



ANNO VICESIMO NONO & TRICESIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. cclxxi.*

An Act to empower the *Southern Railway Company* to make *Deviation and Branch Railways*; and for other Purposes. [23d July 1866.]

WHEREAS by "The *Southern Railway Act, 1865*," (herein-  
after called "the *Act of 1865*," ) the *Southern Railway*  
Company (herein-after called "the *Company*") were  
empowered to make and maintain a Railway from the *Great Southern*  
*and Western Railway* at *Thurles* to the *Waterford and Limerick*  
*Railway* at *Clonmel*: And whereas it is expedient that the *Company*.  
be authorized to make and maintain a *Deviation Railway* near the  
*Town of Clonmel* in lieu of a *Portion* of the *Railway* authorized by  
the *Act of 1865*, and to abandon and relinquish the *Construction* of  
the *Portion* of such last-mentioned *Railway* for which the intended  
*Deviation Railway* will be substituted, and also to make and maintain  
the *Railways* herein-after described in connexion with the *Railway*  
authorized by the *Act of 1865*: And whereas *Plans and Sections*  
showing the *Situation, Lines, and Levels* of the intended *Railways* and  
*Works*, and the *Lands* proposed to be taken or which may be required  
to be taken for the *Purposes* thereof, and a *Book 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*, have been  
[*Local.*] 43 L deposited

28 & 29 Vict.  
c. ccliii.

*The Southern Railway (Deviation and Branches) Act, 1866.*

deposited with the Clerk of the Peace for the Southern Division of the County of *Tipperary*, and the said Plans, Sections, and Book of Reference are in this Act respectively referred to as the deposited Plans, Sections, and Book of Reference: And whereas it is expedient that the Company be empowered to raise Money for the Purposes of this Act, and to divide their Shares into Preferred Half Shares and Deferred Half Shares: And whereas it is expedient that the Company be empowered to enter into such Contracts and Arrangements as are herein-after authorized with the *Waterford and Limerick Railway Company*: And whereas the several 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:

Short Title.

1. This Act may be cited for all Purposes as "*The Southern Railway (Deviation and Branches) Act, 1866.*"

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," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Certain  
Parts of  
8 & 9 Vict.  
c. 16. and  
26 & 27 Vict.  
c. 118. incor-  
porated.

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, with respect to the making of Dividends, with respect to the giving of Notices, 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), Part II. (relating to additional Capital); except so much thereof as relates to Preference Shares or Stock, and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," are incorporated with this Act, and shall in all respects not by or under the Powers of this Act otherwise expressly provided for respectively apply



*The Southern Railway (Deviation and Branches) Act, 1866.*

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

4. In this Act the several Words, and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Word "Traffic" shall have the Meaning assigned to that Word in "The Railway and Canal Traffic Act, 1854," and the Words "Shares" and "Shareholders" respectively shall include, when requisite, "Stock" and "Stockholders."

Interpreta-  
tion of  
Terms.

5. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby shall be situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament shall also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas in compliance with the present Standing Orders of both Houses of Parliament the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Therefore with reference to this Act all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if instead of the Expression "Postmasters of Post Towns in or nearest to such Parishes in *Ireland*" the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," and as if instead of the Word "Postmasters" the Words "Clerks of the Unions," had been used and inserted in that Act throughout those Provisions.

As to Depo-  
sit of Plans  
with Clerks  
of Unions.

6. Subject to the Provisions of this Act, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are wholly in the County of *Tipperary*, and are as follows; (that is to say,)

Power to  
make Rail-  
ways accord-  
ing to  
deposited  
Plan.

First, a Deviation Railway, One Mile and Two Furlongs or thereabouts in Length, commencing in the Parish of *Kilgrant* by



*The Southern Railway (Deviation and Branches) Act, 1866.*

by a Junction with the Railway authorized by the Act of 1865, and terminating near the Goods Station at *Clonmel* of the *Waterford and Limerick* Railway Company by a Junction with the *Waterford and Limerick* Railway; provided that the Company shall construct such Junction with the Line of the *Waterford and Limerick* Railway Company at a Point Four hundred Feet measured in an Easterly Direction along the Main Line of the same Company from the Eastern End of their Engine Shed at the said *Clonmel* Station :

Secondly, a Railway (No. 1.), Eight Miles and Four Furlongs or thereabouts in Length, commencing in the Parish of *Graystown* by a Junction with the Railway authorized by the Act of 1865, and terminating near the *Capper* Colliery in the Parish of *Ballingarry* :

Thirdly, a Railway (No. 2.), Six Furlongs or thereabouts in Length, commencing in the Parish of *Ballingarry* by a Junction with Railway (No. 1.), and terminating near the *Ballynastic* Colliery in the Parish of *Buolick* :

Fourthly, a Railway (No. 3.), One Furlong and Six Chains or thereabouts in Length, commencing in the Parish of *Ballingarry* by a Junction with Railway (No. 2.), and terminating near the *Earlshill* Colliery in the same Parish :

Provided that the Company shall not enter upon, take, or use otherwise than by Agreement any Lands required for the Purposes of Railways Nos. 2 and 3.

Company to  
abandon  
Portion of  
authorized  
Railway.

7. The Company shall abandon the Construction of so much of the Railway authorized by the Act of 1865 as lies between the authorized Junction of that Railway with the *Waterford and Limerick* Railway and the Commencement of the Deviation Railway herein-before described.

Compensa-  
tion for  
Damage to  
Land by  
Entry, &c.  
for Purposes  
of Railway  
abandoned.

8. The Abandonment by the Company under the Authority of this Act of the said Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out the Line of Railway, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation in accordance with the Provisions in that Behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary Occupation, or for any Loss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or  
of



*The Southern Railway (Deviation and Branches) Act, 1866.*

of the Exercise as regards such Land of any of the Powers contained in the last-mentioned Act or the Act of 1865.

9. Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to the said Portion of Railway authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice, and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Compensation to be made in respect of Portion of Railway abandoned.

10. 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 the Act of 1865, and not required for the Purposes to which those Monies are by that Act made specially applicable.

Application of Funds.

11. 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 not less than Ten Pounds each, or of new Ordinary Stock, or (at the Option of the Company) by either of these Modes, any further Sums not exceeding in the whole Sixty thousand Pounds.

Power to Company to raise further Capital.

12. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

13. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourth Parts of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

14. 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 Time being paid up thereon, confer upon the respective Holders

Qualifications, &c. of new Shares and Stock.

[Local.]

43 M

thereof



*The Southern Railway (Deviation and Branches) Act, 1866.*

thereof the same Qualifications, Rights of voting, and other Privileges as any Ordinary Shares or Stock of the Company.

Dividends  
on new  
Shares.

**15.** 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 cancel  
unissued  
new Shares  
and issue  
others  
instead.

**16.** 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.

Power to  
divide  
Shares.

**17.** Subject to the Provisions of this Act, the Company, with the Authority of Three Fourths of the Votes of the Shareholders present (in person or by proxy) at a General Meeting of the Company specially convened for the Purpose, may from Time to Time divide any Share in their Capital into Half Shares, of which one shall be called "Preferred Half Share," and the other shall be called "Deferred Half Share:" Provided always, that the Company shall not divide any Share under the Authority of this Act unless and until not less than Sixty *per Centum* upon such Share has been paid up, and upon every such Division Fifty *per Centum* upon the entire Share shall be carried to the Credit of the Deferred Half Share (being the whole Amount payable thereon), and the Residue to the Credit of the Preferred Half Share.

Dividends on  
Half Shares.

**18.** The Dividend which would from Time to Time be payable on any divided Share if the same had continued an entire Share shall be applied in Payment of Dividends on the Two Half Shares in manner following; (that is to say,) first, in Payment of Dividend after such Rate not exceeding Six *per Centum per Annum*, as shall be determined at a General Meeting of the Company specially convened for the Purpose, on the Amount for the Time being paid up on the Preferred Half Share, and the Remainder (if any) in Payment of Dividend on the Deferred Half Share, and the Company shall not pay any greater Amount of Dividend on the Two Half Shares than would have from Time to Time been payable on the entire Share if the same had not been divided.

Dividend on  
Preferred  
Shares to be

**19.** Each Preferred Half Share shall be entitled out of the Profits of each Year to the Dividend which may have been attached to it by the



*The Southern Railway (Deviation and Branches) Act, 1866.*

the Company as aforesaid in priority to the Deferred Half Share bearing the same Number; but if in any Year ending at the Period up to which the Books of the Company are annually balanced there shall not be Profits available for the Payment of the full Amount of Dividend on any Preferred Half Share for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year ending at such Period as aforesaid, or out of any other Funds of the Company.

paid out of the Profits of the Year only.

20. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and each Half Share shall bear the same Number as the Number of the entire Share Certificate in respect of which it was issued, and the Directors shall issue Certificates of the Half Shares accordingly, and shall cause an Entry to be made in the Register of the entire Shares of the Conversion thereof: Provided always, that the Directors shall not be bound to issue a Certificate of any Half Share until the Certificate of the existing Share be delivered to them to be cancelled, unless it be shown to their Satisfaction that the Certificate is destroyed or lost, and on any such Certificate being so delivered up the Directors shall cancel it.

Half Shares to be registered and Certificates issued.

21. The Terms and Conditions on which any Preferred Half Share or Deferred Half Share created under this Act is issued shall be stated on the Certificate of each such Half Share.

Terms of Issue to be stated in Certificate.

22. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Forfeiture of Shares for Nonpayment of Calls, shall apply to all Preferred Half Shares to be created under the Authority of this Act, and every such Preferred Half Share shall for that Purpose be considered a whole Share distinct from the corresponding Deferred Half Share: Provided always, that until any forfeited Preferred Half Share shall be sold by the Directors of the Company, all Dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards Payment of any Expenses attending the Declaration of Forfeiture thereof, and of the Arrears of Calls for the Time being due thereon, with Interest.

As to Forfeiture of Preferred Shares.

23. No Preferred Half Share created under the Authority of this Act shall be cancelled or be surrendered to the Company.

Preferred Shares not to be cancelled, &c.

24. The several Half Shares under this Act shall be Half Shares in the Capital of the Company, and every Two Preferred or Deferred Half Shares held by the same Person shall confer such Right of voting at Meetings of the Company, and (subject to the Provisions herein-before contained) shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents, as attach and are incident to an entire Share.

Half Shares to be Half Shares in Capital.

25. The



*The Southern Railway (Deviation and Branches) Act, 1866.*

Power to borrow on Mortgage.

**25.** The Company may from Time to Time borrow on Mortgage (in addition to such Sums as they are authorized to borrow under the Act of 1865) any Sum not exceeding in the whole Twenty thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Sixty thousand Pounds by this Act authorized to be raised is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

**26.** The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages granted under the Powers of this Act by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Two thousand Pounds in the whole.

Existing Mortgages to have Priority.

**27.** All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages, and as regards the Undertaking comprised in and assigned thereby, have Priority over all Mortgages granted by virtue of this Act.

Power to create Debenture Stock.

**28.** The Company may create and issue Debenture Stock, and the preferential Interest which they may attach to such Stock shall not exceed the Rate of Five Pounds *per Centum per Annum*.

Application of Monies.

**29.** All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of this Act only.

Lands for extraordinary Purposes.

**30.** The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

**31.** The



*The Southern Railway (Deviation and Branches) Act, 1866.*

**31.** 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.

**32.** The Deviation Railway by this Act authorized shall be completed within Four Years from the passing of this Act, and the other Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of those respective Periods the Powers by this Act granted to the Company for executing the Deviation Railway and the other Railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

**33.** Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company may in the Construction of the Railway (No. 1.) by this Act authorized carry the same with a single Line of Railway only whilst that Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the public Road numbered on the deposited Plans 78 in the Parish of *Ballingarry*.

Power to cross certain Road on the Level.

**34.** The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Notice to be given of taking Houses of Labouring Classes.

**35.** Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, Exchequer Bills to the Amount of Four thousand six hundred Pounds, which is more than equal in Value to the Sum of Four thousand five hundred and fifty-four Pounds One Shilling and Sevenpence, being Eight *per Centum* on the Amount of the Estimate of the Expense of the Railways by this Act authorized, after deducting therefrom the estimated Expense of the Portion of Railway to be abandoned under this Act, have been deposited by *Peter Graham* and *William Forbes* (being Subscribers to the Undertaking) with the Court of Chancery in *Ireland* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained

Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended, except on Execution of Bond, &c.



*The Southern Railway (Deviation and Branches) Act, 1866.*

in the said recited Act, the said Exchequer Bills so deposited as aforesaid, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations 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 Lords of the said Committee, the Exchequer Bills so deposited as aforesaid, and the Interest and Dividends 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 Sum of Four thousand five hundred and fifty-four Pounds One Shilling and Sevenpence 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 the Payment to Her Majesty, Her Heirs or Successors, of the Sum of Four thousand five hundred and fifty-four Pounds One Shilling and Sevenpence if the Company shall not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee 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 such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Exchequer Bills, and the Interest or Dividends thereof, shall be transferred and paid to or on the Application of the Persons named in such Warrant or Order as aforesaid, or the Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary:

[As notwith-



*The Southern Railway (Deviation and Branches) Act, 1866.*

notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Exchequer Bills, and the Interest or Dividends 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 Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

**36.** The Company may demand and take in respect of the Use of Tolls the Railways by this Act authorized the Tolls, Rates, and Charges by the Act of 1865 authorized to be demanded and taken, and the Railways by this Act authorized shall for all Purposes be deemed Part of the Railway authorized by the Act of 1865.

**37.** Sections 39, 40, and 41 of the Act of 1865 shall extend and apply to the Deviation Railway hereby authorized in the same Manner as if the Junction hereby authorized with the *Waterford and Limerick* Railway Company had been therein expressly mentioned.

Extending certain Sections of recited Act to the Deviation hereby authorized.

**38.** The Company on the one hand and the *Waterford and Limerick* Railway Company on the other hand may from Time to Time enter into Contracts and Arrangements with respect to the following Purposes or any of them; (that is to say,)

Power to enter into Traffic Arrangements with other Railway Companies.

The Management, Use, Working, and Maintenance of the Railways by this Act authorized, or any Part or Parts thereof:

The Supply of any Rolling or Working Stock and of Officers and Servants for the Conduct of the Traffic on the said Railways:

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic.

**39.** During the Continuance of any Agreement to be entered into under the Provisions of the Act of 1865, or this Act, for the Use of any of the Railways of the contracting Companies by any One or more of those Companies, the Railways of the Company, and of the other Company or Companies Parties to the Agreement, shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways of the Company and partly on the Railways of such other Company or Companies for a less Distance than Six Miles, Tolls and Charges may only be charged as for Six Miles;

Tolls on Traffic conveyed partly on the Railway and partly on the Railways of other Companies.



*The Southern Railway (Deviation and Branches) Act, 1866.*

Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Six Miles, Tolls and Charges as for One Mile only; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Six Miles, Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railways of the Company and partly on the Railways of such other Company or Companies.

Interest not  
to be paid on  
Calls paid up.

40. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

41. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter 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 to execute any other Work or Undertaking.

Railways not  
exempt from  
Provisions  
of present  
and future  
General  
Railway  
Acts.

42. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter 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 authorized by this Act.

Expenses of  
Act.

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

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1866.