



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxxi.

An Act to empower the *Dublin Trunk Connecting* Railway Company to make Junction and Deviation Railways; and for other Purposes.

[5th July 1865.]

WHEREAS by the *Dublin Trunk Connecting* Railway Act, 27 & 28 Vict. 1864, (herein-after called "the Act of 1864") the *Dublin* c. ccxxi. *Trunk Connecting* Railway Company (herein-after called "the Company") were incorporated, and were empowered to make and maintain certain Railways and Tramways in and near the City of *Dublin*: And whereas it is expedient that the Company be authorized to make and maintain a Junction Railway to connect Railway No. 1, authorized by the Act of 1864, with the *Dublin and Drogheda* Railway, also a Deviation Railway in lieu of a Portion of Railway No. 1, authorized by the Act of 1864, and to abandon and relinquish the Portion of the said Railway (No. 1) for which such Deviation Railway will be substituted: And whereas it is expedient that the Company be authorized to appropriate and fence off for the Use of Pedestrians a Portion of the Tunnel by which Railway No. 1, authorized by the Act of 1864, is intended to be carried under the River *Liffey*: And whereas Plans and Sections showing the Situation, Lines, and Levels of the Railways and Works authorized by this Act, and the Lands

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proposed

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proposed to be taken or which may be required to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of those Lands respectively, have been deposited with the respective Clerks of the Peace for the County of *Dublin* and the County of the City of *Dublin*, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas it is expedient that the Company be authorized to raise Money for the Purposes of this Act, and also to divide their Shares into Preferred Half Shares and Deferred Half Shares: And whereas the Objects 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. **1.** This Act may be cited for any Purpose as "*Dublin Trunk Connecting Railway (Deviation, &c.) Act, 1865.*"

8 & 9 Vict.
cc. 18. & 20.,
14 & 15 Vict.
c. 70., &c.
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," "The Railways Act (*Ireland*), 1864," and Part I. (relating to Construction of a Railway) and Part III. (relating to working Agreements) of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of these Acts or Parts of Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Certain
Parts of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the borrowed Money into Capital, with respect to the Consolidation of the Shares into Stock, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall in all respects not by or under the Powers of this Act otherwise

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otherwise provided for respectively apply to all Shares and Stock created, and to all Mortgages granted, and Monies borrowed under the Powers of this Act.

4. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith the Term "Superior Courts" includes any Court of competent Jurisdiction as in this Act defined.

Interpreta-
tion of in-
corporated
Acts.

5. In this Act and the Acts and Parts of Acts incorporated herewith the Expression "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, and the Term "Traffic" shall have the Meaning assigned to that Term in and by "The Railway and Canal Traffic Act, 1854," and the Words "Shares" and "Shareholders" respectively shall include, when requisite, "Stock" and "Stockholders."

Interpre-
tation of
this Act.

6. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Applying
other Inter-
pretations
of General
Acts.

7. The Company may apply to the Purposes which they are by this Act authorized to execute any Monies raised or to be raised by them respectively by virtue of any other Acts, and not required for the Purposes to which those Monies are by such other Acts made specially applicable.

Application
of Funds.

8. In addition to such Sums of Money as the Company now are or by any other Act of the present Session of Parliament may be authorized to raise, they may raise by the Creation and Issue of new Ordinary Shares of Ten Pounds each, or of new Ordinary Stock, or (at the Option of the Company) by either of those Modes, any further Sums not exceeding in the whole Twenty-four thousand Pounds.

Power to
Company
to raise
Capital by
new Shares.

9. It shall not be lawful for the Company to issue any Share created under this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not
to issue
until One
Fifth paid
up.

10. Except as by or under the Powers of this Act otherwise provided, all such new Stock shall in proportion to the Amount thereof, and all such new Shares shall in proportion to the Amount for the

Qualifica-
tions, &c.
for new
Shares and
Stock.

Time

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Time being paid up thereon, confer upon the respective Holders thereof the same Qualifications, Rights of voting, and other Privileges as any Ordinary Shares or Stock of the Company.

Dividends
on new
Shares.

11. Every Person who becomes entitled to any new Share or Stock created under the Powers of this Act shall in respect of the same be a Proprietor in and of the Undertaking of the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Proprietors proportioned to the Amount of such Stock, or to the whole Amount for the Time being paid up on such Share, as the Case may be.

Company
may can-
cel unissued
new Shares,
and issue
others
instead.

12. If, after having created any new Shares or Stock under the Powers of this Act, the Company resolve not to issue the same or any Portion thereof, they may cancel the new Shares or Stock to which such Resolution applies, and may from Time to Time thereafter create and issue in lieu thereof other new Shares or Stock, not exceeding the aggregate Amount of the Shares or Stock so cancelled.

Receipt for
Persons
under
Disability.

13. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to
raise Capital
under
any other
Act of this
Session
and this
Act by new
Shares of
One Class.

14. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of new Shares or Stock of One and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares or Stock.

Limit of
Amount and
Number of
Calls.

15. The Amount of any One Call to be made in respect of the new Shares created under the Powers of this Act shall not exceed the Rate of Twenty Pounds *per Centum* on the Amount of such Shares, and there shall be an Interval of Three Calendar Months at the least between any Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Power to
borrow on
Mortgage.

16. The Company may borrow on Mortgage under the Powers of this Act (and in addition to any other Sums which they now are or by any other Act of the present Session of Parliament may be authorized to borrow) any further Sum or Sums not exceeding in the whole Eight thousand Pounds, but no Part of such Sum of Eight thousand

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thousand Pounds shall be borrowed until the whole of the said additional Capital or Sum of Twenty-four thousand Pounds by this Act authorized to be raised shall have been *bonâ fide* subscribed for and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said additional Capital or Sum of Twenty-four thousand Pounds has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

17. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages under the Powers of this Act by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in the event of the Principal Money or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand Pounds in the whole.

Arrears may be enforced by appointment of a Receiver.

18. 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 their Continuance, and as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by the Company by virtue of this Act.

Priority of existing Mortgages.

19. The Company may, if and when from Time to Time they so think fit, instead of borrowing or re-borrowing on Mortgage all or any Part of the Monies which by this Act the Company is authorized to borrow, raise the same by the Creation and Issue of new Shares or Stock under the Provisions in that Behalf of this Act.

Power to raise Money by Shares instead of borrowing.

20. All and every Part of the Monies authorized to be raised by new Shares or Stock or on Mortgage under the Provisions of this Act shall be applied only to the Purposes by this Act authorized.

Application of Monies raised under this Act.

21. The Company may, in accordance with the Provisions of this Act, from Time to Time create and issue, in lieu of each Share of the Amount of Ten Pounds from Time to Time remaining to be issued under the Act of 1864, Two Half Shares of the Amount of Five Pounds each, and also from Time to Time create and issue in Half Shares, to be called respectively "Preferred Half Shares" and "Deferred Half

Company may issue Half Shares in lieu of Shares cancelled and Remainder of Capital.

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Shares,"

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Shares," any Part of the Share Capital by this Act or any other Act passed in the present Session of Parliament authorized, and for the Time being remaining, to be raised: Provided always, that no Preference or Priority of Interest or Dividend shall be attached to any such Half Shares, except the Preference or Priority of such Half Shares *inter se*; provided also, that no such Division shall take place until Six Pounds at least shall have been paid upon every Share so intended to be divided, and of those Six Pounds Five Pounds shall be attributed to the Deferred Half Share, and the remaining One Pound to the Preferred Half Share.

Division of
existing
Shares into
Half Shares.

22. The Directors, with the Sanction of a General Meeting of the Company, may from Time to Time, with the Consent in Writing of the registered Holders of any Shares in the Capital of the Company, divide such Shares into Half Shares: Provided always, that no Share to which any Preference or Priority of Interest or Dividend has been previously attached shall be so divided.

Half Shares
to be regis-
tered and
Certificates
issued.

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

Certificates
of divided
Shares to be
delivered
up and
cancelled.

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

Dividends
on Half
Shares.

25. The whole of the Interest and Dividends which shall accrue in each Year on every Two Half Shares bearing the same Number shall be applied in or towards the Payment, in the first place, of Interest or Dividend after such Rate, not exceeding Six *per Centum per Annum*, as shall be determined by a General Meeting of the Company on the Amount paid upon the Half Share so denominated "Preferred Half Share," and the Remainder (if any) in Payment of Interest or Dividend on the "Deferred Half Share."

Dividend on
Two Half
Shares not

26. Provided always, That the Company shall not pay any greater Amount of Dividend or Interest on any Two Half Shares than they might

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might from Time to Time have paid on any entire Share of Amount equal to the aggregate Amount of such Two Half Shares.

to exceed Dividend on one entire Share.

27. Provided also, That no "Deferred Half Share" shall be transferred until at least Fifty *per Centum* of the Amount thereof is paid up thereon or credited thereto.

As to Transfer of Half Shares.

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

Half Shares to be Shares in Capital.

29. For the Purposes of the Railways and Works by this Act authorized, and for carrying this Act into execution, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, as they from Time to Time think expedient: Provided always, that it shall not be lawful for the Company to take, under the Provisions of this Act, any Lands or Premises belonging to or in the Occupation of or in trust for Her Majesty, without the previous Concurrence of the Lords Commissioners of the Treasury or of the Commissioners of the Customs.

Power to take and use Lands for Works authorized by Act.

30. 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.

Powers for compulsory Purchases limited.

31. The Company may from Time to Time purchase by Agreement any Quantity of Land, not exceeding in the whole Two Acres, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Land for extraordinary Purposes.

32. Subject to the Provisions of this Act, and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time make the Railways and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and (so far as the Railways and Works are shown on the deposited Plans and Sections) may make the same in the Lines and in accordance with the Levels shown thereon.

Power to make Railways and Works.

33. The Railways and Works by this Act authorized comprise the following:

Description of Works.

First, a Junction Railway wholly in the Parish of *St. Thomas* in the County of the City of *Dublin* to connect Railway No. 1, authorized by the Act of 1864, with the *Dublin and Drogheda* Railway:

Secondly,

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Secondly, a Deviation Railway to connect the *Great Southern and Western* Railway near the Bridge where the original Line of that Railway is carried over *Long Lane* with Railway No. 1, authorized by the Act of 1864, near the Point where the last-mentioned Railway is intended to cross *Parkgate Street* :

Thirdly, an Alteration and vertical Deviation from the Levels of Railway No. 1, as authorized by the Act of 1864, between the Junction with that Railway of the Deviation Railway authorized by this Act and the Junction of Railways Numbers 1 and 2, authorized by the Act of 1864.

As to
Bridge for
carrying the
Railway
over Park-
gate Street.

34. The Bridge for carrying the Deviation Railway in this Act secondly described over *Parkgate Street* shall span the whole present Carriage Roadway of the said Street, and the Height or Headway and Design and Character of such Bridge shall be subject to the Approval of the Corporation of *Dublin*, or, in case of Dispute or Difference between the said Corporation and the Company, to the Approval of the Board of Works in *Ireland*: Provided, that the Company shall not be required to construct the said Bridge in such a Manner as to be inconsistent with the Levels of the Railway shown on the deposited Sections.

Certain
Sections of
27 & 28 Vict.
c. cccxi.
incor-
porated.

35. Sections 25, 26, 27, and 28 of the *Dublin Trunk Connecting Railway Act, 1864*, shall extend and be applicable to the Railways and Works authorized by this Act, and shall be incorporated with this Act.

Company to
keep Lamps
under the
Bridge over
Parkgate
Street.

36. The Company shall, so soon as the Bridge for carrying the Railway over *Parkgate Street* shall have been constructed, at their own Expense place and for ever thereafter maintain and keep duly lighted, during such Time as the other public Lamps in the same Street shall be lighted, Two good and sufficient Gas Lamp Posts and Lamps, similar to those in Use for lighting the Streets under the Control of the Corporation of *Dublin*, in such Positions under the said Bridge as the said Corporation shall select; and in default of the Company not duly lighting and keeping lighted such Lamps they shall forfeit the Sum of Forty Shillings for each and every Night of Omission of such Duty, such Penalty or Forfeiture to be recovered and recoverable as Damages by the Corporation of *Dublin* as in manner provided by the Railways Clauses Consolidation Act, 1845.

For Pro-
tection of
the Great
Southern
and Western
Railway
Company.

37. It shall not be lawful for the Company in any way to alter or interfere with the Railway or Works of the *Great Southern and Western* Railway Company, nor shall the Company purchase or take any Lands of the *Great Southern and Western* Railway Company, except by Agreement, but the Company may purchase, and the *Great Southern and Western* Railway Company may and shall grant, an Easement or Right of using such Lands for the Purposes of the Railway.

38. And

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38. And whereas in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging respectively to the Company of Proprietors of the *Hibernian* Gaslight Company and the *Alliance and Dublin Consumers* Gaslight Company may be intersected or otherwise interfered with, and it is expedient to provide, as herein-after mentioned, for the Protection of the said Gas Companies: Therefore all Works, Matters, or Things which, under the Provisions of "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1860," or this Act, the Company may be empowered or required to do or execute with reference to the Mains, Pipes, Syphons, Plugs, or other Works of the said Gas Companies respectively, shall be done and executed by and at the Cost of the Company, but to the reasonable Satisfaction and under the Direction and Superintendence of the Engineer for the Time being of the Company to whom such Mains, Pipes, Syphons, Plugs, and other Works shall belong; and such Works, Matters, or other Things shall not be commenced until after Fourteen Days previous Notice thereof in Writing shall have been given to the Company to whom such Mains, Pipes, Syphons, Plugs, and other Works shall belong; and if any Dispute or Difference shall arise between the Company or their Engineer and the said Gas Companies, or either of them, or their Engineers respectively, or either of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

All Works connected with certain Gas Companies to be executed to the Satisfaction of their Engineers.

39. If any of the Mains, Syphons, or Plugs of the said Gas Companies, or either of them, shall be interfered with by the Company, or by the Acts of any of the Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, so as to cause Interruption in the Supply of Gas by means of such Interference, the Company shall forfeit and pay to the Gas Company whose Supply shall have been so interrupted, for the Use and Benefit of such Company, a Sum not exceeding Twenty Pounds for every Day in which such Interruption shall occur, after Notice to the Company of such Interruption, and such Sum may be recovered by summary Process before any of the Divisional Justices of the City of *Dublin*.

Penalty for interrupting the Supply of Gas.

40. It shall be lawful for the said Gas Companies and their Engineers, Workmen, and others in their respective Employment at all reasonable Times, within the Districts in which such Companies are now entitled by Law to lay down Pipes, to enter upon the Railway, Lands, and Premises of the Company for the Purpose of laying and to lay any Mains or Pipes under or over the said Railway, Lands, Works, and Premises, or any Part thereof, and to do all such Works in and upon such Railway, Lands, and Premises as may be necessary for laying, repairing, maintaining, or removing or replacing such Mains or Pipes under or over the same Railway, Lands, and Premises: Provided

Gas Companies to have Access to Company's Premises.

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always,

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always, that in so doing the said several Gas Companies, or either of them, shall not interrupt the Traffic passing on the said Railway in any Manner for any longer Period than may be absolutely necessary: Provided also, that all such Works shall be done by the said Gas Companies under the Superintendence of and to the reasonable Satisfaction of the Engineer of the Company: Provided also, that the Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time thereafter be rendered necessary by the Acts or Defaults of the Company, their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, shall be borne and paid by the Company, and may be recovered from them by the said Gas Companies respectively in any Court of competent Jurisdiction: Provided also, that if any Dispute shall arise between the said Companies or any Two of them, or their Engineers respectively, with respect to the Matters mentioned in the present Enactment, or any of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

Company to abandon Portion of Railway for which Deviation Railway is substituted.

41. The Company shall abandon and relinquish the Construction of so much of Railway (No. 1) authorized by the Act of 1864 as is situate between the Commencement of that Railway and the Junction therewith of the Deviation Railway authorized by this Act.

Compensation to be made where Contracts have been entered into or Notice given.

42. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railways so authorized to be abandoned, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

43. The

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43. The Railways and Works by this Act authorized shall be completed within Four Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the said Railways and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Limiting
Time for
Completion
of Works.

44. And whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, certain Exchequer Bills of the aggregate nominal Value of Two thousand Pounds purchased for the Sum of Two thousand Pounds, being a Sum equal to Eight *per Centum* upon the Amount of the Estimate of the Expense of the Railways and Works by this Act authorized, has been deposited with the Court of Chancery in *Ireland* in respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Exchequer Bills so deposited as aforesaid in respect of the Application for this Act, or the Interest thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be delivered or paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Exchequer Bills so deposited as aforesaid, and the Interest thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Two thousand Pounds shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of a Sum of

Security for
Completion
of Railways
within Time
limited.

Two

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Two thousand Pounds if the Company shall not, within the Time limited for the Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of the Railway a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Exchequer Bills so deposited, and the Interest thereof, shall be delivered or paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Exchequer Bills so deposited, and the Interest thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

45. The Company may demand and take upon and in respect of the Railways by this Act authorized the Tolls, Rates, and Charges by the Act of 1864 authorized to be demanded and taken, and as if such Railways formed One continuous Line with the Railways authorized by the Act of 1864.

Power to adapt Tunnel for Pedestrians, and take Tolls for Use thereof.

46. The Company may appropriate and fence off for the Use of Pedestrians a Portion of the Tunnel by which Railway No. 1, authorized by the Act of 1864, is intended to be carried under the River *Liffey*; and the Company may demand and take from all Persons using the same Tunnel Tolls and Charges not exceeding One Penny each Person for each Time of using the said Tunnel.

Compensation to Owners of Ferries.

47. The Company shall, before they open the said Tunnel for the Use of Pedestrians, pay to the Owners and Lessees of existing Ferries over the River *Liffey* at *Dublin* such Compensation as may be agreed upon, or as, in case of Dispute, may be settled by Arbitration in manner provided by "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1860," for the Settlement of Disputes as to Compensation by Arbitration.

48. And

Dublin Trunk Connecting Railway (Deviation, &c.) Act, 1865.

48. And whereas it is necessary that the Fortifications and Works belonging to Her Majesty, and under the Charge of Her Majesty's Principal Secretary of State for the War Department, should be preserved intact and free from all Obstruction: Be it therefore enacted, That nothing in this Act contained shall authorize the Company to enter upon, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, or Powers, vested in or exercised by the said Principal Secretary for the Time being, without his previous Consent signified in Writing under his Hand, and which Consent the said Principal Secretary for the Time being is hereby authorized to give, subject to such special or other Conditions as he shall see fit to impose on the said Company.

Saving Rights of Her Majesty's Principal Secretary for the War Department.

49. The Provisions of the Act of 1864 and the incorporated Acts with regard to Contracts and Arrangements with the *Great Southern and Western Railway Company*, the *Midland Great Western Railway Company of Ireland*, the *Dublin and Drogheda Railway Company*, the *Dublin and Kingstown Railway Company*, and the *Dublin, Wicklow, and Wexford Railway Company*, shall extend and be applicable to the Railways by this Act authorized to be constructed.

Extending working Agreements under Act of 1864 to Railways authorized by this Act.

50. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to 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 raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any 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.

Interest or Dividend not to be paid on Calls paid up.

51. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 Company to construct any other Railway, or execute any other Work or Undertaking.

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

52. Nothing in this Act contained shall exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may here-

Railways not exempt from Provisions of present and future

Dublin Trunk Connecting Railway (Deviation, &c.) Act, 1865.

General
Acts.

after pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, by this Act respectively authorized.

Expenses of
Act.

53. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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