ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. ccxxiv.

An Act to enable the *Waterford and Passage* Railway Company to extend their Railway to the South-west Shore of the Estuary of the River *Suir* at *Passage*, and in connexion therewith to establish, make, and maintain Ferries on or across the said Estuary; and for other Purposes.

[28th *July* 1863.]

WHEREAS by "The *Waterford and Passage* Railway Act, 1862," the *Waterford and Passage* Railway Company (in this Act called "the Company") were incorporated, and authorized to make a Railway from the *Waterford and Tramore* Railway, near the City of *Waterford*, to a certain Point situated on the Strand adjoining the Town of *Passage* in the County of *Waterford*: And whereas it is expedient that the Company should be authorized to extend their said Railway to the South-west Shore of the Estuary of the River *Suir* at *Passage*: And whereas it would be of great Advantage to the Company, and also to the Public, if the Company were authorized to construct Piers and other Works on the *Waterford* and *Wexford* Shores of the said Estuary, and to use and adapt to the Conveyance of Railway Traffic the Ferry called "the *Passage and Ballyhack* Ferry," and in order thereto

25 & 26 Vict. c. ccxvii.

thereto to make and carry into effect Arrangements with the Owner thereof: And whereas it is expedient to provide for the vesting of the Ferry called "the *Passage and Ballyhack* Ferry" in the Company, and to confer upon such Company full Powers to work the same upon certain Terms: And whereas it is expedient that the Company be authorized to raise a further Sum of Money for the Purposes of this Act; but the Objects and Purposes of this Act cannot be obtained 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. 18. & 20., 14 & 15 Vict. c. 70., and 23 & 24 Vict. cc. 97. & 106. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," so far as the same are consistent with "The Railways Act (*Ireland*), 1851," as amended by "The Railways Act (*Ireland*), 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1860," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act; and Sections One to Ten inclusive, Twenty to Twenty-three inclusive, Eighty-three to Ninety-two inclusive, Ninety-three, Ninety-four, and Ninety-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall, so far as the same are not hereby expressly varied, be incorporated with and shall form Part of this Act, and shall apply to the Piers by this Act authorized to be made.

Interpretation of Terms.

2. The several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context; but wherever the Words "the Company" are used the same shall mean the Company incorporated by the recited Act.

Power to make Works.

3. It shall be lawful for the Company to make and maintain the following Railway and Piers, with all proper Stations, Approaches, Wharfs, Jetties, Landing Places, Works, and Conveniences connected therewith respectively; (that is to say,)

A Railway commencing by a Junction with the authorized Line of the Company at or near the Terminal Station thereof at or near the Town of *Passage* in the Townland of *Crook* in the Parish of *Crook* and County of *Waterford*, and terminating at a Point situated on the South-western Shore of the Estuary of the River *Suir*, near the Tower (in Ruins) situated on the North-eastern Angle of the Quay, adjoining the Building called or known as "the Garrison," in the Townland of *Passage East* in the Parish of *Kill Saint Nicholas* and said County:

A Pier

A Pier on the North-east Side or Shore of the Estuary of the River *Suir* in or adjoining the Townland of *Ballyhack* in the Parish of *Saint James and Dunbrody* and County of *Wexford*:

A Pier on the South-west Side or Shore of the Estuary of the River *Suir* in or adjoining to the Townland of *Passage East* in the Parish of *Kill Saint Nicholas* and said County of *Waterford*.

Lateral and vertical Deviations in Construction of Piers.

4. In making the Piers by this Act authorized the Company may deviate from the Lines thereof shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon, and may deviate from the Levels thereof as referred to the Datum Line shown on the deposited Sections, but not to any Extent exceeding Five Feet.

Railway and Works to form Part of Company's Undertaking.

5. The Railway, Piers, and Works by this Act authorized shall form Part of the Undertaking of the Company, and the Company may apply for the Purposes of this Act any Money which they have raised or may raise under the Powers of the recited Act, and which they do not require for the Purposes of such Act.

Railway to be made according to deposited Plans and Sections.

6. And whereas Plans and Sections of the proposed Railway and Piers showing the Lines and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Clerks of the Peace for the Counties of *Waterford* and *Wexford* respectively: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the said Railway and Piers shall be made in the Line 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 it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

Power to Marquis of Waterford to require Diversion of Railway through his Lands.

7. And whereas the Railway passes wholly through Lands belonging to the Most Honourable and Reverend the Marquis of *Waterford*: And whereas the said Marquis of *Waterford* is desirous of having the Power to require the Company to make an Alteration in the Line of the said Railway, South-westwardly, beyond the Limits of lateral Deviation defined on the deposited Plans, which the Company are willing to carry into effect if required so to do: Therefore, if the said Marquis or his Heir, the Owner of the *Waterford* Estate, or any Guardian or Guardians of such Heir, shall, by Notice in Writing under his Hand within Three Months after the passing of this Act, require the Company so to do, the Company shall and they are hereby required and authorized to construct the said Railway in such Line and upon and through such Land of the said Marquis of *Waterford* as the said Marquis, or his Heir, or the Guardian or Guardians of such Heir, shall by such Notice require: Provided that the Radii of the Curves and the Gradients shall in no Case be worse than those shown on the deposited Plans and Sections, anything in "The Railways

Clauses

Clauses Consolidation Act, 1845," incorporated herewith, limiting the Deviation from the lateral or vertical Limits of Deviation shown on the deposited Plans and Sections, to the contrary thereof notwithstanding; and all the Powers and Provisions of this Act and of the Acts incorporated herewith shall apply to the said altered Railway beyond the Limits of Deviation as shown on the said deposited Plans.

As to Deposit of Plans with Clerks of Unions.

8. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a Certificate of any Omission, 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, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if the Expression "Clerks of the Unions within such Parishes are included in *Ireland*," or the Words "Clerks of the Unions," had been used and inserted in such Act in lieu of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the word "Postmasters," as the Case may be.

Board of Trade may order local Survey at Cost of Company.

9. If at any Time it shall be deemed expedient by the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations (hereinafter called the Board of Trade) 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.

Board of Trade may remove disused or decayed Works.

10. 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 Board of Trade to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem

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 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.

For Protection of existing Landing Places.

11. All existing Landing Places interfered with or cut off by the Railway shall be compensated for by the Company, making at their Expense such other Landing Places in lieu thereof, and in such Manner as the Board of Trade shall at any Time or Times require, such Requirement to be signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board.

Lights to be exhibited during and after Construction of Works according to Directions of Board of Trade.

12. During the Construction of the Piers and Works connected therewith the Company shall exhibit every Night, from Sunset to Sunrise, a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, and after the Completion of the Piers the Company shall exhibit upon the Piers every Night, from Sunset to Sunrise, a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Board of Trade, by Writing under the Hand of the Secretary or Assistant Secretary of the Board, directs or approves; and in case the Company shall neglect to exhibit and keep any such Light burning as aforesaid they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

For preserving Access to Water.

13. Where the Line of Railway cuts off or will cut off Access between the Land and the River *Suir*, the Company shall, during the Formation of the Line of Railway, and from Time to Time thereafter, make and for ever maintain, and allow to be used by all Persons and at all Times free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Board of Trade shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary or Assistant Secretary of the said Board: Provided always, that the Company shall not be required to make such Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have been paid Compensation for the Severance of such Lands from the Shore: Provided also, that the Expense of making and maintaining any such Footways or Carriageways as may be required to be made after the Construction of the Line shall be defrayed by the Body or Persons interested in the Shore for whose Benefit or Convenience such Crossing shall be required; and if any such Carriageway be

made across the Railway on the Level, then the Manner of making and watching such level Crossing shall be subject to the Approval of the Board of Trade; and all Expenses attending the watching of any such level Crossing as may be required to be made after the Construction of the Line shall in like Manner be paid by the Body or Persons interested in the Shore for whose Benefit or Convenience such level Crossing shall have been made.

For preventing Deviation of certain Works without Consent of Board of Trade.

14. Where the Railway courses the River *Suir* the Railway and other Works shall not deviate Riverwards from the continuous centre Line of the Railway marked on the Plan deposited at the Board of Trade, even within the Limits of Deviation marked on that Plan, without the previous Consent of the Board of Trade (signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board), or otherwise than in such Manner as may be mentioned in any such Consent; if any Deviation is made contrary to the Provisions of the present Section the Board of Trade may abate and remove the same, or any Part thereof, and restore the Site thereof to its former Condition, at the Expense of the Company, and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Saving Rights of the Crown.

15. 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 of whatsoever Nature, belonging to or enjoyed or exerciseable by 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), neither shall anything in the said Act or Acts contained, divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Powers for compulsory Purchases limited.

16. 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 Two Years from the passing of this Act.

Lands for extraordinary Purposes.

17. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railway and Works by this Act authorized, not exceeding in the whole One Acre.

18. The

Period for Completion of Works.

18. The Railway and Piers hereby authorized shall be completed within Two 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to Company to acquire Property and Rights of Passage and Ballyhack Ferry.

19. It shall be lawful for the Company to purchase, lease, or otherwise acquire from the Owner of the Ferry upon or across the Estuary of the River *Suir*, called or known as "the *Passage and Ballyhack* Ferry," and for the said Owner to sell, lease, or otherwise grant and convey to the Company, for such Price or Consideration and on such Conditions as may be or may have been agreed on between the Company and the Owner, all or any of the Rights, Property, and Interests which the said Owner possesses in or to the said Ferry, or in any Land attached thereto or connected therewith, together with all or any Part of the Piers, Works, and Accesses connected therewith or belonging thereto, and the Rights of working the said Ferry, and of taking Tolls, Rates, and Charges therefor, such Ferry to be used by the Company in connexion with their Railway; and on such Purchase or Lease being completed the Company, in accordance with the Terms and Conditions thereof, may work the said Ferry, and have, use, exercise, and enjoy all such Rights of Ferry and other Rights so purchased or leased by them.

Ferry and Steam Communication across the Estuary of the Suir.

20. The Company, after having purchased or taken on Lease the Ferry, may navigate, use, maintain, and work the said Ferry, and for the Purpose of the Ferry may from Time to Time purchase or hire, and use upon and across the Ferry, such Steam or other Vessels as they think fit, and may substitute others for the same, and alter and improve the same respectively, and may make on any Lands from Time to Time vested in the Company, or to the Uses whereof they from Time to Time are entitled, such Conveniences for the Transit of Passengers, Animals, and Goods to and from and across the Ferry as the Company may think requisite, and the Company may make all necessary Byelaws for the Regulation, Control, and Government of the Ferry: Provided always, that such Byelaws shall not be valid until approved of in the Manner provided in "The Harbour, Docks, and Piers Clauses Act, 1847," with reference to the Byelaws thereby authorized to be made.

Piers not to be used unless with Consent and under Regulations to be established.

21. It shall not be lawful for any Person, except the Officers and Crews of Her Majesty's Ships and Boats being engaged in Her Majesty's Service, or except in the Case of Vessels driven in by Stress of Weather, to make use of or to land at the Piers by this Act authorized, nor to lay to or alongside the same, or the Wharves or Conveniences thereat, any Vessel or Craft of any Description, nor to attach any Rope or Chain thereto, nor to land thereat or ship therefrom any Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandise, Minerals, and other Articles

or

or Things, unless with the Consent of, and in such Manner and under such Conditions and Regulations as in accordance with the Terms and Conditions of the Purchase or Lease of the Ferry shall be settled by, the Company; and any Person so using the said Piers, or either of them, without a written Authority from the Company, or some Person duly authorized by them, or under such Conditions and Regulations as shall be settled by them, shall for every such Offence forfeit and pay a Penalty not exceeding Ten Pounds.

Tolls and Charges for Ferry Communication.

22. It shall be lawful for the Company from Time to Time, after they purchase or take on Lease the Ferry, to demand and recover for the Use of the Ferry, and for the Conveyance of Traffic across the Estuary of the River *Suir* to and from the Railway, any Sums not exceeding the Tolls and Charges specified in the Schedule to this Act annexed.

For securing Equality of Treatment.

23. Such Ferry Rates or Sums shall be at all Times charged to all Persons equally and after the same Rate in respect of Passengers of the same Class conveyed in a like Vessel, and no Reduction or Advance in any such Rate shall be made in favour of or against any Person using the said Ferry.

Company may take increased Charges for special Boats.

24. Nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges specified in the Schedule to this Act annexed, by Agreement with any Person for conveying any Person or any Cattle or Goods across the said Ferry by a Boat to be despatched specially for the Purpose

Security for Completion of Railway within Time limited.

25. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Six hundred and forty Pounds (being Eight *per Centum* upon the estimated Expense of the Railway by this Act authorized to be constructed) has been deposited with the Court of Chancery in *Ireland* in respect of the Application to Parliament for this Act: Therefore, 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 thereof, 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 Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway, either open the same 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 additional Capital of Eight thousand Pounds, Portion of the Sum of Twenty thousand

thousand Pounds by this Act authorized to be raised by them by means of Shares for the Railway, and have expended for the Purposes of the said Railway a Sum equal in Amount to One Half of the said Sum of Eight thousand Pounds; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money so 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 of Six hundred and forty Pounds shall have been executed by the Company, with One or more Surety or 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 Sum of Six hundred and forty Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the same 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 Sum of Eight thousand Pounds by this Act authorized to be raised by them 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 Sum, 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 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.

Railway Tolls.

26. The Company may demand and take the same Tolls and Charges for and in respect of the Railway by this Act authorized to be constructed as

as they are authorized to demand and take under and by virtue of "The *Waterford and Passage* Railway Act, 1862," and as if the Railway authorized by this Act formed Part of the Railway authorized by that Act: Provided always, that the maximum Tolls and Charges to be demanded and taken by the Company for and in respect of the Railway by this Act authorized shall in no Case exceed those limited by that Act.

Definition of Terminal Station.

27. No Station is to be considered a Terminal Station in regard to any Goods conveyed on any Railway of the Company which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Certain Parts of 8 & 9 Vict. c. 16. incorporated.

28. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the Consolidation of the Shares into Stock;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the making of Dividends; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

shall be incorporated with this Act, and shall in all Particulars not otherwise provided for by or under the Powers of this Act respectively apply to all Shares and Capital created, and to all Monies borrowed, and Mortgages granted, under the Powers of this Act; and in construing those Clauses and Provisions in connexion with this Act the Expression "the Special Act" shall mean this Act, the Expression "the Company" shall mean the *Waterford and Passage* Railway Company, the Expression "the Undertaking" shall mean the Undertaking of the Company, and the Term "Superior Courts" shall include any County or other Court having by Law Cognizance of the Action; and all other Words and Expressions to which by "The Companies Clauses Consolidation Act, 1845," Meanings are assigned, shall in the incorporated Clauses and Provisions of that Act and in this Act have the respective Meanings so assigned to them, unless in so far as there may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction.

29. The

Power to create new Shares.

29. The Company may from Time to Time (in addition to the Sums of Money which they are authorized to raise by the recited Act) raise by the Creation of new Shares in their Undertaking, 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 Special Meeting of the Company, any further Sums not exceeding in the whole Twenty thousand Pounds for the Purposes of this Act.

Power to Company to cancel forfeited Shares with Consent of Holders.

30. Whenever any Share in the Company is declared forfeited, and whenever any Sum payable on any Share remains unpaid, the Company, with the Consent in Writing of the registered Holder of such Share, and with the Sanction of a General Meeting, may resolve that such Share be cancelled, and immediately thereupon the same shall be cancelled, and all Liabilities and Rights with respect to the same shall thereupon be absolutely extinguished: Provided always, that no Money shall be paid by the Company to any Shareholder for or in respect of the Cancellation of any Share.

Power to Company to cancel unissued new Shares.

31. If and whenever the Company resolve not to issue the whole of any new Shares previously created, they may cancel the unissued new Shares to which such Resolution applies.

Power to Company to issue new Shares instead of forfeited and cancelled Shares.

32. Whenever, under any of the Provisions of the recited Act and this Act respectively, any of the Shares of the Capital of the Company are forfeited or cancelled, the Company from Time to Time thereafter may create and issue, instead of the Shares so forfeited or cancelled, new Shares of an aggregate Amount not exceeding the aggregate Amount remaining unpaid on the Shares so forfeited or cancelled.

Calls.

33. One Fifth of the total Amount of any Share issued under the Authority of this Act shall be the greatest Amount of any One Call thereon, and Three Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year.

Disposition of new Shares.

34. All Shares created under the Powers of this Act may be disposed of in such Manner, and on such Terms and Conditions, and to such Persons, as the Company think fit.

Qualifications of new Shareholders.

35. All Shares created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of voting as original Shares in the Capital of the Company of the same aggregate nominal Value would confer.

Company may issue Half Shares

36. The Company may from Time to Time create and issue, in lieu of each Share of the Amount of Ten Pounds from Time to Time cancelled under

in lieu of Shares cancelled and Remainder of Capital.

under this Act, Two Half Shares of the Amount of Five Pounds each, and may also from Time to Time issue in Half Shares, in accordance with the Provisions of this Act, any Part of the Share Capital by the recited Act or this Act authorized, and for the Time being remaining to be raised: Provided always, that no Preference or Priority of Interest or Dividend shall be attached to any such Half Shares, except the Preference or Priority of such Half Shares *inter se*.

Division of existing Shares into Half Shares.

37. The Directors, with the Sanction of a General Meeting of the Company, may from Time to Time, with the Consent in Writing of the registered Holders of any Shares in the Capital of the Company, divide such Shares into Half Shares.

Half Shares to be registered and Certificates issued.

38. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and every Two Half Shares issued together shall bear the same Number (which in the Case of Half Shares substituted for any entire Share previously issued shall be the Number of such entire Share), and the Directors shall issue Certificates of the Half Shares accordingly, with such Variations from the Form of the Certificates of entire Shares as the Directors think proper for denoting the respective Natures of the Half Shares; and the Directors shall make in the Register of Shares Entries of all Conversion of entire Shares into Half Shares.

Certificates of divided Shares to be delivered up and cancelled.

39. Provided always, That the Directors shall not be bound to issue a Certificate of any Half Share created by Division of an entire Share until the Certificate of the entire Share be delivered to them to be cancelled, or it be shown to their Satisfaction that the Certificate of the entire Share is destroyed or lost, and on any such Certificate being so delivered up the Directors shall cancel it.

Names of Half Shares.

Extent to which they shall be deemed paid up.

40. Of every Two Half Shares created under the Powers of this Act One shall be called "Preferred Half Share," and the other shall be called "Deferred Half Share;" and in every Case in which any Two Half Shares are substituted for any entire Share previously issued, then if such entire Share was fully paid up both such Half Shares shall be deemed fully paid up; and if not more than Half of the Amount of the entire Share was paid up, then the whole Sum paid up on the entire Share shall be credited to the Deferred Half Share, and deemed to have been paid up thereon; and if more than Half of the Amount of the entire Share was paid up, then the Deferred Half Share shall be deemed fully paid up, and the Balance paid upon the entire Share beyond One Half of the Amount of such entire Share shall be credited to the Preferred Half Share, and be deemed to have been paid up thereon.

Dividend on Half Shares.

41. The whole of the Interest and Dividends which shall accrue in each Year on every Two Half Shares bearing the same Number shall be applied

applied in or towards the Payment, in the first place, of Interest or Dividend after such Rate, not exceeding Six *per Centum per Annum*, as shall be determined by a General Meeting of the Company, on the Amount paid upon the Half Share so denominated "Preferred Half Share," and the Remainder (if any) in Payment of Interest or Dividend on the "Deferred Half Share."

Dividend on Two Half Shares not to exceed Dividend on One entire Share.

42. Provided always, That the Company shall not pay any greater Amount of Dividend or Interest on any Two Half Shares than they might from Time to Time have paid on any entire Share of Amount equal to the aggregate Amount of such Two Half Shares.

As to Transfer of Half Shares.

43. Provided also, That no "Deferred Half Share" shall be transferred until at least Fifty *per Centum* of the Amount thereof is paid up thereon or credited thereto; nor shall any "Preferred Half Share" be transferred until at least Ten *per Centum* of the Amount thereof has been paid up thereon or credited thereto.

Half Shares to be Shares in Capital.

44. Except as is by this Act otherwise provided, the several Half Shares under this Act shall be Shares in the Capital, and all such Rights, Privileges, Liabilities, and Incidents shall attach and be incident to and be conferred by the Half Shares as to and by any entire Shares.

Power to borrow on Mortgage.

45. The Company may from Time to Time borrow on Mortgage any additional Sums of Money not exceeding in the whole Six thousand six hundred Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital of Twenty thousand Pounds hereinbefore authorized to be raised has been subscribed for or taken, and One Half thereof is paid-up, and until the Company 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 that additional Capital of Twenty thousand Pounds has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Facts the Certificate of such Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

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

Extending certain Sections of recited Act to Railway authorized by this Act.

47. Sections Forty-eight to Fifty-five inclusive of the recited Act enabling the Company and the *Waterford and Tramore* Railway Company to enter into Contracts and Agreements with respect to the Railway by that Act authorized, and containing Provisions with respect to such Contracts

Contracts and Agreements, shall extend and apply to the Railway by this Act authorized.

Application of Monies raised.

48. All Monies raised by the Company by Shares or borrowing under the Powers of this Act shall be applied only to the Purposes by this Act authorized.

Interest not to be paid on Calls paid up.

49. The Company shall not, out of any Money by this or the recited Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the 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 the Company's Capital.

50. The Company shall not, out of any Money by this or the recited 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 make any other Railway, or execute any other Work or Undertaking.

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

51. Nothing herein contained shall be deemed or construed to exempt the Company, or the Railway by this Act authorized to be made, 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.

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

Short Title.

53. This Act may be cited for any Purpose as "The *Waterford and Passage* Railway Act, 1863."

SCHE-

SCHEDULE referred to in the foregoing Act.

	£	s.	d.
In respect of Passengers, Animals, and Carriages:			
Each Best-cabin or After-deck Passenger - - -	0	0	8
Each Fore-cabin or Fore-deck Passenger - - -	0	0	4
Each Horse, Mule, or Ass, whether ridden, driven, or drawing any Vehicle - - - - - -	0	1	0
Each Phaeton, Gig, or other Carriage drawn by One Horse or Beast - - - - - -	0	4	0
Each Carriage drawn by Two or more Horses or Beasts -	0	8	0
Each Cart with not more than Two Wheels - -	0	3	0
Each Cart, Waggon, or Van, with more than Two Wheels	0	5	0
Each Bull, Ox, Cow, or other Cattle - per Head	0	0	6
Each Sheep, Pig, or Dog - - - - -	0	0	2
In respect of Goods:			
Goods, Wares, or Merchandise, exceeding Five hundredweight and not exceeding One Ton, per Hundredweight - - - - - - -	0	0	1½
Goods, Wares, or Merchandise, exceeding One Ton, per Ton - - - - - - -	0	1	0
Each Passenger's Luggage not exceeding One hundred and twelve Pounds - - - - - -	Free.		

In respect of small Packages and single Articles of great Weight:

For the Carriage of small Parcels not exceeding One Fourth Part of the Amount by this Act authorized to be charged for small Parcels of a similar Description upon the Railway.

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 shall exceed Ten Hundredweight, the Company may demand such Sum as they think fit.

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