CHAPTER cxxxii.

An Act to amend "The Waterford, Dungarvan, and Lismore Railway Act, 1872," and to enable the Waterford, Dungarvan, and Lismore Railway Company to make deviations from their authorised railway, and to abandon a portion of the authorised railway; to extend the time for the execution of works; to afford facilities to the Company for raising the funds necessary to execute their undertaking; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS by "The Waterford, Dungarvan, and Lismore Railway Act, 1872," (in this Act referred to as the Act of 1872,) the Waterford, Dungarvan, and Lismore Railway Company (in this Act referred to as "the Company") were authorised to construct a railway from Waterford to Dungarvan and Lismore in the county of Waterford, to be called "the Waterford, Dungarvan, and Lismore Railway," upon the terms and subject to the conditions by the said Act provided: 35 & 36 Vict. c. cvi.

And whereas it is expedient that the Company should be authorised to deviate certain portions of the railway authorised by the Act of 1872, and for such purpose to acquire additional lands and to abandon portions of the said railway:

And whereas plans and sections, showing the lines and levels of the proposed deviations and the lands which the Company are by this Act empowered to acquire for the purposes thereof, and books of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for the county of Waterford and with the clerk of the peace for the county of the city of Waterford, and are hereafter referred to as the deposited plans, sections, and book of reference:

And whereas by section eleven of the Act of 1872 it is enacted that "if and whenever after the opening of the whole of the rail-

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" way, and during the period of twenty-two years next after such " opening, the receipts from the same, after deducting 'the working " 'expenses of the railway,' to be ascertained in manner by this " Act directed, shall not amount to a sum equal to a dividend at " the rate of five pounds per centum per annum on two hundred " and eighty thousand pounds, the capital of the Company, then " the sum or amount required to make up such dividend as afore- " said shall become payable half-yearly by the baronies of Middle- " third, Decies without Drum, Decies within Drum, and Coshmore " and Coshbride, all in the county of Waterford, rateably and in " the proportions by this Act prescribed: Provided always, that so " much of the said receipts from the railway (after deducting the " working expenses as aforesaid) as shall be necessary for such " purpose shall, during the said period, be applied to the payment " of the said dividend in priority to any sum due for principal or " interest on any mortgage, deed, bond, or debenture stock, or " otherwise howsoever, or to any dividend upon any other portion " of the capital of the Company," and for the purpose of facilitating the raising of the capital of the Company it is expedient that the said period of twenty-two years should be extended:

And whereas certain other baronies in the said county of Waterford, that is to say, the baronies of Upperthird, Gualtier, Kilculliheen, and Glenaheiry, and the county of the city of Waterford, will be greatly benefited by the construction of the said railway, and it is expedient that they should, together with the baronies in the said section eleven mentioned, guarantee the payment of the limited dividend on the share capital of the Company in the said section mentioned, and that the said baronies and city should when necessary, together with the baronies in the said section eleven mentioned, be chargeable with any deficiency of such limited dividend, and that for such purpose the said Act of 1872 should be amended and such provisions as are in this Act contained should be made:

And whereas the cost of the construction of the railways and works constituting the undertaking of the Company authorised by the Act of 1872, as amended by this Act, and by this Act authorised has been estimated at two hundred and eighty thousand pounds, which sum is the same as the sum stated as the cost of all the railways authorised by the Act of 1872 in the estimate deposited previous to the obtaining of the said Act in accordance with the standing orders of both Houses of Parliament:

And whereas it is desirable that the railways should be completed and opened for traffic at the earliest practicable period, and in order to facilitate the construction and opening thereof the

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grand jury of the county of Waterford and the ratepayers of the said baronies and the grand jury and ratepayers of the city of Waterford are willing that the said baronies and the said city of Waterford should provide for the payment of the interest or dividends payable in respect of the said sum of two hundred and eighty thousand pounds for the period of five years granted for the construction of the said railways and for the further periods and in the manner and proportions by this Act provided; and it is therefore expedient that the said baronies and city should be chargeable with the interest or dividends payable to any shareholder or shareholders of any part of the said sum of two hundred and eighty thousand pounds on the amount of the calls made in respect of the shares held by him or them:

And whereas the grand juries of the county of Waterford and of the county of the city of Waterford, at the summer assizes, 1872, and the ratepayers of the said baronies and county of the city of Waterford in public meeting assembled, did respectively approve of the provisions in this Act contained:

And whereas, having regard to the benefits which will accrue by reason of the construction of the said railways to the lands in the immediate vicinity of the same, it is expedient that facilities should be afforded to the Company for the purchase of lands required for the purposes of the said railways from persons incapacitated or under disabilities upon the terms and subject to the conditions in this Act contained:

And whereas no moneys have been raised and no proceedings taken under sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, and seventeen of the Act of 1872, and it is now expedient to repeal the same:

And whereas under the authority of the Act of 1872 the Company may borrow the sum of ninety-three thousand three hundred pounds, and it is expedient to vary, alter, and amend the terms and conditions prescribed in relation thereto by the Act of 1872:

And whereas it is expedient to vary and extend the provisions of the Act of 1872 relating to the compulsory purchase of lands and to the completion of the railway thereby authorised:

And whereas the 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 Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Waterford, Dungarvan, and Lismore Railway Act, 1873."

Construction of Act.

2. "The Waterford, Dungarvan, and Lismore Railway Act, 1872," as amended by this Act, and this Act, shall be construed together as one Act.

Certain sections of 35 & 36 Vict. c. cvi. repealed.

3. Sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, and seventeen of the said Act of 1872 shall be and the same are hereby repealed.

Power to make railways according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, on the line and according to the levels shown in the deposited plans and sections, the lines of railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The lines of railway herein-before referred to and authorised by this Act are—

A deviation railway (No. 1), two miles four furlongs and one chain or thereabouts in length, commencing in a field numbered forty-two on the deposited plans, situate in the townland of Gibbett Hill in the parish of Trinity Without in the county of Waterford, and terminating by a junction with the line authorised by the Act of 1872 in a field numbered nineteen on the deposited plans in the townland of Knockhouse Upper in the parish of Killoteran in the said county:

A deviation railway (No. 2), twenty-seven miles and seven furlongs or thereabouts in length, commencing in a field numbered fourteen on the deposited plans in the townland of Woodstown in the parish of Killoteran in the county of Waterford, and terminating by a junction with the line authorised by the Act of 1872 in a field numbered eight in the townland of Ballymacmague West in the parish of Dungarvan in the said county:

A deviation railway (No. 3), four miles six furlongs and eight chains or thereabouts in length, commencing by a junction with the line authorised by the Act of 1872 in a field numbered six on the deposited plans in the townland of Sunlawn in the parish of Affane in the county of Waterford, and terminating by a junction with the authorised line of the

Fermoy and Lismore Railway in a field numbered three in the townland of Townparks East in the parish of part of Lismore and Mocollop in the said county.

Power to apply corporate funds to the purposes of this Act.

5. The Company may apply as well to the purposes of this Act as to the purposes of the Act of 1872, as the same is amended by this Act, the moneys which they have power to raise by virtue of the Act of 1872.

Powers for compulsory purchases limited.

6. 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 railways.

7. The railways and works authorised by the Act of 1872, as amended by this Act, and the railways and works by this Act authorised, shall be completed within five years from the passing of this Act; and on the expiration of that period the powers by the Act of 1872 and by this Act granted to the Company for constructing the railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the railways and works as shall then be completed: Provided always, that the preceding provisions of this section shall not be construed to alter, affect, or release the Company from any liability under section thirty-two of the Act of 1872 for securing the completion of the railways, and all the provisions of the said section shall be deemed to apply and shall apply to the railways by the Act of 1872, as amended by this Act, and by this Act authorised, in like manner in every respect as if the said last-mentioned railways had been the railways referred to in the said section thirty-two of the Act of 1872.

Power to borrow moneys on mortgage under regulations herein described.

8. In order to facilitate the raising of money for the execution of the works by the Act of 1872, as amended by this Act, and by this Act authorised, when and so soon as the sum of one hundred thousand pounds, part of the capital of two hundred and eighty thousand pounds by the Act of 1872 authorised to be raised, shall have been issued and accepted and one half thereof paid up, it shall be lawful for the Company to borrow on mortgage any sum not exceeding thirty-three thousand three hundred and thirty-three pounds; and when the further sum of ninety thousand pounds, part of the said capital of two hundred and eighty thousand pounds, shall have been issued and accepted and one half thereof paid up, to borrow on mortgage any further sum not exceeding thirty thousand pounds; and when the further sum of ninety thousand pounds, being the remainder of the said capital of two hundred and eighty thousand pounds, shall have been issued and accepted and

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one half thereof paid up, to borrow on mortgage any further sum not exceeding thirty thousand pounds; but no part of any of the said three sums of thirty-three thousand three hundred and thirty-three pounds, thirty thousand pounds, and thirty thousand pounds shall be borrowed until the Company 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 the whole of the portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Baronies and city to contribute during construction of railway.

9. From and after the passing of this Act and for the period of five years hereby granted for the construction of the railways, and for the period of thirty-five years after the opening thereof, the sum or amount required to pay the dividends on the said sum of two hundred and eighty thousand pounds, or so much thereof as shall be from time to time paid up, shall be payable half-yearly by the county of the city of Waterford, and by the baronies of Middlethird, Decies without Drum, Decies within Drum, including the town of Dungarvan, Coshmore and Coshbride, Upperthird, Gualtier, Kilculliheen, and Glenaheiry, all in the county of Waterford, rateably and in the proportions by this Act prescribed, but after the said period of five years the said dividends shall cease to be payable until after the opening of the whole of the railways for public traffic.

Baronies and city to contribute.

10. If and whenever during the period of thirty-five years after the opening of the whole of the railways the net profits from the railway, after deducting from the gross receipts the working expenses of the said railways and after deducting the interest or dividend on any debt or demand created by mortgage, deed, bond, or debenture stock by the Company, to be ascertained in manner by this Act directed, shall not amount to a sum equal to a dividend at the rate of five pounds per centum per annum on the sum of two hundred and eighty thousand pounds, or upon so much thereof as

shall have been from time to time paid up, the sums or amounts required to make up such dividends as aforesaid shall become payable half-yearly by the said baronies of Middlethird, Decies without Drum, including the town of Dungarvan, Decies within Drum, Coshmore and Coshbride, Upperthird, Gualtier, Kilculliheen, and Glenaheiry, and by the said county of the city of Waterford, rateably and in the proportions by this Act prescribed: Provided always, that at the assizes next after the passing of this Act it shall be lawful for the grand juries of the said county and county of the city of Waterford respectively, if they think proper so to do, to nominate and appoint by presentment twelve persons, being duly qualified shareholders of the Company, to be directors of the Company in the place of the then existing directors, of which directors eight shall be appointed by the grand jury of the county of Waterford and four by the grand jury of the city of Waterford, and upon such appointments being fully made the then existing directors shall cease to be directors of the Company, save such of them as may be so appointed, and each of the said grand juries shall at all times thereafter during the liability of the said baronies and city respectively to contribute, if they think proper so to do, nominate and appoint duly qualified shareholders of the Company to be directors in the place of any directors appointed by such grand jury who may, during such liability to contribute, die or resign, or become disqualified or incompetent to act as directors, or go out by rotation, or cease to be directors by any other cause whatsoever; such appointments shall be made by the said grand juries respectively by presentment at the assizes next after any such vacancies shall occur, and notice of such vacancies, with lists of the shareholders duly qualified to act as directors, shall be sent from time to time by the secretary of the Company to the secretaries of the grand juries respectively, and notice of such appointments shall be sent by the secretary of the grand jury making the same to the secretary of the Company, and upon receipt of such notice the persons so appointed by the grand juries shall act in such manner in every respect as if they had been duly appointed by the shareholders of the Company: Provided, however, that in case the said grand juries shall fail, at the assizes next after the passing of this Act, to so nominate and appoint twelve duly qualified shareholders of the Company to be directors, the then existing directors of the Company shall continue to act as directors in the usual manner; and in case either of the said grand juries, or either of them, shall at any time after the assizes next after the passing of this Act fail so to nominate and appoint duly qualified shareholders of the Company to be directors in the place of any directors appointed by such grand jury who may die,

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or resign, or become disqualified or incompetent to act as directors, or go out by rotation, or cease to be directors by any other cause whatsoever, the shareholders of the Company at their next general meeting held after the assizes at which such nomination and appointment should have been made shall, in the usual manner, elect directors to supply the places which may be then vacant: Provided further, that in case either of the said grand juries shall nominate and appoint any person to be a director not being at the time of such appointment a duly qualified shareholder of the Company, it shall be lawful for such person to so qualify within ten days after such appointment, by depositing with the banker of the Company, to the credit of the Company, the full amount of all calls which may have been made in respect of the number of shares necessary to qualify such person as a director, and in case such person shall so fail to qualify such appointment shall be null and void.

For ascertaining amount to be paid by each barony and city respectively.

11. For the purpose of ascertaining the proportions in which the said baronies and city shall pay the half-yearly sums necessary to pay the interest and dividends on the said sum of two hundred and eighty thousand pounds, and for the purpose of ascertaining what are the net profits from the said railways, and the proportions in which the said baronies and city shall pay the said half-yearly sums to be paid by them, and for other the purposes in this enactment mentioned, the Board of Trade and the grand jury for the county of Waterford and the grand jury for the county of the city of Waterford may respectively, during such period as aforesaid, upon the request of the Company, from time to time by warrant under the hands of their respective secretaries for the time being, each appoint one person to act as arbitrators, and may supply the place of any one or more of such arbitrators dying, resigning, or refusing or failing or becoming incapacitated to act; and such arbitrators shall from time to time assess and determine the relative proportions in which such half-yearly sums in respect of the dividends on the said sum of two hundred and eighty thousand pounds shall be paid and borne by the baronies and city liable to pay the same; and after the opening of all of the said railways shall from to time ascertain and determine the amount of the net receipts from such railways respectively in each half year applicable to the payment of the said dividend as herein-before provided, and shall also assess and determine the relative proportions in which such half-yearly sums shall be paid and made up by the baronies and city liable to pay the same, such arbitrators upon assessing and determining each and every of the said half-yearly sums taking into consideration the

benefit or supposed benefit, immediate or prospective, which such baronies and city may respectively, in their opinion, have derived or be likely to derive from the construction and opening of the railways respectively, and such arbitrators shall set forth the several matters so ascertained and determined by them in a certificate in writing under their hands or (in case all the arbitrators shall be unable to agree) under the hands of any two of them, and every such certificate shall be in all respects final and binding on the said baronies and city; and from and immediately after each delivery of any such certificate to the secretary of the grand jury of the county of Waterford and to the secretary of the grand jury of the county of the city of Waterford as by this Act directed, the said baronies and city, and all lands and hereditaments or premises therein respectively, shall be and the same are hereby charged and made chargeable with the payment of such half-yearly sum in the several proportions specified and set forth in such certificate, and a copy of every such certificate shall be delivered to the Company, and the Company shall thereafter pay to such arbitrators their costs and expenses and any remuneration for their trouble in regard thereto as the Board of Trade shall order and direct: Provided always, that in the event of either of the said grand juries failing to so appoint an arbitrator at the assizes next after such request of the Company made in writing under the hand of their secretary ten days at least previous to the first day of such assizes, it shall be lawful for the Board of Trade, upon the request of the Company, to appoint a person or persons, as the case may be, to act as such arbitrators, and to have the like powers and remuneration in all respects as if they had been appointed by the grand juries.

Moneys to be paid by baronies and city to be a charge on railways and income thereof.

12. If any moneys shall have been paid and contributed by the said baronies and city under the provisions of this Act, all such moneys, together with the costs and expenses of levying the same, shall be, at and from the dates of the respective payments of the same, charged upon all the railways, and the net profits from the same, after deducting the working expenses, and after deducting the interest or dividend on any debt or demand created by mortgage deed or debenture stock, and after deducting interest at the rate of five pounds per cent. per annum upon the said sum of two hundred and eighty thousand pounds or upon such portion thereof as may have been paid up, shall be payable to the treasurers for the time being of the said county and city, to be applied by them in relief of the barony or baronies or city which shall have contributed the same in such proportions as the said arbitrators shall determine and award.

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Accounts of receipts to be rendered.

13. For the purpose of ascertaining the receipts from the said railways and the working expenses thereof and the profits of the same (if any) applicable to the payment of the dividend as aforesaid, the Company shall from time to time, on or before the first day of May and the first day of November in every year, make out and render to the arbitrators a full, true, and distinct account of all the receipts of every nature and kind for the then preceding half year ending the thirty-first day of December and the thirtieth day of June in each year arising in any manner from the railways, and of the expenditure thereof, which account the said arbitrators shall and they are hereby authorised and empowered to examine, with the documents and vouchers evidencing the same, and all books, papers, and accounts in the custody and control of the Company relating to the business of the Company; and all such accounts, documents, vouchers, books, and papers shall be kept by the Company, who shall, upon the request of the said arbitrators from time to time, produce the same to such arbitrators for examination, and such arbitrators may (if they think fit) employ an actuary or accountant to assist them in such examination from time to time at the cost and expense of the Company; and the Company shall, so long as the said barony and city contributions may continue, keep proper and correct books of account to show the receipts and profits on the railways and the expenditure thereof, to which books of account the said arbitrators shall have at all reasonable times access, and from which they may at all times take extracts; and the Company shall, during the said period, send duplicate returns to the said arbitrators of the accounts which they are bound by any Act of Parliament now in force or that may hereafter be in force to transmit to the clerks of the peace; and the said arbitrators shall adjust and balance the said accounts, and as to all matters relating to the said accounts, or what shall be considered as gross receipts from traffic or net profits from traffic, their decision shall in all respects be final and conclusive on all parties.

Sums mentioned in certificates to be presented by grand jury and paid by treasurer.

14. The arbitrators shall from time to time deliver the certificates by this Act directed to be prepared by them to the secretary of the grand jury of the county of Waterford and to the secretary of the grand jury of the city of Waterford, who shall respectively lay the said certificates or copies thereof before the grand juries of the county and city respectively at the assizes next after they shall have received the same; and it shall be lawful for such grand juries respectively, and they are hereby required from time to time and without application to presentment sessions, to present the sums mentioned in such certificates relating to the said baronies

and city respectively, to be raised and levied off such baronies and city respectively, and the same shall be assessed, raised, and levied in like manner as any presentment made under the authority of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter 116, and any Act or Acts amending the same; and the treasurers of such county and city respectively, out of the first moneys collected and remaining in their respective hands, after repayment of Government advances, gaol expenses, and salaries of public officers payable by them respectively, shall pay the sums so presented by the said grand juries to the treasurer of the Company, or in such other manner as the Company shall direct; and if the grand jury of the said county or city shall fail to present the sums or any part thereof contained in any such certificate relating to such baronies or city, the treasurer of the said county or city shall and he is hereby required to insert such sums or such omitted parts thereof in his warrant for raising the moneys presented at the same assizes as if such sums had been duly presented by such grand jury to be raised in manner herein-before mentioned off such baronies or city as aforesaid, and the same shall be raised and levied off such baronies or city accordingly as if the same had been so presented, and the said treasurer shall pay over the amounts when by him received as herein-before provided as if such moneys had been presented by such grand jury. A.D. 1873.

Period when baronies and city liability to cease.

15. After the expiration of thirty-five years from the opening of the whole of the said railways for public traffic, or when and as soon as the Company by deed under their common seal (which with the consent in writing of the holders for the time being of the said two hundred and eighty thousand pounds, or of such part thereof as shall have been subscribed for, they are hereby empowered to execute) shall have relieved the baronies and city from all further liability (whichever shall first happen), the barony and city contributions shall cease; and from and after the expiration of that period or the delivery of such deed, as the case may be, sections nine, ten, eleven, twelve, thirteen, and fourteen of this enactment shall for ever cease to be of any effect, except as to the sums respectively which the said baronies and city shall then be liable to pay, or which shall be then due to the said baronies and city and charged upon the railways, in respect of which the said provisions shall, until the same respectively shall have been paid, remain in full force and effect.

Power to cross certain roads on the level.

16. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction

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of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Townland.	Parish.	Description of Road.
	DEVIATION No. 2.		
10	Kildermody - -	Newcastle - -	Public road.
17	Ardeenloun East - -	Ditto - - -	Ditto.
2	Greenan - -	Rossmire - -	Ditto.
24	Greenan - - -	Ditto - - -	Ditto.
39	Ballybrack - -	Ditto - - -	Ditto.
17	Currabaha West - -	Ballylanen - -	Ditto.
8	Faha - - -		
35	Currabaha West - -	Ditto - -	Ditto.
7	Faha - - -		
6	Ballyvalloona - -	Stradbally - -	Ditto.
8	Carrickarea - -	Ditto - - -	Ditto.
10	Shanacool - - -	Ditto - - -	Ditto.
20	Garrynageragh East -	Dungarvan - -	Ditto.
2	Scartore - - -		
34	Kilminnin South - -	Clonea - - -	Ditto.
19	Abbeyside - - -	Dungarvan - -	Ditto.
60	Abbeyside - -	Dungarvan - - -	Ditto.
2	Dungarvan - - -	Ditto and Extra-parochial	Ditto.
1	Shandon - - -	Dungarvan - -	Ditto.
13	Shandon - - -	Ditto - - -	Ditto.
9.8	Ballynamuck East -	Kilrush - -	Ditto.
1	Ballynamuck Middle -		
12	Ballymacmague South -	Kilrush - - -	Ditto.
5	Ballymacmague East -	Dungarvan - -	Ditto.
1	Ballymacmague West -		
	DEVIATION No. 3.		
19	Cappoquin - -	Lismore and Mocollop -	Public road.
12	Ballyea East - -	Ditto - -	Ditto.
13	Ballymoodranagh -	Ditto - - -	Ditto.
1	Ballysaggartbeg East -		
7	Ballysaggartbeg East -	Ditto - -	Ditto.
1	Ballysaggartbeg Glebe -		

Company to abandon portions of their authorised line.

17. The Company shall abandon and relinquish the construction of the following portions of the railway authorised by the Act of 1872; namely,

From the commencement of deviation railway No. 1 in the townland of Gibbett Hill in the parish of Trinity Without in the county of Waterford, and the termination thereof in the township of Knockhouse Upper in the parish of Killoteran in the said county; also from the commencement of deviation railway

No. 2 in the townland of Woodstown in the said parish of Killoteran and county of Waterford, and terminating in the townland of Ballymacmague in the parish of Dungarvan and county of Waterford; and also from the commencement of deviation railway No. 3 in the townland of Sunlawn in the parish of Affane in the said county, and terminating in the townland of Townparks East in the parish of Lismore and Mocollop in the county of Waterford.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

18. The abandonment by the Company under the authority of this Act of any portion of any railway or works authorised by the Act of 1872 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the last-mentioned Act or the Act of 1872.

Compensation to be made in respect of portions of railway abandoned.

19. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Payment of purchase money to limited

20. The Company may, with the consent of any limited owner, pay any purchase money payable to such limited owner in respect of any lands purchased or taken under the authority of this Act

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owners by shares in certain cases.

by the issue to such limited owner of as many shares in the capital of the Company as shall be equal in nominal amount to such purchase money, and such shares shall be deemed to be shares fully paid up. Such shares shall be held upon the like uses, trusts, and for the same purposes, and in the same manner as the lands in respect of the purchase money for which such shares were issued stood settled. The Company shall, with respect to such shares, make an entry or memorial in their registry of shareholders of the uses, trusts, and purposes aforesaid, and subject to the uses, trusts, and purposes affecting such shares the limited owner for the time being in respect thereof shall have all the other rights and powers of a shareholder in the Company: Provided always, that the Company shall not be bound to see to the application of any dividend received by such limited owner. The term "limited owner," in this section, shall mean any person or persons by whom the power of sale, conferred by section seven of "The Lands Clauses Consolidation Act, 1845," may, under the authority of the said section, be lawfully exercised.

Railways to be part of Company's undertaking.

21. The railways and works by this Act authorised shall, for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, except as to the time limited for constructing the works, be part of the undertaking of the Company as if authorised by "The Waterford, Dungarvan, and Lismore Railway Act, 1872."

Agreement between Company and Ambrose Congreve confirmed.

22. The agreement contained in the schedule hereto, dated the seventeenth day of February one thousand eight hundred and seventy-three, between the Company and Ambrose Congreve, of Mount Congreve in the county of Waterford, is hereby confirmed and made binding on the Company and the said Ambrose Congreve, and shall be carried into effect accordingly.

Saving rights of the Crown in the foreshore.

23. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to 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.

Interest not to be paid on calls paid up.

24. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay to any shareholder interest or dividend on the amount of 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 calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital.

25. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay or deposit any sum of money which, by any standing order of either House of Parliament now or hereafter in force, may require to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

26. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the provisions of any general Act relating to railways, or to the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during the present 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 or of the rates for small parcels authorised by the Acts relating to the Company.

Expenses of Act.

27. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

A.D. 1873.

SCHEDULE referred to in the foregoing Act.

Articles of Agreement made the seventeenth day of February in the year one thousand eight hundred and seventy-three, between the Waterford, Dungarvan, and Lismore Railway Company, incorporated under "The Waterford, Dungarvan, and Lismore Railway Act, 1872," and herein-after called "the Company," of the one part, and Ambrose Congreve, of Mount Congreve in the county of Waterford, of the other part.

Whereas the said Company are now promoting in the present session of Parliament a Bill for, amongst other objects, to amend "The Waterford, Dungarvan, and Lismore Railway Act, 1872," to enable the said Company to make deviations from and to abandon a portion of their authorised railway: And whereas such intended deviations of the said railway will pass through part of the lands of Killoteran and Mount Congreve in the county of Waterford: And whereas the said Company have agreed with the said Ambrose Congreve for the purchase of all his estate and interest in fee in that part of the said lands of Killoteran and Mount Congreve so required, and herein-after more particularly mentioned, for the sum of ten thousand pounds: Now therefore these presents witness, and it is hereby mutually agreed by and between the said parties hereto and their respective heirs, successors, and assigns, as follows; that is to say,

Article One. That so far as the plans deposited and for the purposes of this agreement and the said Bill, the limits of deviation to the said diverted railway as passing through the said lands of Killoteran and Mount Congreve shall be a line running through the stakes fixed in the said lands (by the said Company's engineer, Charles Tarrant, in the presence of the said Ambrose Congreve) on the one side, and the river Suir on the other side.

Article Two. That the purchase money for the estate and interest in fee of the said Ambrose Congreve in such parts of the said lands of Killoteran, situate in the parish of Killoteran, and of Mount Congreve in the parish of Lisnakill, and other part of Mount Congreve in the parish of Kilmeadan, situate in the county of Waterford, and between the said limits of deviation, as may be required for such railway purposes, and for severance and other consequential injury, shall be the sum of ten thousand pounds, for which sum the said Ambrose Congreve shall sell and the said Company shall purchase the said lands free of all existing incumbrances.

Article Three. That the said Company shall make and perfect all such quays, bridges, cattle creeps, water passes, and other accommodation works as may be deemed reasonably sufficient for the use of the said Ambrose Congreve

and his tenants and servants, and as near as possible to the works which the engineer of the said Company, Charles Tarrant, has pointed out as the works that would be made and thence continuously maintained.

ARTICLE FOUR. That the timber of every kind and evergreens now on the said lands of Killoteran and Mount Congreve shall continue the property of the said Ambrose Congreve, and be removable by him at any time within six months after the passing of this Bill.

ARTICLE FIVE. That the question of accommodation works, in case any difference should hereafter arise, shall be settled by the arbitrator under the Board of Works as is usual in such cases.

In witness whereof the said Company have hereunto affixed their common seal, and the said Ambrose Congreve hath hereunto signed his name, the day and year first herein-before written.

Present when seal affixed by order of the Company,

EDMD. POWER, Secretary.

Seal.

Present when signed by Mr. Congreve,
EDMD. POWER.

AMBROSE CONGREVE.

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1873.