

**CHAPTER xiii.**

An Act to revive the powers and to extend the periods for the compulsory purchase of lands and to extend the periods for the completion of certain authorised railways by the Dublin Wicklow and Wexford Railway Company and to confer further powers on the Company with reference to their capital and to the Shillelagh and Newtownbarry Light Railway and for other purposes.

A.D. 1886.

[10th May 1886.]

WHEREAS the Dublin Wicklow and Wexford Railway Company (in this Act called "the Company") were empowered by the Dublin Wicklow and Wexford Railway Act 1878 (in this Act called "the Act of 1878") to make and maintain certain Railways No. 1 No. 2 and No. 3 therein described being the extension of their railway to the city of Waterford :

And whereas by the Dublin Wicklow and Wexford Railway Act 1882 (in this Act called "the Act of 1882") the powers for the compulsory purchase of lands granted by the Act of 1878 in so far as regards the said Railways No. 1 No. 2 and No. 3 were revived and extended for a period of two years from the passing of the Act of 1882 and the same expired on the nineteenth day of June one thousand eight hundred and eighty-four and the period limited by the Act of 1878 for the completion of the said railways was by the Act of 1882 extended for a period of three years from the twenty-second day of July one thousand eight hundred and eighty-three and the same will expire on the twenty-second day of July one thousand eight hundred and eighty-six :

And whereas the Company were empowered by the Act of 1882 to make and maintain the Diversion Railways No. 1 No. 2 and No. 3 therein described (in this Act called "the diversion railways") being a diversion of their existing railway for the purpose of removing the existing line further from the edge of the sea :

A.D. 1886.

And whereas the powers for the compulsory purchase of lands granted by the Act of 1882 for the purpose of the diversion railways expired on the nineteenth day of June one thousand eight hundred and eighty-five and the period limited by the Act of 1882 for the completion of the diversion railways will expire on the nineteenth day of June one thousand eight hundred and eighty-seven :

And whereas it is expedient to revive the powers and extend the periods for the compulsory purchase of lands for the purpose of the said Railways No. 1 No. 2 and No. 3 authorised by the Act of 1878 and for the purpose of the diversion railways authorised by the Act of 1882 and to extend the periods limited by the Act of 1882 for the completion of the said Railways No. 1 No. 2 and No. 3 and the diversion railways respectively :

And whereas the Dublin Wicklow and Wexford Railway Company was empowered by the Waterford New Ross and Wexford Junction Railway (Sale) Act 1876 (in this Act called "the Act of 1876") to purchase a portion of the Waterford New Ross and Wexford Junction Railway as therein provided and the Company were authorised for that purpose (section 8) to raise any additional capital not exceeding in the whole twenty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or debenture stock or wholly or partially by one or more of those modes respectively and the Company was empowered (section 12) in respect of the additional capital so authorised to be raised to borrow on mortgage any sum not exceeding in the whole six thousand three hundred pounds making in all the sum of twenty-six thousand three hundred pounds and (section 14) to apply to the purposes of the Act of 1876 any moneys raised under the authority of any of their Acts of Parliament and not required for the purposes of the said Acts and (section 15) to apply all moneys raised under the Act of 1876 to the purposes authorised by that Act and for the general purposes of the Company :

And whereas the Company have not issued any additional capital under the powers of the Act of 1876 for the purposes of that Act but have effected the purchase of the said portion of the Waterford New Ross and Wexford Junction Railway authorised by that Act out of other moneys of the Company and it is expedient to authorise the Company to raise the said sum of twenty-six thousand three hundred pounds wholly by the issue of debenture stock :

And whereas the Company were by the Act of 1878 as amended by the Act of 1882 in respect of the additional capital of one hundred thousand pounds by the said Acts authorised to be raised empowered

so soon as the said additional capital of one hundred thousand pounds had been issued accepted and paid up as therein provided to raise the sum of one hundred thousand pounds by borrowing on mortgage or by debenture stock but the Company have not raised any money by borrowing on mortgage or by debenture stock under the said Acts and it is expedient to amend the provisions of the said Acts with reference to the exercise of their borrowing powers under the same : A.D. 1886.

And whereas the Company have issued under the provisions of the Act of 1878 as amended by the Act of 1882 additional share capital to the amount of fifty-five thousand pounds and the same has been accepted and more than one half thereof has been paid up in accordance with the provisions of the said Acts and it is expedient in order to facilitate the raising of money for the purposes of their undertaking to authorise the Company to raise by the issue of debenture stock the sum of fifty-five thousand pounds in respect of the said sum of fifty-five thousand pounds additional capital already issued and accepted and of which more than one half has been paid up as aforesaid and to raise in the same manner the sum of forty-five thousand pounds in respect of the sum of forty-five thousand pounds the remaining part of the additional capital so authorised to be raised so soon as the same shall have been issued accepted and paid up as herein-after provided :

And whereas by the Shillelagh and Newtownbarry Light Railway Order 1885 the Shillelagh and Newtownbarry Light Railway Company (Limited) were empowered to construct maintain and work the light railway therein described which forms a junction with the railway of the Company and by section 36 of the said Order to enter into contracts and agreements or arrangements with any other railway company duly authorised for that purpose with reference to the working and use of the said light railway and interchange of traffic as therein provided and it is expedient to empower the Company to enter into such working and other agreements with the said Shillelagh and Newtownbarry Light Railway Company (Limited) with respect to the said light railway authorised by the said Order :

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 :—

1. This Act may be cited as the Dublin Wicklow and Wexford Railway Act 1886. Short title.

A.D. 1886.
Incorporation of Acts.

2. Part II (relating to the extension of time) and Part III (relating to working agreements) of the Railways Clauses Act 1863 and Part III (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. Unless the context otherwise requires in this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the Company" means the Dublin Wicklow and Wexford Railway Company the expression "the diversion railways" means the Diversion Railways No. 1 No. 2 and No. 3 authorised by the Act of 1882 the expression "the undertaking" means the undertaking of the Company for the time being.

Revival of powers and extension of time for compulsory purchase of lands.

4. The powers conferred on the Company by the Act of 1878 for the compulsory purchase of lands for the purposes of that Act in so far as regards Railways No. 1 No. 2 and No. 3 thereby authorised as such powers were revived and extended by the Act of 1882 and the powers conferred on the Company by the Act of 1882 for the compulsory purchase of lands for the purposes of that Act in so far as regards the diversion railways shall be and the same are hereby respectively revived and extended and shall continue in force for a period of two years from the passing of this Act.

Extension of time for completion of certain railways authorised by the Act of 1878 and the Act of 1882.

5. The period limited by the Act of 1878 as extended by the Act of 1882 for the completion of the Railways No. 1 No. 2 and No. 3 authorised by the Act of 1878 shall be and is hereby extended for a period of three years from the twenty-second day of July eighteen hundred and eighty-six and the period limited by the Act of 1882 for the completion of the diversion railways shall be and is hereby extended for a period of three years from the nineteenth day of June eighteen hundred and eighty-seven.

Extended periods to be deemed periods limited by the Acts of 1878 and 1882 for completion of works.

6. The extended periods hereby granted for making and completing the said railways respectively shall for all purposes referred to in the Act of 1878 and the Act of 1882 respectively with reference to the completion of the same be deemed to be the periods limited by the said Acts respectively for the completion of the same Provided if the said several railways for the completion of which the periods are by this Act extended shall not be completed within the extended periods respectively limited by this Act then on the expiration of such periods respectively the powers by the Act of 1878 and by the Act of 1882 and by this Act granted to the Company for the construction and completion thereof shall cease to be exercised except as to so much thereof as shall then be completed.

7. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

A.D. 1886.
Provision as to houses occupied by labouring class.

8. The powers of the Company to raise the sum of twenty-six thousand three hundred pounds under the Act of 1876 by the issue at their option of new ordinary shares or stock or new preference shares or stock or debenture stock or wholly or partially by one or more of those modes respectively and by borrowing on mortgage are hereby extinguished and in lieu thereof the Company may raise the said sum of twenty-six thousand three hundred pounds wholly by the issue of debenture stock.

Extinction of powers of Company to raise money under the Act of 1876 and power to raise same by debenture stock.

9. The Company may exercise the powers of raising money by debenture stock conferred on them by the Act of 1878 as amended by the Act of 1882 in manner following instead of on the conditions prescribed by the said Acts (that is to say) the Company may from time to time in respect of the additional capital of fifty-five thousand pounds which they have already issued under the Act of 1878 as amended by the Act of 1882 and which capital so issued has been accepted and paid up as aforesaid raise by the creation and issue of debenture stock any sum not exceeding in the whole fifty-five thousand pounds and the Company may also from time to time in respect of the remaining additional capital of forty-five thousand pounds which they are by the Act of 1878 as amended by the Act of 1882 authorised to raise by shares or stock raise by the creation and issue of debenture stock any sum not exceeding in the whole forty-five thousand pounds but no part of such last-mentioned sum of forty-five thousand pounds shall be raised until shares for so much of the said remaining additional capital of forty-five thousand pounds as is to be raised by means of shares are 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

Amendment of provisions of Acts of 1878 and 1882 as to borrowing.

A.D. 1886.

Consolidation Act 1845 (before he so certifies) that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said remaining additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said remaining additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided always that the Company shall not exercise any powers of borrowing money by means of mortgage under the provisions of the Act of 1878 as amended by the Act of 1882 and by this Act.

Provisions
as to
debenture
stock.

10. Notwithstanding anything in the Companies Clauses Act 1863 contained the interest on all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application
of money.

11. All moneys raised by the Company under the Act of 1878 as amended by the Act of 1882 and by this Act and under this Act shall be applied for the purposes authorised by the Act of 1876 the Act of 1878 and the Act of 1882 and for the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Power to
enter into
working
agreements
with the
Shillelagh
and New-
townbarry
Light
Railway
Company
(Limited).

12. The Company on the one hand and the Shillelagh and Newtownbarry Light Railway Company (Limited) on the other hand may subject to the provisions of Part III of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):

The working use management and maintenance of the railway of the Shillelagh and Newtownbarry Light Railway Company or any part or parts thereof by the Company;

The management regulation and delivery of traffic upon the railway of the Shillelagh and Newtownbarry Light Railway Company ; A.D. 1886.

The supply and maintenance of engines rolling stock and plant necessary for the purposes and during the continuance of any agreement for the working and use of the said railway or any part or parts thereof by the Company and of officers and servants for the conduct of such traffic ;

The fixing levying dividing and apportionment of the tolls rates and revenues arising from such traffic and the payment and allowances to be made in respect of such traffic.

13. During the continuance of any agreement to be entered into under the provisions of this Act for the working of the Shillelagh and Newtownbarry Light Railway by the Company the railway of the Company and the Shillelagh and Newtownbarry Light Railway shall for the purpose of short-distance 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 railway of the Company and partly on the Shillelagh and Newtownbarry Light Railway for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four 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 four 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 railway of the Company and partly on the Shillelagh and Newtownbarry Light Railway.

Tolls on traffic conveyed partly on the railway of the Company and partly on the railway of the Shillelagh and Newtownbarry Light Railway.

14. Nothing in this Act contained shall extend to prejudice or take away any of the rights privileges or powers of the Dublin and Kingstown Railway Company.

Saving rights of the Dublin and Kingstown Railway Company.

15. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

Interest not to be paid on calls paid up.

16. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force

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

A.D. 1886. — may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

17. Nothing in this Act contained shall exempt the Company or the undertaking 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 the rates for small parcels authorised to be taken by the Company.

Costs. 18. 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.