



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. c.

An Act to enable the *Dublin and Drogheda* Railway Company to make a Railway from the *Navan* Branch of the *Dublin and Belfast Junction* Railway in the County of *Meath* to the Town of *Kells* in the same County. [2d July 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Dublin to Drogheda*, whereby certain Persons were incorporated by the Name of the *Dublin and Drogheda* Railway Company: And whereas another Act was passed in the Session held in the First Year of the Reign of Her present Majesty, intituled *An Act to alter the Line of the Dublin and Drogheda Railway, and to amend the Act relating thereto*: And whereas another Act was passed in the Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to alter and amend the Acts passed for making a Railway from Dublin to Drogheda*: And whereas another Act was passed in the Session held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to enable the Dublin and Drogheda Railway Company to make a Branch Railway to Howth, and to amend the Acts*

6 & 7 W. 4. c. 132.
7 W. 4. & 1 Vict. c. 106.
3 & 4 Vict. c. 106.
8 & 9 Vict. c. 128.

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relating to such Company: And whereas the Construction of a Railway from the *Navan* Branch of the *Dublin and Belfast Junction* Railway as at present authorized to be made in the Parish of *Navan* in the County of *Meath* to the Town of *Kells* would be attended with public and local Advantage: And whereas the said *Dublin and Drogheda* Railway Company are desirous of carrying into effect the said proposed Undertaking if authorized by Parliament so to do: And whereas Two Acts were passed in the Session of Parliament held in the Eighth Year of Her present Majesty, one thereof for consolidating into One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature, called the "Lands Clauses Consolidation Act, 1845," and the other thereof for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways, called the "Railways Clauses Consolidation Act, 1845:" 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, That all the Provisions, Matters, and Things contained in the recited Acts relating to the *Dublin and Drogheda* Railway, so far as the same are now unrepealed and in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the Provisions of the said Lands Clauses Consolidation Act, 1845, and of the said Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Railway and other Works by this Act authorized to be made by the said *Dublin and Drogheda* Railway Company shall form Part of the Undertaking of the *Dublin and Drogheda* Railway.

Extending Powers of recited Acts to this Act.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

II. And be it enacted, That the several Provisions of the said "Lands Clauses Consolidation Act, 1845," and the several Provisions of the said "Railways Clauses Consolidation Act, 1845," shall, so far as the same may be applicable and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Dublin and Drogheda* Railway, *Navan* to *Kells* Branch, Act, 1847."

Power to increase Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the said Company for the Purposes of this Act to raise, by the Creation of new Shares, in addition to the Sums of Money which they are authorized to raise by virtue of the several recited Acts relating to the *Dublin and Drogheda* Railway, any further Sum of Money not exceeding in the whole the Sum of One hundred and three thousand Pounds in such Manner and with the like Powers, and subject to the same Provisions under which by the said lastly-recited Act relating to the *Dublin and Drogheda* Railway they are authorized to raise additional

Capital

Capital by the Creation of new Shares: Provided always, that the new Shares so to be created shall be of such nominal Amount, and shall be entitled to such Privileges, as the Company may determine.

V. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

New Shares to be considered as original Shares.

VI. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking of the *Dublin and Drogheda* Railway.

As to Votes of Proprietors of new Shares.

VII. And be it enacted, That after the whole of the said Sum of One hundred and three thousand Pounds shall have been subscribed for, and One Half of the Capital in Shares by this and the recited Acts relating to the said *Dublin and Drogheda* Railway authorized to be raised shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized to be borrowed by the said Acts, the Sum of Thirty-four thousand Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking, subject to the same Provisions as by the said first-recited Act are made applicable to the Monies authorized to be raised on Mortgage.

Power to borrow on Mortgage.

VIII. And be it enacted, That if after having borrowed any Part of the Money by this Act authorized to be borrowed the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Reborrowing.

IX. Provided always, and be it enacted, That 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 thereof have Priority over any Mortgages to be created by virtue of this Act.

Former Mortgages to have Priority.

X. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of the Company,

Power to convert Loan into Capital.

Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to pay off such Loan, or any Part thereof, if they so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest not to be paid on Calls paid up.

XI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying 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 said recited Acts or any of them in that Behalf contained.

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

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

Power to make the Railway.

XIII. And be it enacted, That it shall be lawful for the Company to make and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,)

A Railway commencing by a Junction with the *Navan* Branch of the *Dublin and Belfast Junction* Railway as at present authorized to be made in the Parish of *Navan* in the County of *Meath*, and terminating near the Town of *Kells* in the Parish of *Kells* in the County of *Meath*.

Railway to be made according to deposited Plans.

XIV. And whereas Plans and Sections of the said Railway by this Act authorized showing the Line and Levels thereof, together with a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Meath*; be it enacted, That, subject to the Powers of Deviation in the said Railways Clauses Consolidation Act, 1845, contained, the said Railway shall be made according to the Line or Course thereof, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purpose aforesaid.

Certain Roads may be crossed

XV. And be it enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act contained in reference to the crossing

crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railway by this Act authorized to be made to carry the same across the Highway herein-after mentioned on the Level thereof; (that is to say,) on the Level.

The Highway numbered 5, in the Townland of *Dillonland* in the Parish of *Navan*, on the Plans deposited as aforesaid.

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

XVII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding in the whole Twenty Acres. Lands for extraordinary Purposes.

XVIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof. Compulsory Purchase of Lands limited.

XIX. And be it enacted, That the Railway and other Works by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Act granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Branch Railways and other Works as shall then be completed. Period for Completion of Works.

XX. And be it enacted, That it shall be lawful for any Railway Company now or hereafter to be incorporated, and whose Line of Railway shall join the Railway hereby authorized at or near the Town of *Navan*, to use the Line of Railway to be constructed under the Powers of this Act, as well as all Stations, Sidings, Points, Crossings, Turntables, Pumps, Watercourses, Water Cranes, and Water belonging thereto or connected therewith, upon Payment of such Tolls as may be mutually agreed upon between such Company and the said *Dublin and Drogheda* Railway Company, and also upon Payment of such Sum or Sums of Money by way of annual or other Compensation for the Water and the Use of the Stations, Water Cranes, and all other Appurtenances necessary for working over the Railway hereby authorized to be made as may also be Other Companies may use the Line on certain Conditions.

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agreed upon between the respective Companies Parties to such Agreement; and in the event of any Dispute arising as to the Mode of using or working over such Railway, or as to the Amount of any such Tolls or Compensation, or any other Matter whatsoever, the same shall be settled by the Commissioners of Railways, or by Arbitration in the Manner provided by the Railways Clauses Consolidation Act, 1845, for the Settlement of Disputes by Arbitration.

Company to take the same Tolls as on the Main Line.

XXI. And be it enacted, That the Company may, subject to the Provisions in the said recited Acts contained, lawfully demand and receive in respect of the Use of the Railway by this Act authorized, and in respect of Passengers, Animals, Goods, Wares, Merchandise, Articles, Matters, and Things conveyed upon the same, or either of them, or any Part thereof, and for and in respect of the Use of Carriages and Locomotive Engines, or other Power supplied by the Company, and employed thereon, such Tolls and other Charges as by the said first-recited Act the Company are authorized to demand and receive in respect of the Main Line of the *Dublin and Drogheda* Railway, or any Part thereof.

Maximum Rate of Charge for Passengers.

XXII. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railways by this and the said recited Acts authorized to be made, including Tolls for the Use of the Railway, and the Charges for the Use of Carriages, and locomotive Power, and all other Charges incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

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

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

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

Passengers Luggage.

XXIII. And be it enacted, That every Passenger travelling on the Railways by this and the said recited Acts authorized to be made may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made by the Company in respect thereof.

For Cattle, Goods, &c.

XXIV. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods upon the Railways by this and the said recited Act authorized, be it enacted, That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the said Railways, and Waggon or Trucks, and locomotive Power, and every Expence incidental to such Conveyance, except the loading and unloading of Goods, where such Service is performed by the Company, shall not exceed the following Sums; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads and Highways, Coals, Culm, building, pitching, and paving Stones,

Stones, dressed Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron not manufactured into Utensils, *per Ton per Mile Three Halfpence* :

For all Coke, Charcoal, Cinders, Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals, (excepting Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile Two-pence* :

For all Cotton and other Wools, Leather, Drugs, manufactured Goods, Fish, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile Three-pence Halfpenny* :

For Carriages having more than Two Wheels, *per Mile Sixpence* ; if having only Two Wheels, *per Mile Four-pence* :

For every Horse, Mule, or Ass, or other Beast of Draught or Burden, *per Mile Four-pence* :

For every Ox, Cow, Bull, or Neat Cattle, *per Mile Two-pence* :

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per Mile One Halfpenny*.

XXV. Provided always, and be it enacted, That if any Person shall desire to hire and retain a separate Waggon or Truck for the Conveyance of Cattle or Sheep belonging to him, it shall not be lawful for the said Company to charge any greater Sum, including all the Charges aforesaid, than Nine-pence *per Mile* for every Waggon or Truck capable of containing conveniently Six Beasts of an ordinary Size or Twenty-five Sheep. Charges for entire Trucks.

XXVI. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train, but shall apply only to the ordinary Trains to be appointed from Time to Time by the Company. Restriction as to Charges not to apply to Special Trains.

XXVII. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto. Company may take increased Charges by Agreement.

XXVIII. Provided always, and be it enacted, That in respect of any Passengers, Animals, Goods, Articles, Matters, or Things herein-before mentioned or specified, and which shall be conveyed upon the Railway by this and the said recited Acts authorized to be made for a less Distance than Six Miles, it shall be lawful for the Company to demand the aforesaid Charges as for Six Miles. Charges for short Distances.

XXIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Railway to be subject to the Provisions of 1 & 2 Vict. c. 98.,
Sixth

3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by an Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the last Session of Parliament, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the Railway by this Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Expences of
Act.

XXX. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Railway to
be subject to
Provisions of
any future
general
Act.

XXXI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

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