ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. clx.

An Act to enable the *Waterford and Limerick* Railway Company to construct a Tramway to the Market Place at *Limerick*, and a Railway with a Pier or Wharf in connexion therewith, at their Terminus at *Waterford*; to raise additional Capital; and for other Purposes.

[23d *July* 1860.]

Recital of Waterford and Limerick Railway Acts.

WHEREAS the following (Local and Personal) Acts have been passed relating to the *Waterford and Limerick* Railway Company (herein called "the Company"); that is to say, the Eighth and Ninth of *Victoria*, Chapter One hundred and thirty-one; the Tenth and Eleventh of *Victoria*, Chapter Two hundred and thirty-one; the Thirteenth and Fourteenth of *Victoria*, Chapter Twenty-nine; the Fourteenth and Fifteenth of *Victoria*, Chapter One hundred and ten; and the Eighteenth and Nineteenth of *Victoria*, Chapter Seventy-three: And whereas it is expedient, for the Purpose of facilitating the Passage of Traffic, that the Company should be empowered to construct a Tramway from the Terminus of their Railway at *Limerick* to the Market Place in the City of *Limerick*: And whereas it is also expedient that the Company should be empowered to construct a short Line of Railway from the Terminus of their Main Line to the Wooden Bridge over the River *Suir*

at *Waterford*, for the Purpose of affording better Communication with the City of *Waterford*: And whereas the Company are desirous, and it is expedient, that they should be empowered to construct a Pier or Wharf on the Bank or Shore of the River *Suir* in connexion with such last-mentioned proposed Railway, for facilitating the landing and shipping of Passengers and Goods: And whereas, for the Purpose of improving their *Waterford* Station and affording increased Accommodation thereat it is expedient that the Company should be empowered to purchase certain Lands in the Townland of *Newrath* in the Parish of *Kilculliheen* in the County of *Waterford*; and it is also expedient that they should be empowered to purchase, for the Purposes of their Undertaking, certain additional Lands in the Townland of *Puddingfield* in the Parish of *Kilshane* in the County of *Tipperary*: And whereas Plans and Sections showing the Lines and Levels of the said intended Tramway, Railway, and Pier or Wharf, and Plans of the said additional Lands which the Company require for the Purposes of their Undertaking, and also a Book of Reference to such Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in, upon, or through which the said Tramway, Railway, and Pier or Wharf are respectively intended to be made or which may be required for the Purposes thereof, and of the additional Lands required by the Company as aforesaid, have been deposited with the respective Clerks of the Peace for the several Counties within which the said Works will respectively be constructed and the said Lands respectively are situate: And whereas the Bridge authorized by the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter One hundred and ten, to be constructed over the River *Suir* at *Fiddown* has been completed by and at the Expense of the Company, and it is expedient that Powers should be granted to the Company to transfer the said Bridge to the Grand Juries of the Counties of *Waterford* and *Kilkenny*, or either of them: And whereas, under the Provisions of the recited Acts or some of them, the Company were authorized to raise by Shares Sums amounting in the whole to Eight hundred and forty thousand Pounds, and by borrowing on Mortgage or Bond Sums amounting in the whole to Two hundred and eighty thousand Pounds, and also to raise further Sums of Money in certain Events which have not occurred: And whereas the Company were by "The *Limerick and Foynes* Railway Act, 1853," empowered to subscribe towards and become Shareholders in the Undertaking thereby authorized, to the Extent of Seventeen thousand five hundred Pounds, and to raise that Sum, or any Part thereof, by the Creation of new Shares or Stock, or by Mortgage of the Undertaking of the Company; and the Company have accordingly raised by Mortgage the whole of the said Sum of Seventeen thousand five hundred Pounds, and hold Shares for the Amount thereof in the Undertaking of "The *Limerick and Foynes* Railway Company:" And whereas the Capital which the Company have actually created consists of Nine thousand nine hundred and twenty-

four

four ordinary Shares of Fifty Pounds each, and Four hundred and sixty-five ordinary Shares of Twelve Pounds and Ten Shillings each, upon which Five hundred and one thousand eight hundred and eighty-seven Pounds and Ten Shillings have been paid; Four thousand nine hundred and forty-two Five *per Centum* Preference Shares of Fifty Pounds each, upon which Two hundred and forty-seven thousand one hundred Pounds have been paid; Seventeen Six *per Centum* Preference Shares of Fifty Pounds each, upon which Eight hundred and fifty Pounds have been paid; and Nine thousand Six *per Centum* Preference Shares of Ten Pounds each, upon which Ninety thousand Pounds have been paid; and the outstanding Mortgage or Bond Debt of the Company amounts to Two hundred and ninety-six thousand eight hundred and fifty-seven Pounds: And whereas, in completing that Portion of the *Waterford and Kilkenny* Line situated between *Dunkitt* and *Waterford*, and in constructing the said Bridge over the River *Suir* at *Fiddown*, under the Powers contained in the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter One hundred and ten, and in building and completing a terminal Station at *Limerick*, and in executing other Works in connexion with their Undertaking, Debts and Liabilities have been incurred by the Company; and it is expedient that the Company should be enabled to raise further Sums of Money for the Purpose of discharging such Debts and Liabilities and for carrying the Objects of this Act into effect: And whereas the said Preference Shares have been created subject to a Condition that the same may be redeemed by the Company, and it is expedient that further Powers should be conferred on the Company for the Purpose of the Redemption and Consolidation of their preferential Shares: And whereas it is expedient that the Company should be empowered to create Debenture Stock with a fixed Rate of preferential Dividend or Interest, in substitution for their Mortgage and Bond Debt, or any Part thereof, and that the Provisions of some of the recited Acts should in some respects be amended: And whereas the Objects of this Act cannot be attained 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:

Short Title.

I. This Act may be cited for all Purposes as "The *Waterford and Limerick* Railway Act, 1860."

Qualification of Directors increased.

II. The Section numbered Fourteen of the first-recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-one, in so far as such Section relates to the Qualification of a Director, is hereby repealed, and from and after the passing of this Act the Qualification of a Director of the Company shall be the

Possession

Possession in his own Right of Shares or Stock of the nominal Value of One thousand Pounds in the Capital of the Company.

Certain Provisions of 8 & 9 Vict. c. cxxxi. repealed.

III. The Sections numbered respectively Eighteen and Twenty-three of the last-mentioned Act of the Eighth and Ninth Years of the Reign of Her present Majesty, relating to Meetings of Committees, and Newspapers for the Insertion of Advertisements, are hereby repealed.

8 & 9 Vict. cc. 16. 18. and 20., 10 & 11 Vict. c. 27. and 14 & 15 Vict. c. 70., &c. incorporated.

IV. So much of "The Lands Clauses Consolidation Act, 1845," as is not inconsistent with or altered by "The Railways Act (*Ireland*), 1851," "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Harbours, Docks, and Piers Clauses Act, 1847" (save such of the Provisions of the last-mentioned Act as are expressly excepted or varied by this Act), "The Railways Act (*Ireland*), 1851," and the Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Thirty-four, for continuing "The Railways Act (*Ireland*), 1851," shall, so far as not expressly varied by this Act, be incorporated with and form Part of this Act: Provided always, that the Clauses in "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Life Boats, with respect to keeping a Tide and Weather Gauge, and with respect to Buoys, Lighthouses, and Beacons, shall not be in force under or for the Purposes of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

V. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided always, that in construing the incorporated Acts in connexion with this Act the Words "Shares" and "Shareholders" in those Acts and in this Act respectively shall extend to and include "Stock" and "Stockholders," whether preferential or ordinary, and the Words "Railway" and "Undertaking" shall apply to and include the Tramway, Railway, and Pier or Wharf by this Act authorized.

Power to make Tramway and Railway according to deposited Plans.

VI. Subject to the Provisions and Powers of Deviation in this Act and "The Railways Clauses Consolidation Act, 1845," contained, the Company may make and maintain the Tramway and Railway herein-after mentioned, with all proper Stations, Approaches, and Conveniences connected therewith respectively, in the Lines, and according to the Levels, and upon the Lands delineated on the said Plans and Sections and described in the said Book of Reference, and may enter upon, take, and use such of the same Lands as shall be necessary for such Purposes.

Power to make Pier or Wharf according to Plans.

VII. Subject to the Provisions and Powers of Deviation in this Act, and "The Harbours, Docks, and Piers Clauses Act, 1847," contained, the Company may make and maintain the intended Pier or Wharf by this Act authorized in the Situation and upon the Lands delineated upon the

the said Plans and described in the said Book of Reference; and, within the Limits shown on the said Plans, may also make and maintain all such Drops, Hoists, Cranes, Slips, Machinery, Moorings, Works, and Conveniences as they may think necessary for or in connexion with the said Pier or Wharf, and may enter upon, take, and use such of the said Lands as they may deem necessary for such Purposes.

Description of Works.

VIII. The Tramway and Railway and Pier or Wharf by this Act authorized are as follows; (that is to say,)

A Tramway to commence from and out of the Main Line of the *Waterford and Limerick* Railway at a Point about Three hundred and eighty-five Yards Eastward of the *Limerick* Station of the last-mentioned Railway in the Townland of *Priorsland* in the Parish of *Saint Michael* in the County of the City of *Limerick*, and to terminate at or near the Market Place in the City of *Limerick* in the Townland of *Irishtown* in the Parish of *Saint John* in the said City:

A Railway to commence at the Terminus of the *Waterford and Limerick* Railway in the Townland of *Newrath* in the Parish of *Kilculliheen* in the County of *Waterford*, and to terminate at the North End of the Wooden Bridge over the River *Suir* in the Townland of *Mountmisery* in the said Parish, in the City of *Waterford*:

A Pier or Wharf to commence at the North End of the said Bridge over the River *Suir*, and to terminate about Sixteen hundred Yards westward of the said Point on the North Bank or Shore of the said River.

Power to acquire additional Lands.

IX. In addition to the Lands authorized to be taken for the Purposes of the said Tramway and Railway and Pier or Wharf, the Company may purchase, by Compulsion or Agreement, the aforesaid Lands situate in the Townland of *Newrath* in the Parish of *Kilculliheen* in the County of *Waterford*, and in the Townland of *Puddingfield* in the Parish of *Kilshane* in the County of *Tipperary*, or such Part or Parts thereof respectively as they may require for the Purposes of their Undertaking.

New Works and Lands to be Part of Company's Undertaking.

X. The Tramway and Railway and Pier or Wharf, Lands and Property constructed and acquired by the Company under the Authority of this Act, shall for all Purposes become and be Part of their Undertaking.

Level Crossings.

XI. Subject to the Provisions of this Act, it shall be lawful for the Company in the Construction of the Tramway by this Act authorized to carry the same, with not more than Two Lines of Tramway, across and on the Level of the following Roads or Streets in the City of *Limerick*; (that is to say,)

The Waterford and Limerick Railway Act, 1860.

Name of Road or Street.	Number on Plan.	Townland.	Parish.
Roxburgh Road	2	Priorsland -	Saint Michael.
Roxburgh Road	1	Spitalland -	Saint Lawrence.
Mulgrave Street - -	8	Spitalland -	Saint Lawrence.

And it shall not be lawful for the Company to allow any Carriages or Trucks to stand on or be shunted across such level Crossings; and the Trams or Rails over the said Roads or Streets shall be countersunk, so as not to obstruct or endanger the Traffic.

Locomotive Power not to be used on Tramway.

XII. The Company shall not use upon the Tramway Carriages propelled by Steam or by atmospheric Agency, or drawn by Ropes in connexion with a stationary Steam Engine.

As to the depositing of Plans with Clerks of Unions.

XIII. 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 situated, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved 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, all the Provisions of the said "Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall, with respect to this Act, be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*" were substituted for the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and as if the Words "Clerks of the Unions" were substituted for the Word "Postmasters" wherever the same respectively occur in the said Provisions.

Plans of Works below High-water Mark to be deposited at Admiralty for Approval.

XIV. Previously to commencing any Work below High-water Mark at ordinary Spring Tides the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Work

Work shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, or remove the same, 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.

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

XV. The Railway and other Works where they course the North Bank of the River *Suir* shall not deviate Riverward from the Black continuous centre Line of Way marked on the Plan deposited at the Admiralty, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

If deviated without such Consent, Admiralty may abate same at Expense of Company.

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

Admiralty may order local Survey at Expense of Company.

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

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

XVIII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing

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.

Powers for compulsory Purchases limited.

XIX. The Powers by this Act conferred upon the Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XX. The said Tramway and Railway and Pier or Wharf shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the incorporated Acts granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised, except as to so much of the same Tramway and Railway and Pier or Wharf as shall then be completed.

Suspension of Dividend if Railway not completed, &c. within limited Period.

XXI. In case the Railway by this Act authorized shall not be completed and opened for public Traffic within Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to pay any Dividend on the ordinary Capital of the Company until the said Railway shall have been completed and opened for public Traffic.

Tolls on Tramway and Railway.

XXII. The Company may demand and receive, for and in respect of the Tramway and Railway by this Act authorized, the same Tolls and Charges as they are authorized to demand and receive by the recited Acts for and in respect of the Railways by those Acts authorized, as if the said Tramway and Railway had been constructed under the Authority of the said first-recited Act: Provided always, that the maximum Tolls and Charges to be levied and made by the Company in respect of the Traffic carried upon the said Tramway and Railway shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said recited Acts.

Company may take Rates for Pier or Wharf.

XXIII. The Company may demand, recover, and receive, for all Passengers, Persons, Animals, and Goods landed upon or embarked from the said Pier or Wharf, any Rates not exceeding the Rates following; (to wit),

For every Passenger or Person, the Sum of One Halfpenny:

For Horses, Mules, Oxen, Cows, Bulls, and Neat Cattle, *per* Head Threepence:

For Asses, Calves, Pigs, Sheep, Lambs, and other small Animals, *per* Head One Penny Halfpenny:

For Limestone and all other Stone, *per* Ton Threepence:

For

For Coals, Culm, Iron, or Salt, *per* Ton Twopence:
For Timber and Corn, *per* Ton Threepence:
For all other Goods, Commodities, Matters, and Things whatsoever, *per* Ton Fourpence:
And so in proportion for any greater or less Quantity than a Ton:

Provided always, that wherever there shall be a Fraction of a Halfpenny in the Amount of Rates payable One Halfpenny may be demanded, recovered, and received in lieu of such Fraction.

Tolls for Pedestrians on Pier.

XXIV. The Company may demand and receive from every Person, for each Time of using or being upon the said Pier or Wharf, such Person not having landed thereon, nor being about to embark therefrom, nor being employed in landing or embarking any Animals, Goods, Commodities, Matters, or Things therefrom, any Sum not exceeding One Penny Halfpenny.

Tolls on Vessels.

XXV. The Company may demand, recover, and receive from the Owner or other Person having the Control of any Vessel or Boat, for any Period such Vessel or Boat shall make fast to or remain at the said Pier or Wharf beyond the Time necessary for loading or unloading, any Sums not exceeding the following:

For any Vessel or Boat making fast to or remaining at the said Pier or Wharf, and without taking in or discharging any Cargo, not exceeding One Hour, *per* Ton One Halfpenny:
For every Hour not exceeding Twelve, *per* Ton One Halfpenny:
And for any further Time exceeding Twelve but not exceeding Twenty-four Hours, *per* Ton Fourpence:
And for any further Time, after the Rate of One Shilling *per* Ton for every Twenty-four Hours:

Vessels or Boats not to be alongside the Pier or Wharf for any unnecessary Time.

Provided always, That nothing in this or "The Harbours, Docks, and Piers Clauses Act, 1847," contained shall extend to authorize any Vessel or Boat to be at or alongside the said Pier or Wharf, so as to obstruct the Approaches thereto, longer than shall be necessary for the Completion of the Service upon which such Vessel or Boat shall be employed.

Exemption of certain Vessels and Persons from Pier Dues.

XXVI. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs, Coast Guard, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Pier or Wharf, and not conveying Goods for Hire; or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or

Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Coast Guard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from the Pier or Wharf, or their Baggage; but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Pier or Wharf without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Charge for Use of Cranes, Weighing Machines, &c.

XXVII. It shall be lawful for the Company to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures upon the Pier or Wharf (to be constructed by them under the Provisions of this Act) as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things landed at or delivered from such Pier or Wharf, of which Cranes, Weighing and other Machines, any Person or Persons shall, subject to the Regulations established by the Company, be entitled to have the Use and Benefit who may have Occasion so to do; and the Company may charge and take for the Use thereof any Rates or Charges not exceeding the following; (to wit,)

For the Use of any Crane and Labour provided by the Company on Goods not weighing above Five Tons, the Sum of Twopence for every Ton, and so in proportion for a less Quantity than a Ton:

For the Use of any Weighing Machine of the Company, when the Labour is provided by the Company, the Sum of One Penny for every Ton, and so in proportion for a less Quantity than a Ton:

All Packages weighing less than Five Hundredweight and not less than Half a Hundredweight to be charged as Five Hundredweight:

All Parcels less than Half a Hundredweight to be charged at the Rate of One Halfpenny *per* Parcel.

Limits of Power of Pier Master.

XXVIII. The Powers of the Piermaster in reference to the preventing of Obstructions to the said Pier or Wharf, and the placing or removing of Vessels or Boats, shall extend to a Distance of Two hundred Feet from and around the said Pier or Wharf.

Use of Railway and Pier by Waterford and Kilkenny Railway Company.

XXIX. And whereas the *Waterford and Kilkenny* Railway Company, and all Persons lawfully using the same, are entitled to and have the Use, with their Engines and Carriages, of the Line of Railway from *Dunkitt* to *Waterford*, and of the Terminal Station at *Waterford*, under the Terms and Conditions set forth in Sections Forty-six to Fifty-two of the recited Act

Act of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and ten; and it is expedient that as much Accommodation should be afforded to the Traffic of the *Waterford and Kilkenny* Railway Company and all Persons lawfully using the same as to the Traffic of the Company: Therefore, the *Waterford and Kilkenny* Railway Company, and all Persons lawfully using the *Waterford and Kilkenny* Railway may work over and use with their Engines and Carriages, and for the Purposes of their Traffic, the intended Railway Pier or Wharf, Cranes, Weighing or other Machines, and all Sidings, Signals, Buildings, Works, Conveniences, and Accommodation belonging to or connected with the said intended Railway Pier or Wharf, Cranes, and Weighing or other Machines respectively, and may demand and receive for their Traffic the Tolls by this Act authorized, upon Payment of a Rent or Remuneration to the Company, at the Rate of Five Pounds *per Centum per Annum*, upon One Half of the Amount properly expended by the Company in or about the Construction of said Works as aforesaid, and One Half Part of all Sums properly expended by the Company in the Maintenance, Repair, and Support thereof; and the Company shall make all Arrangements and afford all Facilities requisite for such Uses, as favourably and effectually as for their own Traffic; and in case of Difference in reference thereto, the Matter shall be decided by the Arbitration of the Board of Trade; and the Company shall keep true, separate, and particular Accounts of all Monies expended by them in or about the Construction of said Works as aforesaid, and of all Monies expended by them in the Maintenance, Repair, or Support thereof, and such Accounts shall be open at all seasonable Times to the Directors of the *Waterford and Kilkenny* Railway Company, or of any Person appointed by them; and the First Annual Payment as herein-before mentioned shall become due at the Expiration of Twelve Months from the Commencement of the Use of the said Works as aforesaid, and such Payments shall be considered as Rent payable to the Company, and may be recovered in the Manner provided for the Recovery of Rent due upon any Lease.

Power to Company to transfer the Bridge over the River Suir at Fiddown.

XXX. It shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with Notice of the Purpose, to transfer the said Bridge at *Fiddown*, and the Works and Property appertaining thereto, and all or any of the Powers, Rights, Privileges, and Authorities now vested in the Company with regard to the said Bridge, to the Grand Jury of the County of *Waterford*, or to the Grand Jury of the County of *Kilkenny*, or to both the said Grand Juries jointly, for behoof of the Public; and it shall be lawful for the said Grand Juries, or either of them, to accept a Transfer of the said Bridge, Works, and Property.

Evidence and Effect of Transfer.

XXXI. A Conveyance under the Common Seal of the Company shall be Evidence of the Completion of the Transfer of the said Bridge, Works,

Works, and Property; and upon such Completion the said Grand Juries or Grand Jury (as the Case may be), who shall accept the said Bridge, Works, and Property so transferred to them, may have and hold the same; and all the Powers, Privileges, and Authorities theretofore vested in the Company with regard to the said Bridge shall, upon such Transfer as aforesaid, be as effectually vested in and exercised by the said Grand Juries or Grand Jury (as the Case may be) as if their Names had been inserted instead of the Name of the Company in the Act authorizing the Construction of the said Bridge.

After Transfer Bridge to be County Property and free to the Public.

XXXII. From and after any such Transfer as aforesaid, the said Bridge, Works, and Property shall be held, maintained, and repaired by the Grand Jury of the County of *Waterford*, or the Grand Jury of the County of *Kilkenny*, or both the said Grand Juries jointly, as the Case may be, as Part of the public Property of the said County or Counties, and shall thenceforth be subject to the Provisions of the Public General Act, Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, relating to Grand Juries in *Ireland*; and no Toll whatsoever shall after such Transfer be charged for the Use of the said Bridge.

Power to create Consolidated Preferential Stock.

XXXIII. Whereas it is expedient to afford Facilities for the Conversion of all the Preference Shares and Stock in the Company into One Preferential Stock: Therefore the Company, with the Sanction of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting of the Company called with special Notice of the Object, may create One General Preferential Stock, to bear a perpetual or terminable preferential Dividend at any Rate sanctioned by the Meeting, not exceeding Five Pounds *per Centum per Annum*, and to be called their "Consolidated Preferential Stock."

Preferential Stock to be applied in Redemption of existing Preference Shares.

XXXIV. If the Company shall resolve as aforesaid to create One General Preferential Stock, the Company may, at any Time or from Time to Time raise, by the Creation of such Stock, any Sums of Money which may be necessary for the Purpose of redeeming any of the existing Preference Shares of the Company which are subject to Redemption, or for the paying off of any of such Preference Shares as they respectively become due, not exceeding in the whole the Sum of Three hundred and Thirty-seven thousand nine hundred and fifty Pounds.

Amount of Stock to be created.

XXXV. The Consolidated Preferential Stock so from Time to Time to be created shall not exceed the nominal Amount of Preferential Shares in lieu of which it is created, which Shares shall thereupon be extinguished, and the Directors shall make an Entry thereof in the Registers of the Company.

Power to create

XXXVI. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further

further Sum not exceeding Fifty thousand Pounds, by the Creation of new Shares in the Undertaking of the Company, in One or more Classes, and of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any Ordinary or Extraordinary Meeting of the Company. additional Capital by new Shares.

XXXVII. Subject to the Provisions herein-before contained with respect to existing preferential Shares, the Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose, attach to any new Shares or any Class of new Shares created under the Powers of this Act before the Issue thereof any perpetual, terminable, fixed, variable, contingent, or absolute Preference or Priority of Interest or Dividend, not exceeding the Rate of Five Pounds *per Centum per Annum*, as to the Company shall seem fit. Privileges may be attached to new Shares.

XXXVIII. Any Preference or Priority in the Payment of Interest or Dividend on any Shares or Stock (other than Debenture Stock) which may be granted in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the 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. Saving existing Preference Shares.

XXXIX. All new Shares and Stock (other than Debenture Stock) to be issued under the Powers of this Act shall be entitled to the Preferential Dividend, if any, which may be attached to them by the Company out of the Profits of each Year, in Priority to the ordinary Shares and Stock in the Company; but if, in any Year ending 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 on such new Shares and Stock, 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 Company. As to Dividend on Preferential Shares.

XL. The Amount of any One Call to be made upon the Proprietors of the new Shares created under the Powers of this Act shall not exceed the Rate of Ten Pounds *per Centum* on the Amount of such Shares, 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 there shall be an Interval of Two Calendar Months at least between every Two successive Calls. Limit of Amount and Number of Calls.

XLI. All such new Shares and Stock (other than Debenture Stock) shall confer on the respective Holders thereof Qualifications and Rights of voting in proportion to the aggregate nominal Value of such Shares or Stock held by them respectively, and not in proportion to the Number of Shares or the Amount paid on such Shares or Stock; and for the Purpose of Qualifications and Rights of voting, every entire Sum of Fifty Pounds Qualifications of Holders of new Shares and Stock.

of such aggregate nominal Value shall be considered as equivalent to One Share of Fifty Pounds in the Capital of the Company.

New Shares may be converted into and form Part of Consolidated Preferential Stock.

XLII. When and so soon as the whole of the new Shares so to be created and issued shall have been created and paid up in full, it shall be lawful for the Company, with the Sanction of Three Fifths of the Votes of the Shareholders, present in Person or by Proxy, at a General Meeting of the Company called with special Notice of the Object of the Meeting, to convert such Shares into Preferential Stock of the Company; and the same shall thereupon rank, *pari passu*, with the Consolidated Preferential Stock herein-before authorized to be created, and shall in all respects form Part of the same, making the Aggregate of such Consolidated Preferential Stock the Sum of Three hundred and eighty-seven thousand nine hundred and fifty Pounds.

Power to borrow on Mortgage.

XLIII. The Company may from Time to Time borrow on Mortgage any additional Sums of Money not exceeding Sixteen thousand six hundred Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital of the Company herein-before authorized to be raised shall have been subscribed for, and One Half thereof shall have been actually paid up, and they shall have proved to the Justice, who is to certify under 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 are legally liable.

Priority of existing Mortgages.

XLIV. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance of such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Application of Sums raised under this Act.

XLV. All and every Part of the said Sums of Fifty thousand Pounds and Sixteen thousand six hundred Pounds which the Company are by this Act authorized to raise by new Shares, and by borrowing on Mortgage, shall be applied only to the Purposes of their Undertaking, as by the recited Acts and this Act authorized, and in Payment of the Costs of this Act.

Company may create Debenture Stock.

XLVI. The Company may from Time to Time, with the Sanction of Three Fifths of the Votes of the Shareholders, present in Person or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose, raise by the Creation and Issue of Debenture Stock, under the Powers but subject to the Restrictions of this Act, any Sums not exceeding the Amount which they shall for the Time being have been by any Act or Acts of Parliament authorized to borrow, in lieu of borrowing or reborrowing the same, or in order to pay off any Monies theretofore borrowed by them under the Powers of any Act, and may attach to such Stock any Interest or Dividend not exceeding the Rate of Four Pounds and Ten Shillings *per Centum per Annum*; and, subject as aforesaid, any Stock so created may be disposed of to such Persons, at such Times, and on such Conditions as the Directors think fit.

XLVII. Pro-

Stock be applied in Redemption of Mortgage or Bond Debt.

XLVII. Provided always, That the Debenture Stock by this Act authorized, and the Monies raised thereby, shall be respectively applied only for paying or satisfying the Mortgage or Bond Debt for the Time being of the Company, or for raising Money by means of such Stock, instead of by borrowing, and to the Extent of the nominal Value of the Debenture Stock for the Time being issued under the Powers of this Act the Powers of the Company to borrow and reborrow shall be extinguished.

Interest to rank after Interest of Debt.

XLVIII. The Interest on the Debenture Stock issued under the Powers of this Act shall rank and be payable next after the Interest on the Mortgage or Bond Debt for the Time being of the Company (if any), and in priority to the Dividends and Interest on all other Stock and Shares in the Company, whether preferential or ordinary.

No Right of voting in respect of Debenture Stock.

XLIX. Any Debenture Stock created under the Powers of this Act shall not confer any Qualification or Right of voting or attending at any Meeting of the Company.

Debenture Stock, &c. may be appropriated to extinguish Debt.

L. The Directors may, with the Consent of any Holder of any Mortgage or Bond of the Company, allot and appropriate to him in satisfaction of his Debt, or of any Portion thereof, any Debenture Stock created under the Powers of this Act, not exceeding in Amount the Debt or Portion of Debt in satisfaction of which it is allotted, and thereupon such Debt or Portion of Debt shall be extinguished.

As to transfer of Debenture Stock.

LI. Debenture Stock created under this Act shall be transferable, and the Names of the Parties interested therein, and the Amounts of their Interests, shall be registered in like Manner as Stock created under "The Companies Clauses Consolidation Act, 1845;" and any Instalments by which any Stock created under this Act may be made payable shall be recoverable as Calls are recoverable under that Act.

No Interest or Dividend to be paid on Calls.

LII. The Company shall not, out of any Money by any 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 Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such 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.

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

LIII. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, 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 Railway, or to execute any Work or Undertaking.

LIV. Nothing

Tramway, &c. not exempt from Provisions of present and future General Acts.

LIV. Nothing herein contained shall be deemed or construed to exempt the Tramway or the Company 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 be passed during the present or any future Session of Parliament, or any future Revision or Alteration under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this or the recited Acts.

Company not exempt from Provisions of any General Act relating to Piers, &c.

LV. Nothing in this Act contained shall extend to exempt the Company or the said Pier or Wharf from the Provisions of any General Act relating to Piers, or to Dues on Shipping, or Goods carried in Ships, now in force, or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration under the Authority of Parliament of the Rates or Tolls hereby authorized to be taken and collected upon or in respect of the said Pier.

Saving Rights of the Crown.

LVI. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or shall take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of Trustees of Limerick Markets.

LVII. Except for the Purpose of making, maintaining, using, and working the said Tramway, nothing in this Act contained shall take away, limit, or prejudice any of the Rights, Powers, or Privileges of the Trustees of the Markets in the City of *Limerick*.

Saving Rights of Waterford Harbour Commissioners.

LVIII. Except as is by this Act otherwise provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice the Jurisdiction, Rights, Powers, or Privileges of the Commissioners of the Harbour of *Waterford*.

Expenses of Act.

LIX. The Expenses, Costs, and Charges of preparing and passing this Act, and incidental thereto, shall be paid by the Company.

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