



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. cclxxii.

An Act to authorize the *Waterford and Limerick Railway Company* to make Working and other Agreements with the *Great Southern and Western Railway Company*, and the *Great Western Railway Company*, or either of them.

[23d July 1866.]

WHEREAS by an Act of the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Railway from the City of Waterford to the City of Limerick, with Branches*, the *Waterford and Limerick Railway Company* (herein-after called "the Company") were incorporated, with Powers to make such Railway: And whereas the other Acts following (Local and Personal), relating to the Company, have been passed; that is to say, Tenth and Eleventh of *Victoria*, Chapter Two hundred and thirty-one; Thirteenth and Fourteenth *Victoria*, Chapter Twenty-nine; Fourteenth and Fifteenth *Victoria*, Chapter One hundred and ten; Eighteenth and Nineteenth *Victoria*, Chapters Seventy-three and Seventy-six; Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and sixty; Twenty-fifth and Twenty-sixth *Victoria*, Chapter One hundred and ninety-one; Twenty-seventh and Twenty-eighth *Victoria*, Chapter Two hundred and thirty-six: And whereas it is expedient that the Company and the *Great Southern and Western Railway Company* should be authorized to make and carry into effect Arrangements and Agreements with respect to the Working, Use, and Management of the Railways belonging to or worked or leased by the Companies, Parties to such Arrangements and Agreements, and the Interchange, Accommodation, and Conveyance of Traffic thereon, to the Effect herein-after provided: And whereas it is expedient that the Company

Recital of Acts relative to Waterford and Limerick Railway.

[Local.]

and

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and the *Great Western Railway Company* should be authorized to make and carry into effect such Arrangements and Agreements with respect to the Interchange, Accommodation, and Conveyance of Traffic as is herein-after provided; And whereas the Purposes of this Act 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 all Purposes as "The *Waterford and Limerick Railway (Arrangements) Act, 1866.*"

26 & 27 Vict.
c. 92. in-
corporated.

2. Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," is, except where expressly varied by this Act, incorporated with and forms Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Act partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Railways" or "the Undertakings" shall mean the Railways and Works connected therewith authorized to be made or worked or leased by the Companies, Parties to the Contracts or Arrangements herein-after authorized, or by any Act conferring Powers upon any of the said Companies which may be passed in the present or any future Session of Parliament.

Power to
enter into
Traffic Ar-
rangements
with the
Great
Southern
and Western
Railway
Company.

4. The Company on the one hand and the *Great Southern and Western Railway Company* on the other hand may from Time to Time enter into and carry into effect Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

The Management, Use, Working, and Maintenance of the Railways belonging to or worked or leased by the Companies, Parties to any such Contracts or Arrangements, or of 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 Railways to which such Contracts or Arrangements relate:

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:

The Collection, Payment, Division, Apportionment, Appropriation, and Distribution of the Tolls, Rates, and Charges arising from any such Traffic:

Provided, that if the *Great Southern and Western Railway Company* shall enter into any Contract or Arrangement under this Act with the Company under the Powers conferred by the immediately preceding Enactment (of which Contract or Arrangement the Company shall forthwith,

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forthwith, on the same being entered into, give Notice in Writing to the *Athenry and Ennis Junction Railway Company*, herein-after called the *Athenry Company*), then the *Athenry Company* shall, if they think fit, be at liberty to terminate the Agreement of the 27th of May 1863 made between them and the Company, set forth in the Schedule to "The *Athenry and Ennis Junction Railway Act, 1863*," on giving to the Company Notice in Writing of their Intention so to do within Twelve Months after such Notice from the Company as aforesaid of such Contract or Arrangement having been entered into, and repaying to the Company any Monies which they shall, under the Powers of the said Act, have subscribed to the Undertaking of the *Athenry Company*, and the Company shall thereupon transfer or cause to be transferred any Shares held by them or their Nominees in the Undertaking of the *Athenry Company* to such Person as the *Athenry Company* may appoint, and the Monies so repaid shall be applied towards the Discharge of the unsecured Debts and Liabilities of the Company: Provided also, that if in the Exercise of the aforesaid Option the *Athenry Company* terminate the said Agreement, the Term thereby limited shall, for the Purposes of Section Sixteen of "The *Athenry and Ennis Junction Railway Act, 1863*," be deemed to have expired.

5. During the Continuance of any Contract or Arrangement to be entered into under the foregoing Provisions the Railways of the Company and of the *Great Southern and Western Railway Company* 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 Railway of such other Company for a less Distance than Six Miles, Tolls and Charges may only be charged as for Six 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 Railway of such other Company.

Tolls on Traffic conveyed partly on Railways of the Company and partly on Railway of working Company.

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

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

Power to enter into Traffic Arrangements with Great Western Railway Company.

7. Every Traffic Arrangement authorized by the Sixth Section of this Act shall be carried into effect by a written Agreement, and Notice that the same has been entered into shall be advertised once in

As to Publication of Agreements.

the

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the *London*, the *Dublin*, and the *Edinburgh* Gazettes, and also once at least in each of Three successive Weeks in some Newspaper published in the County in which the principal Office of each of the contracting Parties is situate; and the Notice shall state that Copies of the proposed Agreement have been deposited at the Board of Trade, and also at the principal Office of each of the contracting Parties, and may be obtained by all Persons asking for the same at a Price not exceeding One Shilling for each Copy.

Contracting Companies must make similar Agreements with other Companies, if required.

8. When the Companies named in the Sixth Section of this Act have entered into any Agreement authorized by that Section of this Act, they shall, if required, enter into a similar Agreement with any Company or Person not Parties to any such Agreement, and being Owners of a Railway or Canal or Navigation, and being Carriers of Traffic passing between *England* and *Ireland*; and such similar Agreements shall, among other things, provide that the said contracting Companies shall not demand or receive upon Traffic passing from or to any *English* Port or Place to or from which such Owners of a Railway or Canal or Navigation carry Traffic any greater Rate or Charge, whether by Sea or Land, than is demanded and received by such contracting Parties severally upon Traffic conveyed by them under the Agreements entered into by them under the Powers of this Act.

Means of enforcing Enactments.

9. If Complaint shall be made to the Court of Common Pleas that the Companies named in the Sixth Section of this Act are acting in contravention of this Act, or have not deposited any such Agreement or Copy of an Agreement, or withhold Copies thereof, or refuse to enter into similar Agreements with other Companies or Persons, it shall be lawful for the said Court to take all such Proceedings, and to make such Inquiry into the Reasonableness of such Complaint, and to enforce all such Orders against the Company or Person, as if this Enactment had been contained in "The Railway and Canal Traffic Act, 1854."

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

10. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company from the Provisions of any General Act relating to Railways, or the better and 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 Rates for small Parcels, authorized by any of the recited Acts.

Expenses of Act.

11. 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.

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