Provision was made by the said recited Act for the raising of such additional Capital as might be required by the Company for the Purpose of making any such Alteration: And whereas by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for constituting Commissioners of Railways*, the Powers and Authority vested previously to the passing of such Act in the Board of Trade with respect to any Railway, were transferred to the Commissioners of Railways; be it enacted, That in case the Commissioners of Railways shall require the said

Providing additional Capital, in case of being required by Commissioners of Railways to alter permanent Way.

9 & 10 Vict. c. 105.

Company to make any Alteration in the Construction of their permanent Way, or otherwise in relation thereto, it shall be lawful for the Company, by the Order of any Meeting of the Company, to raise for the Purposes of such Alteration and incident thereto, by the Creation of Shares, any Sum not exceeding One hundred and twenty thousand Pounds: Provided always, that the Creation and Issue of such Shares shall be subject in all respects to the Provisions and Restrictions in "The Companies Clauses Consolidation Act, 1845," contained with respect to new Shares thereby authorized to be created and issued.

Repealing Clause as to Construction of Kells Branch.

XIII. And whereas by the said recited Act it was enacted that the Company should, within the Expiration of Twelve Calendar Months from the Completion of the Main Line of Railway from *Waterford* to *Kilkenny*, construct and open the aforesaid Branch Line of Railway to *Kells*, and it is expedient that the said Enactment should be repealed; be it therefore enacted, That the said lastly recited Enactment shall be and the same is hereby repealed.

Power to relinquish certain Works.

XIV. And be it enacted, That the Company shall abandon the Branch Line of Railway to *Kells* authorized to be made by the said recited Act, and also all such Parts of the said Railway from *Waterford* to *Kilkenny* which by the said recited Act they are empowered to make as by reason of the Alterations or Deviations by this Act authorized to be made may be rendered unnecessary, and that all the Powers and Authorities given by the said recited Act, and the Acts incorporated therewith, or either of them, to the Company, in reference to the Parts so abandoned, shall immediately after the passing of this Act cease and determine.

Extension of Time for purchasing Lands and for completing original Works.

XV. And be it enacted, That the Time by the said recited Act limited for the purchasing, taking, or using of Lands and Houses for the Purposes of the Undertaking thereby authorized shall be and the same is hereby extended and enlarged for the further Term of Three Years, to be computed from the passing of this Act; and that the Time by the said recited Acts limited for making and completing the Railway and Works thereby authorized, except as to such Part thereof as the Company is hereby authorized to abandon, shall be and the same is hereby extended and enlarged for the further Term of Five Years, to be computed from the passing of this Act.

Compulsory Purchase of Lands not wanted.

XVI. 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.

Period for Completion of Works.

XVII. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

XVIII. And

Company to take same Tolls as on Main Line.

XVIII. And be it enacted, That the Company may, subject to the Provisions in the said recited Act and this Act contained, lawfully demand and receive, in respect of the Railways hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of locomotive Engines or other Powers supplied by the Company, and for the Conveyance upon the Railways or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges as by the said recited Act the Company are authorized to demand and receive in respect of the Railway by the said recited Act authorized to be made, or any Part thereof; and all Provisions and Regulations in the said recited Act contained relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Rates, Tolls, or other Charges to be levied by virtue of this Act.

Former Capital may be applied for Purposes of this Act.

XIX. And be it enacted, That it shall be lawful for the Company to appropriate for the Purposes of this Act any Part of the Monies which they are by the said recited Act authorized to raise by the Creation of Shares or by borrowing.

Interest not to be paid out of any Capital authorized to be raised by this Act.

XX. And be it enacted, That it shall not be lawful for the Company to pay any Interest or Dividend in respect of any Call or Calls upon any Shares authorized to be created by this Act out of any Capital which the said Company have been or are hereby authorized to raise either by means of Calls or of any Power of borrowing: Provided always, that nothing herein contained shall prevent the Payment by the Company of any Interest by way of Discount on Subscriptions prepaid, agreeably to the Provisions of the Companies Clauses Consolidation Act, 1845.

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

XXI. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55.,

XXII. 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

7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

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;* and Two other Acts passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways,* and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railway hereby authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Deviation Lines of Railway so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this 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 the said recited Act or this Act.

Expenses of Act.

XXIV. And be it enacted, That the Costs and Expenses incurred in obtaining this Act, and all Expenses preparatory and relating thereto, shall be paid by the said Company in preference to all other Payments whatsoever.

Interpretation of Act.

XXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Railways" shall mean the Deviation Lines of Railway and Works by this Act authorized to be made:

The Expression "the Company" shall mean the *Waterford* and *Kilkenny* Railway Company.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.