



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxxxi.

An Act to authorize certain Alterations in the Line of the *Waterford and Limerick* Railway, and to amend the Act relating thereto; and for other Purposes. [22d July 1847.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Railway from the City of Waterford to the City of Limerick, with Branches*: And whereas it is expedient that certain Portions of the Line of the *Waterford and Limerick* Railway as authorized to be made by the said recited Act should be abandoned, and the new or altered Lines of Railway hereinafter particularly described should be made in lieu thereof: And whereas the *Waterford and Limerick* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do; but for such Purpose it is necessary that some of the Powers and Provisions of the said recited Act should be enlarged, and further Powers granted to the said Company: 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 the Provisions of the "Lands Clauses Consolidation Act, 1845,"

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8 & 9 Vict.
c. 131.

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

and of the "Railways Clauses Consolidation Act, 1845," shall respectively, so far as the same are applicable, and except in so far as the same may be inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments or Documents, it shall be sufficient to use the Expression "The *Waterford and Limerick* Railway Amendment Act, 1847."

Powers of former Act extended to this Act. III. And be it enacted, That all the Provisions contained in the said recited Act, so far as the same are now unrepealed and in force, and except such as are inapplicable to the Purposes of this Act, or are inconsistent with the Provisions of the said "Lands Clauses Consolidation Act, 1845," or of the said "Railways Clauses Consolidation Act, 1845," shall extend to this Act, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Objects and Purposes.

Power to appropriate Capital. IV. And be it enacted, That it shall be lawful for the Company to appropriate a Portion of the Capital which they are authorized to raise by the said recited Act for the Purposes of this Act or any of them.

Provisions as to insuring Completion of Railway from Junction with Great Southern and Western Railway to Limerick repealed. V. And whereas certain Provisions are contained in the said first-recited Act for the Purpose of insuring the due Completion of the said *Waterford and Limerick* Railway from the Point where the same crosses or forms a Junction with the Extension from *Holycross* of the *Great Southern and Western* Railway to *Limerick* within such Period as to allow of the simultaneous Opening thereof with the said Portion of the *Waterford and Limerick* Railway, and of enabling the said *Great Southern and Western* Railway Company to use the said Portion of Railway on the Terms therein specified: And whereas Doubts have arisen as to the true Construction of the said Provisions with respect to the Period within which the said Portion of Railway is to be completed; be it enacted, and it is hereby declared, That all and every the Rights, Powers, and Privileges contained in the said Act enabling the *Great Southern and Western* Railway Company to make or hold the said Portion of Railway, and the Cesser of the Powers of the said *Waterford and Limerick* Railway Company therein provided for, shall be deemed, taken, and construed as if the same had been expressly enacted to accrue and take effect in the event of the Noncompletion of the said Line from *Limerick* to the Point of Junction simultaneously with and at the Date of the Completion of that Portion of the Extension of the said *Great Southern and Western* Railway which lies between *Holycross* and the Point of Intersection of the said *Waterford and Limerick* Railway, any thing contained in the said Act to the contrary in anywise notwithstanding.

Power to alter Railway. VI. And be it enacted, That it shall be lawful for the said Company to alter certain Portions of the Line of the *Waterford and Limerick* Railway as at present authorized to be made, and to construct such
new

new or altered Lines of Railway as are next herein-after mentioned in lieu of the Portions so to be altered; (that is to say,)

One of such new or altered Lines of Railway commencing in or near a certain Field in the Townland of *Cloghcarrigeen West* in the Parish of *Kilsheelan* in the County of *Tipperary*, No. 4. in the said Townland on the Plans referred to in the said *Waterford and Limerick* Railway Act, 1845, and terminating in or near a certain Field in the Townland of *Lisnamuck* in the Parish of *Derrygrath* in the same County, No. 5. in the said last-mentioned Townland on the said Plans:

Another of such new or altered Lines of Railway commencing in or near a certain Field in the Townland of *Garnavilla* in the said Parish of *Derrygrath*, No. 13. in the said last-mentioned Townland on the said Plans, and terminating in or near a certain Field in the Townland of *Townparks* in the Parish of *Caher* in the said County of *Tipperary*, No. 11. in the said last-mentioned Townland on the said Plans:

And another of such new or altered Lines of Railway commencing in or near a certain Field in the Townland of *Fihertagh* in the Parish of *Templeneiry* in the said County of *Tipperary*, No. 9. in the said last-mentioned Townland on the said Plans, and terminating in or near a certain Field in the Townland of *Scart* in the Parish of *Killardry* in the said County of *Tipperary*, No. 4. in the said last-mentioned Townland on the said Plans.

VII. And be it enacted, That the said new or altered Lines of Railway shall be and become Part of the Undertaking of the *Waterford and Limerick* Railway, and shall as such be subject to the several Provisions of the said recited Act, in like Manner as though the same had formed Part of the Undertaking thereby authorized; and the Company shall and are hereby required to abandon the Formation of so much of the respective Portions of the Line of Railway authorized to be made by the said recited Act as lie between the respective Points at which such new or altered Lines respectively are proposed to commence and the Points at which the same are proposed to terminate respectively.

Power to
abandon
Parts of
original
Line.

VIII. And whereas Plans and Sections of the said new or altered Lines of Railway and other Works by this Act authorized, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Tipperary*; be it enacted, That the said new or altered Lines of Railway and other Works shall be made according to the Lines and Levels or Situations thereof as defined on the said Plans and Sections, and it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as shall be necessary for the Purposes thereof.

New Lines
of Railway
to be made
according to
deposited
Plans:

IX. And be it enacted, That it shall be lawful for the Company, if they think fit, to carry the new or altered Lines of Railway by this Act authorized across and on the Level of the several Roads numbered respectively

Certain
Roads may
be crossed
on the Level.

respectively according to the Cross Sections on the Sections deposited as aforesaid, or otherwise distinguished, as follows; (that is to say,)

In the Parish of *Killaloe*, the Road numbered 2:

In the Parish of *Saint Mary's, Clonmel*, the Roads numbered 9, 10, and 12 respectively:

In the Parish of *Innishlounaght*, the Road numbered 18:

In the Parish of *Derrygrath*, the Road numbered 20:

In the Parishes of *Clonbullogue* and *Killardry*, the Road numbered 1.

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

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

As to Construction of Wall where Railway passes through the Demesne of Hugh Baker, Esq.

XI. And be it enacted, That the said Company shall, previously to their commencing the Works upon the said third-mentioned Deviation, erect and build, to the reasonable Satisfaction of the Surveyor for the Time being of *Hugh Baker* Esquire, of *Bansha* in the said County of *Tipperary*, and with proper Materials of Stone and Mortar, and in a workmanlike Manner, a Wall running from North to South through his Demesne the Length of the said Railway, and of the Height of Six Feet and Two Feet thick at the least, and such Wall to be built on the East Side of the said Line of Railway, and further, that the Line of Railway shall not be constructed nearer to the Centre of the Entrance of his Avenue than One hundred and eighteen Yards.

Compulsory Power of taking Lands limited.

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

Period for Completion of Works.

XIII. And be it enacted, That the said new or altered Lines of Railway and 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 granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Lines of Railway as shall then be completed.

Tolls.

XIV. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the new or altered Lines of Railway and Works by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the Tolls and Charges limited by the said recited Act.

XV. And

XV. And be it enacted, That the Time by the said recited Act limited for the purchasing, taking, or using of Lands and Houses for the Purposes of the said Undertaking thereby authorized between the Limits following, (that is to say,) from the Commencement of the said Line at or near the City of *Waterford* to the Commencement of the first Deviation at *Cloghcarrigeen West* aforesaid, from the Termination of the first-mentioned Deviation at *Lisnamuck* to the Commencement of the said second-mentioned Deviation at *Garnavilla* aforesaid, from the Termination of the said second-mentioned Deviation at *Townparks* to the Commencement of the third-mentioned Deviation at *Fihertagh* aforesaid, and from the Termination of the Third Deviation at *Scart* aforesaid to the Boundary between the Townlands of *Garryskillane* and *Collegeland* near *Tipperary*, and on the Branch Line of the said Railway from the Commencement thereof in the Townland of *Grace Dieu East* in the Parish of *Killoteran* to the Terminus thereof as mentioned in the said recited Act, shall be and the same is hereby extended and enlarged for the further Term of Three Years, to be computed from the Expiration of the Time in such Act mentioned; and the Time by the said recited Act limited for making and completing the said Railway and Works shall be and is hereby extended and enlarged for the further Term of Two Years, to be computed from the Expiration of the Term by such Act granted.

Time enlarged for taking Lands and completing Railway.

XVI. And whereas the Sum of Thirty Pounds has been paid on a large Portion of the Shares of Fifty Pounds each in the said Undertaking; be it enacted, That it shall be lawful for the Directors for the Time being of the said Company, with the Consent of any Ordinary or Extraordinary Meeting of the said Company, or otherwise with the Consent of the greater Part in Number and Value of the Proprietors for the Time being of the said Company, to pay and allow to the Proprietors of Shares on which the Sum of Thirty Pounds has been or shall be paid Interest not exceeding Five *per Centum per Annum* upon the Amount so paid, and on all future Calls, from the Time at which such Thirty Pounds *per Share* or such future Calls shall have been or shall be so paid, such Interest to accrue and be paid at such Times and Places as the said Directors shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share in the said Undertaking upon which any Call shall be in arrear in respect of such Share, or of any other Share held by the same Proprietor, during the Period of such Call being so in arrear.

Company may allow Interest on Amounts paid on Shares.

XVII. 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.

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

XVIII. And whereas it is expedient that Provision should be made for the merging in the said Company of Shares which may be forfeited

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Forfeited Shares which cannot be sold for

may merge
in the
Company.

for Nonpayment of Calls; be it therefore enacted, That in all Cases where any Share shall have been or shall hereafter be declared forfeited, and such Declaration of Forfeiture has been or shall hereafter be confirmed in manner required by the "Companies Clauses Consolidation Act, 1845," and Notice shall be given by the said Company in the *London Gazette*, and in One Newspaper of each County through which the said Railway is intended to be made, of such Forfeiture or intended Forfeiture, and that in case the Arrears of Calls and Interest due thereon shall not be paid within the Space of One Calendar Month from the Publication of such Notices that such Share will become merged in the said Company, then, in case such Arrears and Interests shall not be paid within such last-mentioned Period, and the Market Price of Shares in the said Company in the City of *Dublin* and in *London* shall then or at any Time thereafter be less than the Arrears of Calls and Interest due in respect of such Shares, the same shall absolutely merge in the said Undertaking; and a Declaration in Writing, made by some credible Person not interested before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls and the Interest due in respect of such Share, could not be obtained for the same, according to the Market Price of Shares in the City of *Dublin* or in *London*; shall be sufficient Evidence of the Facts therein stated; and the Proprietor of such Share shall from and after the making of such Declaration be precluded from all Right, Title, or Interest therein.

New Shares
may be
created in
lieu of
Shares
merged.

XIX. And be it enacted, That in lieu and instead of any Shares which shall be so forfeited and merged as aforesaid it shall be lawful for the said Company from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any Ordinary or Extraordinary Meeting of the said Company, to create and issue new Shares of such Amount, and to demand such Price for the same, in such Manner as by the Order of any such Meeting shall be fixed and determined, and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferable as such in the Manner provided and directed by the said "Companies Clauses Consolidation Act, 1845," in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares; and all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, and Things contained in the said "Companies Clauses Consolidation Act, 1845," and the said recited Act, or in either of them, with reference to the original Shares in the said Undertaking, shall apply to such new Shares and the Proprietors thereof, and the Proprietors of such new Shares, except as to Time of making Calls for the said new Shares, and the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered

empowered to appoint to be of such Amount and payable at such Times as they may think fit, and save so far as any other of such Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered, and the several Proprietors of such new Shares, are hereby and shall be united to and incorporated with the said *Waterford and Limerick* Railway Company: Provided always, that the Proprietors of such new Shares, shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking.

XX. And whereas it is by the said recited Act enacted, that it should be lawful for the said Company, from and after the Completion of the Railway, Branch Railway, and Works thereby authorized to be made, to pay, from and out of the net annual Profits of the said Undertaking, an annual Dividend not exceeding in the whole Eight Pounds *per Centum per Annum* on the Amount of Capital paid up by the respective Shareholders in the said Undertaking; and it was thereby provided, that in the event of the said Profits exceeding the Amount necessary to pay such maximum Rate of Dividend the Amount of such surplus Profits should be applied towards the Reduction of the Rates, Tolls, and Duties by the said recited Act authorized to be levied, in such Amounts and at such Times and in such Manner as the Directors should from Time to Time think proper: And whereas such Restriction as to the Amount of Dividend has proved injurious to the Interests of the Company; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repealing
Clause as to
Rate of
Dividend.

XXI. And whereas several Presentments have, under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in Ireland*, been made by the Magistrates and Rate-payers at Three several Extraordinary Presentment Sessions held in the County of *Tipperary* and One in the County of *Kilkenny*, for making the Fences and Portions of the Earthwork of certain Portions of the Line of the said *Waterford and Limerick* Railway, and the said Company have by a certain Deed or Instrument in Writing covenanted to pay certain Trustees therein named all such Sum and Sums of Money as shall be advanced under the Authority of said Presentments, and expended in the Execution of the said Work, at such Time and Times as the several Baronies therein named, or the County Grand Juries of *Tipperary* and *Kilkenny*, would be called on to repay the same under the said last-mentioned Act; and the said Company have also given certain Securities to the Owners, Lessees, and Occupiers of the Lands intended to be taken for the Purposes of the said Railway: And whereas Doubts are entertained as to whether such Deed or Instrument and such Securities are strictly according to Law; be it therefore enacted, That the said Deed or Instrument shall be and is hereby declared a legal and valid Instrument for the Purposes therein and thereby expressed and intended, and binding on the said Company, and their Tolls, Profits, Receipts, Property, Chattels, and Effects, and that the said Securities so given to the
Owners,

As to Security for Presentments pursuant to 9 & 10 Vict. c. 107.

Owners, Lessees, and Occupiers of the Lands aforesaid shall be and are hereby declared to be valid and legal Instruments, and binding on the said Company, and their Tolls, Profits, Receipts, Property, Chattels, and Effects, and shall be so deemed and taken in all Courts of Law and Equity in which it may be necessary to produce the same.

Securities to
Baronies to
have
Priority.

XXII. And be it enacted, That the Securities last mentioned shall not be affected by any Informality in any Meeting or Proceeding of the said Company or of the Directors thereof, and shall have Priority over all the Mortgages, Charges, and Securities whatsoever to be created by the said Company; and the Monies advanced or to be advanced pursuant to the said Presentments, and the Interest thereon, shall be repaid in preference to any Interest or Dividends payable to the Shareholders of the said Company.

Railway
Company to
be subject
to Provisions
of 1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. &
105.

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

Railways to
be subject
to Provisions
of any
future
general
Acts.

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

Public Act.

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