



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. xxix.*

An Act to confirm the Incorporation of the Undertaking of the *Dublin and Bray* Railway Company with that of the *Dublin and Wicklow* Railway Company, to dissolve the former Company, and to extend the Railway in the City of *Dublin*. [3d July 1857.]

**W**HEREAS the *Waterford, Wexford, Wicklow, and Dublin* Railway Company (herein-after designated as the *Dublin and Wicklow* Railway Company) were incorporated by Act of the Ninth and Tenth *Victoria*, Chapter Two hundred and eight, for making a Railway to connect the City of *Dublin* and the Town and Port of *Kingstown* with the Towns and Ports of *Wicklow, Wexford, and Waterford*; and the following other Acts relating to the said Company have been subsequently passed; *videlicet*, the Tenth and Eleventh *Victoria*, Chapter Sixty-one; the Eleventh and Twelfth *Victoria*, Chapter Twenty-nine; and the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and eight: And whereas by the last-mentioned Act that Portion of the Line of the *Waterford, Wexford, Wicklow, and Dublin* Railway lying South of *Wicklow* was authorized to be abandoned, the Capital of the Company was

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limited

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limited to Five hundred thousand Pounds, and the Name of the Company was altered to the *Dublin and Wicklow Railway Company*: And whereas the *Dublin, Dundrum, and Rathfarnham Railway Company* (herein-after called the *Dublin and Bray Railway Company*) were incorporated by Act of Ninth and Tenth *Victoria*, Chapter One hundred and ninety-nine, for making a Railway from *Dublin* to *Dundrum*, with a Branch to *Rathfarnham*; and the following other Acts relating to the said Company have been subsequently passed; *videlicet*, the Tenth and Eleventh *Victoria*, Chapter One hundred and sixty, and the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and seven: And whereas by the said Act of the Tenth and Eleventh *Victoria*, Chapter One hundred and sixty, the last-mentioned Company were authorized to extend their Railway from the South Side of the *Harcourt Road* in the City of *Dublin* to *Saint Stephen's Green* in the same City, but such Extension has not been made, and the Powers in relation thereto have lapsed: And whereas by the said Act of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and seven, the Name of the *Dublin, Dundrum, and Rathfarnham Railway Company* was changed to the *Dublin and Bray Railway Company*, and they were authorized to abandon the Formation of their Branch Railway at *Rathfarnham*, and also (in certain Events which have not occurred) to extend the Line of their Railway to *Bray* in the County of *Wicklow*: And whereas the said *Dublin, Dundrum, and Rathfarnham Railway* was intended to be connected at *Dundrum* with the said *Waterford, Wexford, Wicklow, and Dublin Railway*, and to afford a Means of Access to and from *Dublin* for the Traffic of the last-mentioned Railway; and by the Twenty-seventh Section of the said Act of the Ninth and Tenth *Victoria*, Chapter One hundred and ninety-nine, it was provided that if, after the Expiration of Two Years from the passing of that Act the said *Dublin and Wicklow Railway Company* should have completed their Line from *Bray* to its Junction with the said *Dublin, Dundrum, and Rathfarnham Railway* at *Dundrum*, and that the last-mentioned Railway should not then have been completed from the said Point of Junction to the Terminus of the Line in *Dublin*, the said *Dublin and Wicklow Railway Company* might enter upon and complete the same, and that the Powers for that Purpose of the *Dublin and Bray Railway Company* should thereafter vest in the said *Dublin and Wicklow Railway Company*, subject to the Payment by them to the *Dublin and Bray Railway Company* of such Sum in respect of their previous Expenditure as might be agreed on between the said Two Companies or settled by Arbitration: And whereas the said *Dublin, Dundrum, and Rathfarnham Railway* was not so completed as aforesaid at the Time when the *Dublin and Wicklow Railway Company* had completed their Line from *Bray* to its Junction with the last-mentioned Railway at *Dundrum*, and the said last-mentioned Company therefore entered

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entered upon and have subsequently completed the said Railway to its Terminus at *Harcourt Road, Dublin*: And whereas an Agreement, bearing Date the Twenty-seventh Day of *October* One thousand eight hundred and fifty-three, was entered into between the said *Dublin and Wicklow* Railway Company and the *Dublin and Bray* Railway Company for determining the Payment or other Compensation to be made to the last-mentioned Company in respect of their Expenditure in the Purchase of Lands and Construction of Works upon the Line of Railway from *Dundrum* to *Dublin*, previous to the Entry thereon by the said *Dublin and Wicklow* Railway Company, which Agreement was subsequently affirmed by Meetings of the Shareholders of both the said Companies, and by such Agreement the Shares or Stock of the *Dublin and Bray* Railway Company were commuted into Shares or Stock of the *Dublin and Wicklow* Railway Company, representing Eighty-seven thousand four hundred and twenty Pounds in the Capital Stock of the last-mentioned Company, who assumed also all the Debts and Liabilities of the said *Dublin and Bray* Railway Company: And whereas at the Date of the said Agreement the last-mentioned Company had paid up Half their Capital, and were entitled to borrow Money on Mortgage of their Undertaking to the Extent of Sixty-six thousand Pounds, and they accordingly created Debentures representing that Amount as a Charge on their said Undertaking, the Proceeds of which were intended to be applied towards the Completion thereof by the said *Dublin and Wicklow* Railway Company from *Dundrum* to *Dublin*, but no Money has been raised on the Security thereof, and the said Debentures now remain in the Hands of the last-mentioned Company: And whereas the said *Dublin and Wicklow* Railway Company have completed the said Line of Railway from *Dundrum* to the South Side of *Harcourt Road, Dublin*, at a Cost (including the Payments made and Liabilities incurred by them as aforesaid) of One hundred and fifty thousand Pounds and upwards, Part of which Sum is still owing by them: And whereas the Capital of Five hundred thousand Pounds authorized to be raised under the Powers of the several Acts relating to the *Dublin and Wicklow* Railway Company has all been called up, and the borrowing Powers of the Company exercised to the full Amount of One hundred and sixty-six thousand six hundred and sixty-six Pounds, and such Acts do not contain any Powers enabling that Company to raise Capital for the Purchase and Completion of the said Railway from *Dundrum* to *Dublin*, and inasmuch as by reason of the aforesaid Expenditure in respect of the said Railway from *Dundrum* to *Dublin* the Capital of the Company has become insufficient for the Purposes of their own Undertaking, it is expedient that the said Sum of One hundred and fifty thousand Pounds should be added to and form Part of the Capital Stock of the said Company, and that the Debentures created by the said *Dublin and Bray* Railway

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way Company, and now in the Hands of the said *Dublin and Wicklow Railway Company*, should be cancelled, and other Debentures of the last-mentioned Company created in lieu thereof to the Extent of One Third of the said Sum of One hundred and fifty thousand Pounds so expended as aforesaid upon or in respect of the said Line from *Dundrum* to *Dublin*, and that the same should be charged on the whole of the Undertaking of the last-mentioned Company: And whereas it is also expedient that the *Dublin and Bray Railway Company* should be dissolved and their Undertaking incorporated with that of the *Dublin and Wicklow Railway Company*: And whereas it would be attended with public Convenience if the Line of the said Railway were extended from its present Terminus at the South Side of *Harcourt Road, Dublin*, to a Point on the North Side of the said Road, shown on certain Plans deposited as herein-after mentioned; and it is expedient that the said *Dublin and Wicklow Railway Company* should be allowed to make such Extension, and to purchase Lands for Station Accommodation at the proposed Terminus of the said Railway, and to raise Capital for the Purpose, and for other Purposes of their Undertaking, and also that some of the Provisions of the Acts relating to the last-mentioned Company should be amended: And whereas Plans and Sections defining the Line and Levels of the said proposed Extension, and the Site of the Lands proposed to be taken by the Company for the Purposes of or in connexion therewith, together with Books of Reference to the said Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of the City of *Dublin*: 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, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Dublin and Wicklow Railway (Amendment) Act, 1857.*"

8 & 9 Vict.  
cc. 16., 18.,  
& 20.,  
14 & 15 Vict.  
c. 70., and  
19 & 20 Vict.  
c. 72. incor-  
porated.

II. "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845" (so far as the same is consistent with the Two next-mentioned Acts), "The Railways Act (*Ireland*), 1851," and the Act of Nineteenth and Twentieth *Victoria*, Chapter Seventy-two, for extending the same, shall be incorporated with and form Part of this Act.

III. In

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III. In this Act the Expression "the Company" shall mean the *Dublin and Wicklow Railway Company*. "The Company."

IV. It shall be lawful for the Company to make a Railway, to commence by a Junction with the authorized Line of the *Dublin, Dundrum, and Rathfarnham* Railway at its present Terminus on the South Side of *Harcourt Road* in the Townland of *Ranelagh North* in the Parish of *Saint Peter* in the County of the City of *Dublin*, and to terminate in a Field on the North Side of and adjoining to the said Road, situate in the same Parish and County, according to the Line and Levels defined on the Plans and Sections deposited as aforesaid; and it shall be lawful for the Company to enter upon, take, and use such of the Lands defined on the said Plans, and referred to in the Books of Reference deposited therewith as they shall deem to be necessary for the Purposes of the said Extension, and for any Stations or other Conveniences to be connected therewith. Power to make short Extension Railway at Dublin, according to deposited Plans.

V. 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. Powers for compulsory Purchases limited.

VI. The Railway by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period all the Powers hereby granted to the Company for making the same shall cease to be exercised, except as to so much thereof as shall then have been completed. Period for Completion of Railway.

VII. If the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period herein-before limited, then from the Expiration of that Period it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said intended Railway shall have been completed and opened for Traffic. Dividends suspended if Railway not opened within Period limited.

VIII. It shall be lawful for the Company to demand and receive, in respect of the Use of the said Railway from *Dundrum* to *Dublin*, and the Railway hereby authorized to be made, and of the Engines and Carriages employed thereon, such Tolls and Charges as they are authorized to demand and receive in respect of the Use of the *Dublin and Wicklow* Railway, and as if the said Railway from *Dundrum* to *Dublin* had originally formed a Part of the *Dublin and Wicklow* Railway: Provided always, that with respect to small Packages the Company may demand and take the Tolls following; (that is to say,) Tolls. For small Parcels.

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

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For

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For any Parcel not exceeding Twenty-eight Pounds in Weight,  
One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two  
Shillings:

And for Parcels exceeding Fifty-six Pounds in Weight, and not  
exceeding Five hundred Pounds Weight, the Company may  
demand any Sum which they think fit: Provided always, that  
Articles sent in large aggregate Quantities, although made up of  
separate Parcels (such as Bags of Sugar, Coffee, Meal, and the  
like), shall not be deemed small Parcels, but that Term applies  
only to single Parcels in separate Packages:

For Pas-  
sengers  
Luggage.

Provided also, that every Passenger travelling upon the Railway may  
take with him his ordinary Luggage, not exceeding One hundred and  
twelve Pounds in Weight for First-class Passengers, One hundred  
Pounds in Weight for Second-class Passengers, and Sixty Pounds in  
Weight for Third-class Passengers, without any Charge being made  
for the Carriage thereof.

Dissolution  
of Dublin  
and Bray  
Railway

Company,  
and Repeal  
of their Acts.

IX. The said *Dublin and Bray* Railway Company are hereby  
dissolved; and the said recited Acts of the Ninth and Tenth *Victoria*,  
Chapter One hundred and ninety-nine, Tenth and Eleventh *Victoria*,  
Chapter One hundred and sixty, and Fourteenth and Fifteenth *Vic-*  
*toria*, Chapter One hundred and seven, relating to that Company, are  
hereby repealed, save as to Acts done under them.

Dublin and  
Wicklow  
Company to  
remain  
entitled to  
Property.

X. Notwithstanding the Repeal of the recited Acts, the *Dublin  
and Wicklow* Railway Company shall remain and be seised and pos-  
sessed of and entitled to all Lands, Buildings, Estates, Monies,  
Property, Effects, Claims, and Demands whatsoever, of or to which  
they or the said *Dublin and Bray* Railway Company, by virtue of  
the recited Acts or otherwise howsoever, were immediately before the  
Commencement of this Act seised, possessed, or in any way entitled,  
at Law or in Equity, or otherwise howsoever, with the Appurtenances,  
as if this Act had not been passed.

Saving  
existing  
Contracts  
and Rights.

XI. Nothing in this Act, nor the Dissolution of the said last-  
mentioned Company or Repeal of the last-mentioned Acts, shall  
annul, prejudice, or affect any Contract or Agreement entered into by  
the said *Dublin and Bray* Railway Company for purchasing any  
Lands which such Company were by the said Acts relating thereto  
authorized to purchase, or for any other Purpose, or any Award re-  
lating to such Company made in pursuance of the said "Railways  
Act (*Ireland*) 1851," or any other Act, Deed, Matter, or Thing  
whatsoever, made, done, or permitted by such Company in relation  
to their said said Undertaking, but all such Contracts or Agree-  
ments, Awards, Acts, Deeds, Matters, and Things, shall take effect as  
between

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between the said *Dublin and Wicklow* Railway Company and the other Parties thereto or affected thereby, and they shall respectively be entitled to the same Rights and Remedies as if the last-mentioned Company were originally named therein instead of the *Dublin and Bray* Railway Company.

XII. No Action, Suit, or legal Proceeding whatsoever, which may be pending at the Time of passing this Act between the *Dublin and Bray* Railway Company and any other Person or Corporation, or in which that Company may be Party or concerned, shall abate or be discontinued or be in any Manner prejudiced or affected by reason of the Dissolution of that Company, but in all subsequent Proceedings to be taken in such Actions or Suits the Name of the *Dublin and Wicklow* Railway Company shall be substituted for that of the *Dublin and Bray* Railway Company.

Actions not to abate in consequence of Dissolution of *Dublin and Bray* Company.

XIII. All Persons who, immediately before the passing of this Act, owed any Sum of Money to the said *Dublin and Bray* Railway Company, or to any Person on their Behalf, shall pay the same, with the Interest (if any) due and payable or accruing for the same, to the *Dublin and Wicklow* Railway Company; and all Monies which immediately before the passing of this Act were due or owing by or recoverable from the said *Dublin and Bray* Railway Company, or for the Payment and Satisfaction of which that Company were or but for this Act would be liable, shall, with all Interest (if any) due or to accrue thereon, be paid by or be recoverable from or be satisfied by the *Dublin and Wicklow* Railway Company.

Debts due to and by the *Dublin and Bray* Railway Company to be paid to and by the *Dublin and Wicklow* Company.

XIV. Notwithstanding the Repeal of the recited Acts relating to the *Dublin and Bray* Railway Company, all Books, Certificates, and other Documents by such Acts directed or authorized to be kept or made, and which, if such Acts were not repealed, would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be Evidence.

XV. Notwithstanding the Repeal of the recited Acts relating to the *Dublin and Bray* Railway Company, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under the recited Acts relating to the last-mentioned Company shall be as valid as if this Act had not been passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act had not been passed, would be incident to or consequent

Present and future Rights and Liabilities under repealed Acts not to be affected.

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consequent on any and everything so done and suffered respectively ; and the Company shall be liable in respect of all such Rights, Liabilities, Claims, and Demands : Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

The Capital expended on the Line from Dundrum to Dublin to be added to Capital of Company.

XVI. The Sum of One hundred and fifty thousand Pounds, expended as aforesaid by the Company in the Purchase and Completion of the *Dublin, Dundrum, and Rathfarnham* Railway from *Dundrum to Dublin*, shall form Part of the Capital of the Company in addition to their Capital as limited by the said recited Act of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and eight, and shall be deemed to have formed Part of such Capital at the Date of the said Agreement of the Twenty-seventh Day of *October* One thousand eight hundred and fifty-three ; and it shall be lawful for the Company to create and issue new Shares or Stock in their Undertaking to represent such additional Sum of One hundred and fifty thousand Pounds.

Power to raise further Capital by Creation of new Shares.

XVII. It shall also be lawful for the Company to raise a further Sum of Fifty thousand Pounds by the Creation of new Shares or Stock for the Purposes of this Act, and other the Purposes of their Undertaking.

Subscription Contract shall be as valid as if this Act had been passed in the last Session.

XVIII. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act, previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Dublin and Bray Debentures cancelled, and Power to borrow in lieu thereof.

XIX. The Mortgages created and issued by the *Dublin and Bray* Railway Company as herein-before mentioned are hereby declared to be cancelled, and in lieu thereof it shall be lawful for the *Dublin and Wicklow* Railway Company, at any Time after the passing of this Act, to borrow on Mortgage or Bond any Sum not exceeding in Amount One Third of the Sum of One hundred and fifty thousand Pounds, expended by them as aforesaid in the Purchase and Construction of the said *Dublin, Dundrum, and Rathfarnham* Railway from *Dundrum to Dublin*.

Power to raise further Money by Mortgage.

XX. It shall be lawful also for the Company, when and so soon as the said Sum of Fifty thousand Pounds, by this Act authorized to be raised, in addition to the said Sum of One hundred and fifty thousand Pounds, shall have been subscribed for and One Half thereof paid up, to borrow on Mortgage or Bond a further Sum not exceeding



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exceeding in Amount One Third of the said Sum of Fifty thousand Pounds.

XXI. All Mortgages or Bonds granted by the Company before the passing of this Act shall have Preference and Priority over any Mortgages or Bonds which may be created by them under the Powers of this Act.

Priority of former Mortgages.

XXII. The new Shares or Stock by this Act authorized to be created by the Company may be in One or more Classes, and of such nominal Amount respectively, and shall confer such Rights of voting as may be determined at any Extraordinary Meeting of the Company duly convened for the Purpose.

New Shares, how to be issued.

XXIII. The Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any such Meeting, attach to any such new Shares or Stock, or to any Class thereof, any perpetual or terminable, fixed or variable, contingent or absolute Preference, Priority, or guaranteed Interest or Dividends, not exceeding the Rate of Six Pounds *per Cent. per Annum*, or such other Privileges as to the Company shall seem fit.

Privileges may be attached to new Shares.

XXIV. All new Shares which may be created by virtue of this Act shall form Part of the general Capital of the Company, and shall be subject to the same Provisions with respect to Forfeiture for Nonpayment of Calls, and with respect to cancelling, merging, and issuing new Shares in lieu of Shares merged in the Capital Stock of the Company or otherwise, as if such new Shares had been created under the Powers of the said recited Acts of the Ninth and Tenth *Victoria*, Chapter Two hundred and eight, and Fourteenth and Fifteenth *Victoria*, Chapter One hundred and eight, or either of them: Provided always, that One Fifth Part of the Amount of such new Shares respectively shall be the greatest Amount of any One Call which the Company may make upon the Holders of the same, and that Four Months at the least shall be the Interval between successive Calls in respect thereof.

New Shares to form Part of general Capital.

XXV. The new Shares which may be created by virtue of this Act shall be offered to and amongst the several Persons and Corporations who may be Holders of Shares in the Undertaking at the Time when such new Shares are created, in proportion, as nearly as may be, to the Amount of Capital represented by the Shares so held by such Persons or Corporations respectively; and such Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to

New Shares, how to be offered to existing Shareholders.

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his Address in the Shareholders Address Book, or left at his usual or last known Place of Abode.

Vesting or  
other Dis-  
position of  
Shares.

XXVI. The said new Shares shall vest in and belong to the then Shareholders, who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Directors; and if any Shareholders fail for One Month after such Offer of new Shares to accept the same and pay the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

No Interest  
or Dividends  
to be paid on  
the Calls  
paid up.

XXVII. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XXVIII. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway or to execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions of  
present and  
future Gene-  
ral Acts.

XXIX. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act or the said recited Acts authorized to be made from 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 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 Tolls for small Parcels, authorized by this or the recited Acts.

Saving  
Rights of the  
Dublin and  
Kingstown  
Railway  
Company.

XXX. Provided always, That nothing in this Act shall take away, lessen, prejudice, extend, or alter any of the Estates, Rights, Interests, Powers, or Privileges of the *Dublin and Kingstown Railway Company*.

XXXI. The

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

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