



CHAPTER cclii.

An Act to authorise the construction by the Fishguard and Rosslare Railways and Harbours Company of new railways from Cork to Fermoy and Waterford to Rosslare and the acquisition by the Company of the undertakings of the Fermoy and Lismore and the Waterford Dungarvan and Lismore Railway Companies to confer running powers over certain railways to extend the time for completion of works authorised by the Fishguard Bay Railway and Pier Act 1893 and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS by the Fishguard Bay Railway and Pier Act 1893 (in this Act called "the Act of 1893") the Fishguard Bay Railway and Pier Company (in this Act called "the Company") were incorporated with a share capital of one hundred and twenty thousand pounds and power to borrow on mortgage forty thousand pounds and were authorised to make and maintain certain railway pier and other works in the county of Pembroke:

And whereas by the Fishguard and Rosslare Railways and Harbours Act 1894 (in this Act called "the Act of 1894") the undertakings of the Waterford and Wexford Railway Company and the Rosslare Harbour Commissioners were transferred to and vested in the Company and the name of the Company was changed to "The Fishguard and Rosslare Railways and Harbours Company":

And whereas by the Fishguard and Rosslare Railways and Harbours (Steam Vessels) Act 1895 (in this Act called "the Act of 1895") the Company were empowered to provide and use steam vessels between the ports of Rosslare and Fishguard and other ports and places in that Act mentioned:

And whereas no direct railway communication exists between the city and county of Cork in the south-west of Ireland and the harbour

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 Vict.] Harbours Act, 1898.*

A.D. 1898. of Rosslare and the greater portion of the county of Wexford in the south-east of Ireland and such communication if provided would be of great public advantage :

And whereas to afford such communication and also to facilitate and expedite cross-channel traffic between the south and south-east of Ireland and the west coast of Great Britain it is expedient that the Company should be authorised to make and maintain the new railways and works herein-after described :

And whereas by the Fermoy and Lismore Railway Act 1869 the Fermoy and Lismore Railway Company (in this Act called "the Fermoy Company") were incorporated and authorised to construct a railway between the railway of the Great Southern and Western Railway Company (in this Act called "the Great Southern Company") at Fermoy in the county of Cork and Lismore in the county of Waterford :

And whereas by the Waterford Dungarvan and Lismore Railway Act 1872 (in this Act referred to as "the Act of 1872") the Waterford Dungarvan and Lismore Railway Company (in this Act called "the Dungarvan Company") were incorporated with a share capital of two hundred and eighty thousand pounds and power to borrow ninety-three thousand three hundred and thirty-three pounds on mortgage and were authorised to construct a railway from Waterford to Dungarvan and Lismore in the county of Waterford forming a junction at Lismore with the railway of the Fermoy Company :

And whereas by the Waterford Dungarvan and Lismore Railway Act 1873 (in this Act referred to as "the Act of 1873") the Dungarvan Company were empowered to deviate portions of the railway authorised by the Act of 1872 and it was by section 9 of the Act of 1873 provided that from and after the passing of that Act and for the period of five years thereby granted for the construction of the railways and for the period of thirty-five years after the opening thereof the sum or amount required to pay the dividends on the said sum of two hundred and eighty thousand pounds or so much thereof as should be from time to time paid up should be payable half-yearly by the county of the city of Waterford and by the baronies of Middlethird Decies-without-Drum Decies-within-Drum including the town of Dungarvan Coshmore and Coshbride Upper-third Gaultier Kilculliheen and Glenaheiry all in the county of Waterford rateably and in the proportions by that Act prescribed but that after the said period of five years the said dividends should cease to be payable until after the opening of the whole of the railways for public traffic and by section 10 of the same Act it was

[61 & 62 VICT.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

A.D. 1898.

further provided that if and whenever during the period of thirty-five years after the opening of the whole of the railways the net profits from the railway after deducting from the gross receipts the working expenses of the said railways and after deducting the interest or dividend on any debt or demand created by mortgage deed bond or debenture stock by the Company to be ascertained in manner by that Act directed should not amount to a sum equal to a dividend at the rate of five pounds per centum per annum on the sum of two hundred and eighty thousand pounds or upon so much thereof as should have been from time to time paid up the sums or amounts required to make up such dividends as aforesaid should become payable half-yearly by the said baronies of Middlethird Decies-without-Drum Decies-within-Drum including the town of Dungarvan Coshmore and Coshbride Uppertthird Gaultier Kilculliheen and Glenaheiry and by the said county of the city of Waterford rateably in the proportions by that Act prescribed :

And whereas the Dungarvan Company have raised the whole of the capital of two hundred and eighty thousand pounds authorised by the Act of 1872 and have expended the same on the construction of the railway by that Act authorised but no dividends have been paid on the said capital so expended out of the profits of the undertaking :

And whereas by a deed poll under the seal of the Dungarvan Company dated the twelfth day of February one thousand eight hundred and seventy-eight after reciting to the effect that by virtue of the Public Works (Ireland) Act and various other Acts amending the same the Commissioners of Public Works in Ireland (in this Act called "the commissioners") with the consent of the Treasury had agreed to lend to the Dungarvan Company the sum of ninety-three thousand three hundred and thirty-three pounds upon having the repayment within a period of twenty-five years of the said sum with interest at five pounds per centum per annum secured as therein-after provided the Dungarvan Company granted and assigned to the commissioners their successors and assigns the said undertaking and the lands therein mentioned or referred to taken or to be taken for the purposes of the said undertaking and the tenements and hereditaments and railway of the Dungarvan Company and all receipts tolls profits and sums of money arising or to arise by virtue of any of the said Acts and all property of what nature or kind soever belonging to the Dungarvan Company to hold the same and all the estate right title and interest of the Dungarvan Company therein unto the said commissioners their successors and assigns until the said sum of ninety-three thousand three hundred and

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898. — thirty-three pounds with interest as aforesaid should be satisfied and repaid in manner therein provided (that is to say) The principal sum of ninety-three thousand three hundred and thirty-three pounds to be made by forty half-yearly instalments of two thousand three hundred and thirty-three pounds six shillings and sixpence each commencing on the first day of May one thousand eight hundred and eighty-three and the payment of the interest to be made as therein provided :

And whereas there is now due for principal in respect of the said loan the sum of ninety-three thousand two hundred and sixty pounds sixteen shillings and eightpence :

And whereas no part of the said principal sum of ninety-three thousand two hundred and sixty pounds sixteen shillings and eightpence has been repaid to the commissioners by the Dungarvan Company and there are large arrears of interest due thereon and the commissioners are therefore entitled under and by virtue of the Public Works (Ireland) Acts 1831 to 1886 or some or one of them to enter into possession of the railway works and property comprised in and assigned by the said deed poll :

And whereas there are no existing mortgages or loans ranking in priority to the said sum so due to the commissioners as aforesaid :

And whereas the Treasury on behalf of themselves and the commissioners and the Dungarvan Company are willing subject to the approval of Parliament and it is expedient that the undertaking of the Dungarvan Company should be transferred to and vested in the Company on the terms and in the manner provided by this Act and that provision should be made as contained in this Act with respect to the contributions payable under the Act of 1873 by the county of the city of Waterford and the baronies and towns mentioned in sections 9 and 10 of that Act :

And whereas by the Waterford Corporation Act 1896 the rights powers and obligations of the grand jury of the county of the city of Waterford under the Act of 1873 with reference to the said guarantee are now vested in the Corporation of Waterford acting as the fiscal authority :

And whereas it is expedient that provision should be made as contained in this Act for the transfer to and vesting in the Company of the undertaking of the Fermoy Company :

And whereas in connexion with such new railways and works and as part of the through route to be thereby established it is expedient that the Company should be authorised to exercise

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

running powers over the railways or portions of railways as in this Act mentioned: A.D. 1898.

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas the Company are making rapid progress with the construction of the works authorised by the Act of 1893 but owing to unforeseen difficulties they will be unable to complete the same within the time limited in that behalf by the Act of 1893 and it is expedient that such time should be extended:

And whereas it is expedient that such further powers as are herein-after contained should be granted:

And whereas plans and sections showing the lines and levels of the railways by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace of the East Riding of the county of Cork the clerk of the peace of the county of Waterford and with the clerk of the peace of the county of the city of Waterford and with the clerk of the peace of the county of Kilkenny and with the clerk of the peace of the county of Wexford and are herein-after respectively referred to as the deposited plans sections and books of reference:

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 Fishguard and Rosslare Railways and Harbours Act 1898. Short title.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 are (except where the same are expressly varied by or inconsistent with this Act) incorporated with and form part of this Act. Incorporation of Lands and Railways Clauses Acts.

3. With reference to this Act all the provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions" As to deposit of plans with clerks of unions.

A.D. 1898. — within which such parishes are included in Ireland” or the words “clerks of the unions” (as the case may be) had been used and inserted in such sections in lieu of the expression “the postmasters of the post towns in or nearest to such parishes in Ireland” or in lieu of the word “postmasters” (as the case may be).

Incorporation of certain provisions of Companies Clauses Acts.

4. The following parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

And Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation.

5. 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 unless there be something in the subject or context repugnant to such construction And in this Act unless otherwise explained or unless the context otherwise requires—

The expressions “the railway” and “the undertaking” mean respectively the railways and the undertaking by this Act authorised ;

The expression “the Cork and Fermoy Railway” means the Railway No. 12 herein-after described ;

The expression “the Waterford and Rosslare Railways” means the Railways Nos. 14 to 20 inclusive herein-after described ;

[61 & 62 Vict.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

The expression "the Wicklow Act of 1897" means the Dublin Wicklow and Wexford Railway (New Ross and Waterford Extension) Act 1897; A.D. 1898.

The expression "the date of vesting" means the first day of July one thousand eight hundred and ninety-eight;

The expressions "the undertaking of the Dungarvan Company" and "the undertaking of the Fermoy Company" mean respectively the undertakings of those companies respectively including all the rights powers and authorities of those companies respectively and the several railways works lands buildings plant rolling stock machinery books stores rails and fastenings property and effects of those companies respectively as existing on the date of vesting except cash in hand and any sums standing to the credit of the said companies respectively at their bankers and the revenue of their undertakings up to the date of vesting;

The expression "the guarantors" means the borough of Waterford and the baronies and town mentioned or referred to in sections 9 and 10 of the Act of 1873;

The expression "the Waterford Corporation" means the mayor aldermen and burgesses of the borough of Waterford;

The expression "the Waterford Commissioners" means the commissioners for improving the port and harbour of Waterford;

The expression "the Cork Commissioners" means the Cork Harbour Commissioners;

The expression "the New Ross Commissioners" means the New Ross Harbour Commissioners;

The expression "the Great Western Company" means the Great Western Railway Company;

The expression "the three companies" means the Company the Great Western Company and the Great Southern Company;

The expression "the two companies" means the Great Western Company and the Great Southern Company;

The expression "the Wicklow Company" means the Dublin Wicklow and Wexford Railway Company;

The expression "the Limerick Company" means the Waterford Limerick and Western Railway Company.

6. The time limited for the completion of the railway and works authorised by the Act of 1893 is hereby extended for a period of three years from the twenty-ninth day of June one thousand eight hundred and ninety-eight and at the expiration of that period the

Extension of time for completion of railway and works

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 Vict.] Harbours Act, 1898.*

A.D. 1898.

—
authorised
by Act of
1893.

powers of the Company for making and completing the said railway and works or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed. The said extended period shall with reference to the deposit fund be deemed to be the period limited for the completion of the said railway by the Act of 1893.

Power to
make new
railways.

7. 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 sidings approaches junctions bridges roads 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 authorised by this Act are—

CORK AND FERMOY RAILWAY.

A Railway No. 12 seventeen miles in length or thereabouts being so much of the Railway No. 12 shown on the deposited plans as lies between a point in the parish of Templeusque townland of Sarsfield's Court distant five miles or thereabouts from the commencement of that railway at Cork and a point in the parish of Fermoy distant two miles or thereabouts from the termination of the said railway at Fermoy.

WATERFORD AND ROSSLARE RAILWAYS.

A Railway No. 14 two furlongs three chains in length or thereabouts commencing in the townland of Gibbethill in the parish of Trinity Without in the county of the city of Waterford by a junction with the railway of the Waterford Dungarvan and Lismore Railway Company at a point distant thirty yards or thereabouts from a point in the centre of the line of rails of the said railway immediately under the eastern keystone of the first public road bridge over the said railway adjoining the Waterford Station measured along the said rails in an easterly direction crossing the River Suir by an opening bridge and terminating in the townland of Newrath in the parish of Kilculliheen in the county of the city and county of Waterford at a point in the southern main line of rails of the Waterford Limerick and Western Railway distant fifty yards or thereabouts from the east corner of the junction signal-cabin measured in an easterly direction and two hundred and eighty

yards or thereabouts from the south corner of Newrath House measured in a south-easterly direction : A.D. 1898.

A Railway No. 15 four furlongs 5·3 chains in length or thereabouts commencing in the townland of Mountmisery in the parish of Kilculliheen in the county of the city of Waterford by a junction with the goods extension of the Waterford Limerick and Western Railway at a point in the southern line of rails thereof immediately under the easternmost face of the bridge carrying the mail-coach road from Waterford to New Ross such point being likewise situate two hundred and two yards or thereabouts measured in an easterly direction from the easternmost corner of the toll-house at the north end of the wooden bridge spanning the River Suir and terminating in the townland of Abbeylands in the parish of Kilculliheen in the county of the city of Waterford in a field now or late in the occupation of John Shortis at a point in such field situate sixty-five yards or thereabouts measured in a westerly direction from the south-west corner of the Abbey Church such point being likewise situate three hundred and thirty-three yards or thereabouts measured in a north-easterly direction from the north-west corner of the Adelphi Hotel in the Mall Waterford :

A Railway No. 16 one furlong 5·75 chains in length or thereabouts commencing in the townland of Abbeylands in the parish of Kilculliheen in the county of the city of Waterford by a junction with the authorised Dublin Wicklow and Wexford Railway Company's extension line from New Ross to Waterford such intended junction to be formed in the yard or premises in the occupation of Messrs. Calder & Co. at a point therein situate four hundred and twelve yards or thereabouts measured in a north-westerly direction from the north-west corner of the Abbey Church Abbeylands such point being likewise situate four hundred and five yards or thereabouts measured in an easterly direction from the front entrance doorway of the Ferry Bank post and telegraph office in Sion Row and terminating in the townland of Abbeylands in the parish of Kilculliheen in the county of the city of Waterford at the point of termination of Railway No. 15 as herein-before described :

A Railway No. 17 seven miles three furlongs one chain in length or thereabouts commencing in the townland of Abbeylands in the parish of Kilculliheen in the county of the city of Waterford at the point of termination of Railways Nos. 15 and 16 as

A.D. 1898.

herein-before described crossing the River Barrow by an opening bridge thence in an easterly direction and terminating in the townland of Dunbrody in the parish of St. James and Dunbrody in the county of Wexford at the easternmost fence of the public road leading from Duncannon to New Ross at a point in such fence situate two hundred and twenty-seven yards or thereabouts measured in an easterly direction from the north-east corner of Dunbrody Abbey such point being likewise situate two hundred and twenty yards or thereabouts measured in a southerly direction from the centre of the Dunbrody bridge carrying the public road over the River Canpile :

A Railway No. 18 twenty-three miles seven furlongs 2·5 chains in length or thereabouts commencing in the townland of Dunbrody in the parish of St. James and Dunbrody in the county of Wexford at the point of termination of Railway No. 17 as herein-before described and terminating in the townland of Orristown in the parish of Kilmacree in the county of Wexford in the centre of the public road leading from Killinick to Wexford at a point in such road situate nine hundred and sixty-six yards or thereabouts measured in a northerly direction from the north-east corner of Killinick Church such point being likewise situate five hundred and twenty-five yards or thereabouts measured in a southerly direction from the centre of the Orristown cross roads at their point of junction :

A Railway No. 19 two miles one furlong three chains in length or thereabouts commencing in the townland of Orristown in the parish of Kilmacree in the county of Wexford at the point of termination of Railway No. 18 as herein-before described and terminating in the Wexford Harbour South Reclamation (extra-parochial) by a junction with the existing Rosslare and Wexford Railway of the Company at a point one hundred and fifty yards or thereabouts measured in a south-easterly direction along the said railway from the centre of the occupation level crossing leading from the warehouse at Felthouse to the reclaimed lands on the eastern side of the said railway :

A Railway No. 20 three miles one furlong 3·60 chains in length or thereabouts commencing in the townland of Orristown in the parish of Kilmacree in the county of Wexford at the point of termination of Railway No. 18 as herein-before described and terminating in the townland of Walsheslough in the parish of Rosslare and county of Wexford by a junction with the existing Rosslare and Wexford Railway of the Company at a point

eighty yards or thereabouts measured along the rails of such railway in a north-westerly direction from the centre of the public road bridge leading from Killinick to Rosslare such point on the rails being opposite to the booking office door of the Rosslare station-house on the aforesaid railway.

A.D. 1898.

8.—(1) The Company shall construct and maintain Railway No. 15 by this Act authorised on the river side of the premises at Ferry Bank of the City of Waterford Gas Company (in this section referred to as "the gas company") and so that the nearest rail of such railway shall not be less than fifty feet measured horizontally from the edge of the gas company's gas holder tank at Ferry Bank at the nearest point and the Company shall before laying any rail or constructing any work within one hundred feet of the said gas holder tank drive ten-inch close piling to the reasonable satisfaction of the gas company between the said gas holder tank and the said railway such piling to be driven if possible ten feet below the surface of the ground and parallel to the railway and for a distance of fifty feet on each side of a line drawn at right angles to the railway from the centre of the gas company's tank and to project above the ground so as to take the slope of the Company's embankment in order to protect the said gas holder tank and works of the gas company from injury by reason or in consequence of the construction or user of the railway and such piling shall be on the land of the Company and be at all times maintained by and at the cost of the Company in a good and sufficient state of repair to the like satisfaction and the gas company shall be entitled at all times to access to such piling over the Company's property for the purpose of inspecting the same Provided always that if the Company so desire they may build a retaining wall from a proper foundation in lieu of such piling and the provisions of this section shall so far as applicable apply to such retaining wall.

For protection of City of Waterford Gas Company.

(2) If any injury shall be occasioned to the gas holder tank or works of the gas company during the construction of the said railway the Company shall forthwith restore and make good such injury at their own expense and shall repay to the gas company any damages loss or expenses which they may sustain in consequence thereof.

(3) If any difference shall arise between the Company and the gas company as to the nature position or extent of the piling or retaining wall referred to in this section the same shall be referred to an arbitrator to be agreed on or failing agreement to be appointed

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 Vict.] Harbours Act, 1898.*

A.D. 1898. by the Board of Trade on the application of the Company or the gas company.

For protection of Limerick Company.

9. For the protection of the Limerick Company the following provisions shall apply and have effect unless otherwise agreed upon by deed under seal between the Limerick Company and the Company (that is to say) :—

- (1) The Company shall not except for the purposes of the alterations in connexion with Salvation Lane in the city of Waterford and of the junction of Railway No. 15 with the railway and works of the Limerick Company by this Act authorised take or acquire or interfere with any lands belonging to or in the possession of the Limerick Company Notwithstanding anything shown on the deposited plans the junction of Railway No. 15 by this Act authorised with the railway and works of the Limerick Company shall be constructed at a point on the west side of Salvation Lane not less than twenty-five feet south of the eastern end of the goods loading platform of the Limerick Company :
- (2) The Company shall construct the said junction of such design and material and in all respects according to plans and specifications to be previously submitted to and reasonably approved in writing by the engineer of the Limerick Company or in the event of his failure for twenty-one days after the delivery of the said plans and specifications to approve the same then according to plans and specifications approved by an arbitrator to be appointed on the application of the Company by the Board of Trade and the Company shall not commence the construction of the said junction or enter on the said lands of the Limerick Company or in any manner interfere with their railway works or property until such plans and specifications have been so approved as aforesaid :
- (3) During the construction of the said junction the Company shall bear and on demand pay to the Limerick Company the reasonable expense of the employment by the Limerick Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :

[61 & 62 Vict.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

(4) The Company shall before interfering with the existing access from Salvation Lane to the platforms and premises of the Limerick Company construct to the reasonable satisfaction of the engineer of the Limerick Company a sufficient means of access to the said platforms and premises as near as practicable to the existing access such means of access being not less than eighteen feet in width and properly metalled and fenced and the Company shall acquire any lands shown on the deposited plans and described in the deposited books of reference necessary for that purpose and any difference which may arise between the Company and the Limerick Company under this subsection shall unless otherwise agreed be determined by an arbitrator to be appointed as herein-after provided :

A.D. 1898.

(5) The Limerick Company shall at the expense of and if required by the Company provide and execute construct and lay down all such passenger and goods stations works and conveniences and such additions to and alterations in their stations railways and sidings on their own land as may be necessary for the making by the Company of the junction with the railways of the Limerick Company at the point in Salvation Lane by this Act authorised for the convenient exercise of the powers of running over and using conferred upon the Company by this Act and for the accommodation of the passenger and goods traffic of the Company the nature and extent of such additions and alterations in the event of difference between the companies to be settled by an arbitrator to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either company.

10. And whereas Railway No. 14 by this Act authorised and Railway No. 3 authorised by the Wicklow Act of 1897 are intended to be carried across the River Suir by means of swing or opening bridges immediately adjoining each other and the objects to be attained by the said railways could be efficiently attained by the construction of one railway with one bridge and a double line of rails Therefore the following provisions shall have effect (that is to say) :—

Provisions as to construction of Railway No. 14 and Railway No. 3 of Wicklow Company.

(1) The Company in carrying out the powers conferred upon them by this Act shall construct the bridge across the River Suir hereby authorised (in this section called "the said bridge") so as to be capable of accommodating a railway with a double line of rails :

(2) The Wicklow Company may at any time before the expiration of the powers of this Act give notice in writing to the Company

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

that they desire to become joint owners of the said bridge and upon payment by the Wicklow Company of one-third of the cost of and incident to the construction of the said bridge including the cost of the land required for its construction the said bridge shall become the joint property of the Company and the Wicklow Company and the said companies shall have equal rights each with the other in all respects as to working over and using and may work over and use the said bridge and make the same charges in respect thereof as if it formed an integral part of their respective systems of railway and the cost of maintenance and working of the said bridge shall be borne and paid by the said companies in proportion to the traffic carried by them respectively over the said bridge but the said bridge shall be maintained and worked by the Company :

- (3) The expression "the said bridge" in this section shall include the structure of the bridge across the River Suir with a double line of rails and shall also include all necessary junctions between the railways of the said companies on either side of the bridge and the signals and works connected therewith and with the said bridge :
- (4) Any difference between the Company and the Wicklow Company arising under this section shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859.

Powers for
Company and
Wicklow
Company to
agree as to
execution of
authorised
works.

11. Notwithstanding anything contained in this Act or in the Wicklow Act of 1897 it shall be lawful for the Company and for the Wicklow Company to make enter into and give effect to agreements with each other respecting the construction of Railways Nos. 14 and 15 by this Act authorised including the bridge over the River Suir and respecting the construction of Railways Nos. 2 and 3 and the bridge over the River Suir by the Wicklow Act of 1897 authorised respectively as may be deemed necessary or expedient and for reconciling and facilitating the construction of both sets of works or either of them in substitution for or in addition to or jointly or side by side with such other set of works as may be deemed necessary or expedient and for preventing either company from interfering with or impeding the other company in the construction of such railways or bridge or any of them where according to the deposited plans such railways or bridges respectively would pass through the same lands or through any adjoining lands or property.

A.D. 1898.

12. And whereas a portion of Railway No. 15 by this Act authorised is intended to be constructed on lands occupied by R. and H. Hall Limited immediately adjoining a portion of Railway No. 1 authorised by the Wicklow Act of 1897 And whereas by an indenture dated the seventeenth day of June one thousand eight hundred and ninety-seven and made between the Wicklow Company of the one part and R. and H. Hall Limited of the other part the Wicklow Company entered into certain covenants with R. and H. Hall Limited And whereas the said portion of Railway No. 15 and also other portions thereof are laid out in proximity to the said Railway No. 1 and the lands comprised within the limits of deviation shown on the deposited plans of Railways Nos. 15 and 16 or some parts thereof are also comprised within the limits of deviation shown on the deposited plans referred to in the Wicklow Act of 1897 of the said Railway No. 1 Therefore the following provisions shall have effect with respect to so much of Railways No. 15 and No. 16 by this Act authorised as lies between points respectively adjoining the junction between the Railway No. 15 and Railway No. 16 by this Act authorised and the junction of the said Railway No. 1 with the Waterford Limerick and Western Railway (that is to say) :—

Provisions
as to con-
struction of
Railways
Nos. 15 and
16 and
Railway
No. 1 of
Wicklow
Company.

(1) The Company in carrying out the powers conferred upon them by this Act shall construct the said portion of the said Railways Nos. 15 and 16 (in this section called "the said railway") with a double line of rails and all necessary junctions between the points herein-before in this section described in accordance (so far as the same is intended to be constructed on lands occupied by R. and H. Hall Limited) with the plan (one copy of which has been deposited in the Private Bill Office of the House of Commons) signed in triplicate by the Right Honourable Sir Ughtred James Kay-Shuttleworth the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and so far as relates to the remainder of the said railway in accordance with the plan marked A signed by the Right Honourable the Earl of Camperdown the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (which last-mentioned plan has been deposited in the Parliament Office of the House of Lords) :

(2) The Wicklow Company may at any time before the expiration of the powers of this Act give notice in writing to the Company that they desire to become joint owners of the said railway and upon payment by the Wicklow Company of one-third of the cost of and incident to the construction of the said railway

A.D. 1898.

including the cost of the land required for its construction the said railway shall become the joint property of the Company and the Wicklow Company and the two companies shall have equal rights each with the other in all respects as to working over and using and may work over and use the said railway and make the same charges in respect thereof as if it formed an integral part of their respective systems of railway and the cost of maintenance and working of the said railway shall be borne and paid by the two companies in proportion to the traffic carried by them respectively over the said railway but the same shall be maintained by the Company :

(3) Except so far as the provisions of the said indenture between the Wicklow Company and R. and H. Hall Limited require to be varied in order to admit of the said railway being constructed with a double line of rails and otherwise in accordance with the provisions of this section the provisions of the said indenture shall (in the event of the Wicklow Company giving the notice provided for by subsection (2) of this section or the said railway being constructed by the Company in accordance with the provisions of subsection (1) of this section) be of full force and effect as against the Company as if the said railway had been therein referred to instead of the said Railway No. 1 and as if the Company had been party to and had executed the said indenture instead of the Wicklow Company :

(4) As regards the lands coloured blue red and yellow on the said plan marked A the Company shall be entitled to acquire and have the exclusive use of the land coloured blue and the Wicklow Company shall be entitled to acquire for the purposes of the said Railway No. 1 and have the exclusive use of the land coloured red but neither the Company nor the Wicklow Company shall exercise their respective powers of purchasing any portion of the said land coloured yellow except with the consent of the other of them and if such consent shall be refused or withheld for a space of one month a difference shall be deemed to have arisen under this section and the arbitrator to whom the difference shall be referred shall have power to determine which portions of the said land coloured yellow may be purchased by the Company and the Wicklow Company respectively and what means of access may be necessary between the said railway or the Railways Nos. 15 and 16 by this Act authorised and such portions of the said lands

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

respectively allocated to the Company and the Wicklow Company: A.D. 1898.

- (5) In the event of the Wicklow Company constructing Railway No. 1 authorised by the Wicklow Act of 1897 before the Company shall have commenced the construction of the said railway the provision of subsection (1) of this section shall so far as applicable be read and have effect as fully and effectually as if the Wicklow Company had been named therein instead of the Company and the Company had been named therein instead of the Wicklow Company and in the event of the Company thereafter constructing the Waterford and Rosslare Railways the provisions of subsection (2) shall be read and have effect as fully and effectually as if the Company had been named therein instead of the Wicklow Company provided that the proportion of the cost of constructing the said railway to be paid by the Company shall be two-thirds;
- (6) The expression "the said railway" in this section shall include the junctions between the railways of the said companies at either end of the said railway and the signals and works connected therewith and with the said railway but shall not include any sidings or other works or conveniences constructed by either company for the purposes of their own traffic exclusively:
- (7) Any difference between the Company and the Wicklow Company or between the Company and R. and H. Hall Limited arising under this section shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859.

13. For the protection of the Waterford Commissioners the following provisions shall notwithstanding anything shown on the deposited plans and sections or in this Act contained apply and have effect unless otherwise agreed upon in writing between the said commissioners and the Company (that is to say):— For protection of Waterford Commissioners.

- (1) The Company shall not commence the construction of the bridge authorised by this Act for carrying Railway No. 14 over the River Suir (in this section called "the said bridge") or any temporary or permanent works connected therewith affecting the said river or the banks walls quays or wharves thereof or the approaches thereto until they shall have given to the Waterford Commissioners two months' notice in writing of their intention to commence the same by leaving such notice at the office of the said commissioners with plans

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

designs elevations sections and other necessary particulars of the construction of the said bridge and works connected therewith the position of the opening and other spans of the said bridge and the mode of working such opening span and until the Waterford Commissioners shall have signified their approval of the same in writing And the Company shall comply with and conform to all reasonable directions and regulations of the Waterford Commissioners in the construction of the said bridge and works connected therewith and shall save harmless the said commissioners against all and every expense to be occasioned thereby and all such works shall be constructed to the reasonable satisfaction of the engineer or other officer or officers of the Waterford Commissioners and the said bridge and works shall thereafter be maintained and kept in good order and repair by and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the Waterford Commissioners may incur in the preparation or examination of plans or designs and reasonable compensation shall be paid to the said commissioners by the Company on demand The Waterford Commissioners shall not be liable or be held accountable at any time hereafter for any injury or damage caused to the said bridge or works by reason of any ship or vessel striking or fouling the same :

- (2) If the Waterford Commissioners fail to signify their approval or disapproval or other directions in reference to the said plans elevations sections and other particulars as aforesaid within thirty days from the receipt thereof or if in the opinion of the Company the said commissioners shall unreasonably withhold their assent from such plans elevations sections and particulars aforesaid or shall require as a condition of their written assent thereto the making of such further works or such extensive alterations of the works proposed as the Company are or may be unwilling to undertake it shall be lawful for the Company or the said commissioners to require the difference between them as to the character and extent of such works or alterations to be decided by arbitration as herein-after provided :
- (3) The traffic of the River Suir shall not at any time be stopped during the progress of the works and shall not be interfered with more than may be absolutely necessary for the construction of the said bridge and the Company shall when and so soon as the permanent works are completed and within fourteen

days after notice from the Waterford Commissioners so to do forthwith proceed to remove any erections or materials for temporary works which may have been placed in the said river by the Company and on their failing so to do the Waterford Commissioners may remove the same and charge the Company with the expense of so doing and the Company shall forthwith repay to the said commissioners the proper and reasonable expenses incurred in such removal :

- (4) The engineer or other officer of the Waterford Commissioners with the requisite assistants and workmen shall at all reasonable times have free access to the said bridge and works connected therewith with authority to inspect the same and the workmanship and materials thereof and the state of repair of the same :
- (5) In the event of any rebuilding reconstruction or repair of the said bridge or works interfering with the navigation of the said river from time to time becoming necessary or desirable no such rebuilding reconstruction or repair shall be commenced until a plan and specification elevations and other necessary and appropriate details of the proposed rebuilding reconstruction or repair shall have been previously submitted to the Waterford Commissioners and such rebuilding reconstruction and repair shall be carried out to their reasonable satisfaction :
- (6) For the purpose of ensuring the safe passage of vessels through the said bridge dolphins shall be constructed of sufficient width and strength to efficiently protect the ends of the swing bridge when open both on the up and down stream sides of the said bridge and so placed that the openings in the bridge shall be in line with the average current of the river and the said dolphins shall be furnished with proper mooring posts to facilitate the passage of vessels through the openings and shall be continuously connected together and with the central pier of the swing bridge by timber staging or by floating booms so designed as to guide vessels through the openings and the Waterford Commissioners shall not be liable in respect of any damage injury or loss which may be sustained by any vessel passing or seeking to pass through or under the said bridge either from the placing or failure to place such mooring posts buoys staging or booms :
- (7) Notwithstanding anything shown on the deposited plans and sections the said bridge shall be constructed so as to provide a clear headway throughout the opening span of

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 Vict.]
Harbours Act, 1898.

A.D. 1898.

not less than eight feet six inches between the under side of the girders and the level of high water at ordinary spring tides:

- (8) The Waterford Commissioners shall not be liable in respect of any damage injury or loss which may be sustained by any vessel navigating the River Suir by reason of the placing of or failure to place the dolphins warping buoys moorings and other works by this Act directed to be placed by the Company both on the up and down stream sides of the bridge for carrying Railway No. 17 across the River Barrow:
- (9) During the construction of the railways by this Act authorised on or near the foreshore of the River Suir and also at all times after the completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the railway as the Board of Trade may direct or approve Provided that the Company shall not be under any obligation to carry out the said works in the event of the Wicklow Company constructing and completing the same:
- (10) The Company shall before interfering with the road numbered 31 on the deposited plans in the townland of Abbeylands construct at a point situated in the position indicated on the plan signed by Michael Joseph Fleming James Otway and Sir Benjamin Baker referred to in the section of this Act the marginal note of which is "For protection of Waterford Corporation" a substituted quay having a frontage to the River Suir of not less than sixty feet and of a width of not less than thirty feet according to plans sections and specifications which shall previously have been submitted to and approved of by the engineer of the Waterford Commissioners The said substituted quay shall be so constructed as to afford a depth of water not less than the depth of water at the passing of this Act opposite the Pier Head Road Quay along the entire length of such substituted quay and the Company shall carry out all works of dredging which in the opinion of the said engineer may be reasonably necessary for such purpose and to afford reasonable and proper access to the said substituted quay and the deposited plans shall be and be deemed to be varied and altered accordingly Provided that the Company shall not be under any obligation to carry out the said works in the event of the Wicklow Company constructing and completing the same:

- (11) The portions of Railways Nos. 15 and 16 east of the property numbered on the deposited plans 19 in the townland of Mount Sion shall be constructed not nearer the northern bank of the River Suir than ten feet south of the centre lines as shown upon the deposited plans :
- (12) The southern limit of deviation of the said Railway No. 16 shall not extend beyond the line of high-water mark save and except at the points where the line of high-water mark does not conform to the general line of the river bank by reason of any intervening creek or slip in which cases the limit of deviation shall continue in the general line of the said river bank :
- (13) The portion of Railway No. 17 where it passes the Ballast Quay on the northern shore of the River Suir at Waterford to a point two furlongs from its commencement shall be constructed so as to be adjacent to but south of the boundary fence between the properties numbered on the deposited plans 1 and 3 in the townland of Christendom :
- (14) The said Railway No. 17 so far as it skirts the northern shore of the Queen's Channel of the said River Suir from a point on the centre line of the said railway as shown on the deposited plans one mile seven-and-a-half furlongs from the commencement of the railway to a point three miles therefrom shall be constructed as near as reasonably may be to the limit of deviation shown on the deposited plans to the north of the centre line on the said plans and the limit of deviation on the south of the said centre line along the said channel shall not extend beyond the line of high water :
- (15) The Company shall not take or in any way interfere with any of the river buoys lights or beacons in the port and harbour of Waterford or belonging to the Waterford Commissioners without the consent of the said commissioners :
- (16) In case of any difference or dispute arising at any time between the Company and the Waterford Commissioners or their respective engineers as to anything to be done or not to be done or as to any matters provided for under this section or as to the effect or meaning thereof such difference or dispute shall be referred to and settled and determined by an arbitrator to be appointed by the Board of Trade on the application of the Company and the Waterford Commissioners or either of them and the decision of such arbitrator (who shall have authority to determine by whom the costs of such reference shall be paid) shall be binding and conclusive.

A.D. 1898.

For pro-
tection of
Waterford
Corporation.

14. Notwithstanding anything in this Act or in the Acts incorporated herewith or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect for the protection of the Waterford Corporation unless otherwise agreed upon between the said corporation and the Company :—

- (1) Before constructing Railway No. 15 across Salvation Lane the Company shall submit designs for such a proper and sufficient access to North Wharf as can reasonably under the circumstances be obtained to the engineer for the time being of the Waterford Corporation and the Company shall at their own expense construct such access in such position and manner and according to such conditions as the said corporation shall reasonably approve and of a gradient of not steeper than one in sixteen provided the consent of the Limerick Company is obtained to the acquisition of the land necessary to enable the Company to construct such access of that gradient :
- (2) Notwithstanding anything in this Act or the Railways Clauses Consolidation Act 1845 contained the Company shall not in constructing Railway No. 15 deviate from the centre line delineated on the deposited plans in a northerly direction further than the southern boundary of the public road known as Dock Road :
- (3) The southern limit of deviation of Railway No. 15 between the commencement of the said railway and Salvation Lane shall not extend beyond the boundary wall between the North Wharf and the yard of the Waterford Limerick and Western Railway and between Salvation Lane and the Pier Head Road shall not extend beyond the line of high-water mark of ordinary spring tides and between Pier Head Road and the ferry slip the said limit of deviation shall not extend further south than within twenty feet of the line of high-water mark of ordinary spring tides Provided that at the points where the line of high-water mark does not conform to the general line of the river bank by reason of any intervening creek or slip the limit of deviation shall continue in the general line of the said river bank or twenty feet therefrom as the case may be :
- (4) The Company shall not acquire the lands numbered 7 on the deposited plans (known as the North Wharf) in the townland of Mountmisery except so far as may be necessary for the alteration of Salvation Lane by this Act provided :
- (5) Notwithstanding anything shown on the deposited plans and sections the thoroughfare locally called Mill Lane leading to a

landing quay at the north side of the River Suir numbered 30 in the townland of Mount Sion and 15 in the townland of Abbeylands on the deposited plans shall be crossed on the level by Railway No. 15 so as not to interfere with the approach to the said quay :

A.D. 1898.

- (6) In substitution for Pier Head Road or Murphy's Lane numbered 31 on the deposited plans in the townland of Abbeylands and parish of Kilculliheen the Company shall construct a new road in manner shown on a plan signed by Michael Joseph Fleming on behalf of the Waterford Corporation by James Otway on behalf of the Waterford Commissioners and by Sir Benjamin Baker on behalf of the Company and the deposited plans shall be and be deemed to be varied and altered accordingly :
- (7) The southern limit of deviation shown on the deposited plans as being situate on the public road between the two bridges which carry the said road over the rails of the Waterford and Limerick and Western Railway over which the Company take running powers shall be set back so as to coincide with the northern boundary wall of the said road which is numbered 31 on the deposited plans in the townland of Mountnisery :
- (8) Where the centre line of Railway No. 17 crosses the ferry slip numbered 45 on the deposited plans in the townland of Abbeylands the Company shall carry the said railway across and on the level of the said ferry slip the crossing to afford a roadway of twenty-five feet in width and the gateway to be twenty feet in width so as to preserve the access to the ferry and the foreshore and the inclinations of the approaches to the level crossing shall be made as easy as the nature of the locality permits and in addition thereto the Company shall make and maintain a footbridge of not less than six feet in width for the convenience of persons using the ferry when the gates of the railway are closed :
- (9) If any difference arise between the Company and the Waterford Corporation as to anything to be done or not to be done under the provisions of this section or as to any matter dealt with thereby or as to the effect or meaning thereof the same shall be settled by a single arbitrator to be appointed (unless otherwise agreed upon) by the Board of Trade at the instance of either party and the decision of such arbitrator shall be final and binding upon both parties in all matters referred to him and the cost of the reference shall be borne and paid as he shall direct.

A.D. 1898.

Provision
as to bridge
over River
Barrow.

15. Notwithstanding anything in this Act or in the Acts incorporated herewith contained or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect as to the bridge and approaches and works in connexion therewith carrying Railway No. 17 over the River Barrow (in this section referred to as "the said bridge") :—

- (1) The said bridge shall be constructed with two opening spans of eighty feet clear each over the main channel of the said River Barrow where the said bridge crosses the said river the said eighty feet being measured square to the current :
- (2) The said bridge shall have a headway of twenty-five feet clear above high water of ordinary spring tides under the said opening spans and under two of the adjoining one hundred and ten feet spans contiguous to the opening spans :
- (3) The piers columns or other supports of the said bridge shall as far as reasonably may be be set so as to be parallel with the course of the current in the main channel of the said River Barrow :
- (4) Dolphins shall be constructed of sufficient width and strength both on the up and the down stream sides of the bridge and the said dolphins shall be furnished with proper mooring posts to facilitate the passage of vessels through the openings and shall be continuously connected together and with the central pier of the swing bridge by timber staging so designed as to guide vessels through the openings :
- (5) Before commencing the works for the construction of the said bridge the Company shall submit to the New Ross Commissioners plans showing the site upon which such bridge is to be constructed and the angle at which the piers dolphins or staging shall be placed in relation to the tidal currents at the site shown on the said plans and the length of the proposed dolphins and the said bridge and works shall only be constructed in accordance with the said plans or such modifications thereof as may be agreed upon between the Company and the said commissioners Provided that if the said commissioners fail within one month after the said plans shall have been submitted to them to signify their disapproval thereof they shall be deemed to have approved of the same and any difference between the Company and the said commissioners with reference to the said plans shall unless otherwise agreed be determined by an arbitrator to be appointed by the Board of Trade on the application of either party :

[61 & 62 VICT.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

(6) The Company shall at all times keep the navigable channel of the river under the said bridge and on each side thereof so far as such channel may be affected by the works of the Company under this Act of a sufficient depth of water and otherwise in condition to admit of vessels being navigated under the said bridge to the satisfaction of the Board of Trade. A.D. 1898.

16. For the purpose of ensuring the safe passage of vessels through the opening bridge which carries Railway No. 14 over the navigable River Suir the Company shall in connexion with the said bridge to the reasonable satisfaction of the Waterford Commissioners lay down and maintain warping buoys and moorings in or on the bed of the said River Suir immediately above and below the said bridge and for the purpose of ensuring the safe passage of vessels through the opening bridge which carries Railway No. 17 over the navigable River Barrow the Company shall in connexion with the said bridge to the reasonable satisfaction of the New Ross Commissioners lay down and maintain warping buoys and moorings in or on the bed of the said River Barrow immediately above and below the said bridge. Provided that in case any dispute or difference shall arise between the Company and the said commissioners respectively or their respective engineers with reference to the said warping buoys and moorings such dispute or difference shall be settled and determined by an arbitrator to be appointed by the Board of Trade upon the application of the parties to the dispute or difference or either of them and the decision of such arbitrator shall be final and binding and be carried into effect accordingly and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct. Warping buoys and moorings to be laid down in Rivers Suir and Barrow.

17. Before proceeding to open for public traffic the opening bridges for carrying Railways No. 14 and No. 17 over the Rivers Suir and Barrow respectively the Company shall and thereafter from time to time may make byelaws rules and regulations with respect to the time and mode of vessels passing through the said opening bridges but subject always to this provision that all such byelaws rules and regulations shall in the first place have been approved of by the Waterford Commissioners or the New Ross Commissioners as the case may be and if any dispute or difference shall arise between the Company and either of the said commissioners with reference to the said byelaws rules and regulations or the approval thereof such dispute or difference shall be settled and determined by an arbitrator to be appointed by the Board of Trade. Company may make byelaws as to bridges.

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898. upon the application of the parties to the dispute or difference or
— either of them and the decision of such arbitrator shall be final and
binding and the costs and expenses of such arbitration shall be
defrayed as the arbitrator shall direct and in every case the said
byelaws rules and regulations shall be submitted for confirmation
to the Board of Trade and shall not until such confirmation have
any force or validity.

Evidence of
byelaws as
to bridges.

18. A printed or written copy of any such byelaws rules and
regulations purporting to be made and confirmed under the authority
of this Act and signed by an assistant secretary of the Board of
Trade shall be conclusive evidence of the validity of such byelaws
rules or regulations in any prosecution or proceeding under the same
for any purpose.

Provision
against
danger to
navigation.

19. In case of injury to or destruction or decay of the bridge or
works or any part thereof the Company shall lay down such buoys
exhibit such lights or take such other means for preventing so far as
may be danger to navigation as shall from time to time be directed
by the Commissioners of Irish Lights and shall apply to those
commissioners for directions as to the means to be taken and the
Company shall be liable to a penalty not exceeding ten pounds for
every calendar month during which the Company omit so to apply
or refuse or neglect to obey any direction given in reference to the
means to be taken.

Works
below
high-water
mark not
to be com-
menced
without
consent of
Board of
Trade.

20. The Company shall not construct on the shore of the sea or
of any creek bay arm of the sea or navigable river communicating
therewith where and so far up the same as the tide flows and reflows
any work without the previous consent of the Board of Trade to
be signified in writing under the hand of one of the secretaries or
assistant secretaries of the Board of Trade and then only according
to such plan and under such restrictions and regulations as the
Board of Trade may approve of such approval being signified as
last aforesaid and when any such work may have been constructed
the Company shall not at any time alter or extend the same without
obtaining previously to making any such alteration or extension
the like consents or approvals. If any such work be commenced or
completed contrary to the provisions of this Act the Board of Trade
may abate and remove the same and restore the site thereof to its
former condition at the costs and charges of the Company and the
amount of such costs and charges shall be a debt due from the
Company to the Crown and shall be recoverable as a Crown debt or
summarily.

21. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve :

Lights on works during construction.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

22. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Irish Lights shall from time to time direct :

Company to exhibit lights.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

23. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

24. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

25. The quantity of land which the Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 Vict.] Harbours Act, 1898.*

A.D. 1898.

Power to cross certain roads on the level.

27. 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 and to the conditions (if any) respectively set opposite the several roads mentioned in the next following table the Company may in the construction of the railway carry the same with a single line only while the railway consists of a single line and afterwards with a double line only across and on the level of the public roads next herein-after mentioned (that is to say):—

Railway.	No. on deposited Plan.	Parish.	Conditions.
No. 12	8	Ardnageehy.	
No. 12	23	Ardnageehy.	
No. 12	1	Kilshanahan.	
No. 12	11	Rathcormack.	
No. 15	30	Kilculliheen.	
No. 17	10	Kilculliheen -	View of level crossing from east to be improved as much as possible.
No. 18	33 and 1	St. James and Dunbrody.	Footbridge or subway to be provided.
No. 18	12	Owenduff -	Inclinations of approaches to be not steeper than 1 in 30.
No. 18	8	Tintern -	Inclinations of approaches to be not steeper than 1 in 30 on the north side.
No. 18	39	Ballylannan -	Inclination of approach to be not steeper than 1 in 12.
No. 18	8	Ballylannan -	A footbridge or subway to be provided if at any time a station is built at the level crossing.
No. 18	15	Kilcavan -	Inclination of approach on west side to be not steeper than 1 in 30.
No. 18	7	Kilcavan.	
No. 18	25	Bannow.	
No. 18	9	Duncormick.	
No. 18	4 and 6	Mulrankin -	Inclinations of approaches to be not steeper than 1 in 30 and a footbridge to be provided.
No. 18	8 and 1	Mayglass -	Inclinations of approaches to be not steeper than 1 in 30.
No. 20	4	Rosslare.	

Inclination of roads. 28. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any

[61 & 62 Vict.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :— A.D. 1898.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
CORK AND FERMOY RAILWAY.			
35	Templeusque - -	Public road -	1 in 5
30	Templeusque - -	Public road -	1 in 9
8	Ardnageehy - -	Public road -	1 in 14
1	Kilshanahan - -	Public road -	1 in 7
11	Rathcormack - -	Public road -	1 in 11 on one side and 1 in 15 on the other.
3 and 1A	Rathcormack - -	Public road -	1 in 30
WATERFORD AND ROSSLARE RAILWAYS.			
62	Kilcullibeen - -	Public road -	1 in 12
1 and 33	St. James and Dunbrody	Public road -	1 in 15

29. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :— Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height in Feet.	Span in Feet.
CORK AND FERMOY RAILWAY.				
29	Templeusque - -	Public road -	15	20
27	Dunbulloge - -	Public road -	15	20
4	Ardnageehy - -	Public road -	15	20
WATERFORD AND ROSSLARE RAILWAYS.				
19	St. James and Dunbrody	Public road -	15	20
1	Killesk - -	Public road -	14	20
22	Tintern - -	Public road -	15	20
8	Duncormick - -	Public road -	15	40
1	Duncormick - -	Public road -	18	40

30. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not Width of certain roadways.

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 Vict.] Harbours Act, 1898.*

A.D. 1898. being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
CORK AND FERMOY RAILWAY.			
			Feet.
1	Dunbulloge -	Public road -	20
12	Ardnageehy -	Public road -	20
10 and 1A	Rathcormack -	Public road -	20
1 and 2	Rathcormack -	Public road -	20
WATERFORD AND ROSSLARE RAILWAYS.			
62	Kilculliheen -	Public road -	30
1 and 27	Killesk -	Public road -	20
6	Owenduff -	Public road -	20
35	Owenduff -	Public road -	20
13	Owenduff -	Public road -	20
33	Clongeen -	Public road -	20
3	Duncormick -	Public road -	20

Power to divert roads as shown on deposited plans.

31. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Description of Road.	Parish.	No. of Road on deposited Plan.
CORK AND FERMOY RAILWAY.		
Public road -	Ardnageehy -	8
Public road -	Ardnageehy -	23
Public road -	Rathcormack -	1A and 10
Public road -	Rathcormack -	1 and 2
Public road -	Castlelyons -	1A and 5
WATERFORD AND ROSSLARE RAILWAYS.		
Public road -	Rathpatrick -	4
Public road -	Rathpatrick -	15
Public road -	St. James and Dunbrody -	6
Public road -	Duncormick -	1
Public road -	Duncormick -	8
Public road -	Duncormick -	10 and 23

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company. A.D. 1898.

32. Subject to the provisions of this Act the Company may stop up and discontinue for public traffic any roads highways or footpaths shown on the deposited plans as intended to be stopped up and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage or other rights in over or affecting the same but subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the same. Company may stop up roads and extinguish rights of way.

33. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to owners to grant easements &c.

34. With respect to any lands at Rosslare acquired by the Company for the purposes of their undertaking in Ireland and which may not be required for the purposes of the railways by this Act authorised or the railways and harbours authorised or transferred by the Acts of 1893 and 1894 or incidental works connected therewith or the other purposes of the Company the following provisions shall have effect:— Power to lease certain lands.

(a) The Company may grant leases of any of such lands for any terms not exceeding ninety-nine years to any persons corporations or companies (such corporations or companies being capable at law of accepting such leases) who shall covenant to improve such lands by laying out money in the construction or erection thereon of docks basins shipyards wharves landing-places warehouses hotels inns houses coastguard

A.D. 1898.

cottages lighthouses sheds and other buildings and conveniences calculated to promote or facilitate the business of the Company :

Provided always that as regards any works to be constructed under the authority of this section the provisions of the Harbours Docks and Piers Clauses Act 1847 shall so far as applicable be deemed to be incorporated with this Act :

(b) Every such lease shall be made without fine but may be made with and subject to such exception reservations yearly or other rents or payments covenants conditions powers and provisions as the parties thereto mutually agree on Provided that in every such lease due provision be made for securing the payment performance and observance by the lessees thereunder of the rents (if any) covenants and provisions in and by such leases respectively reserved and contained and on their part to be performed and observed Provided also that a duplicate or counterpart of every such lease be executed by the lessees therein named and delivered to the Company.

Owners may
be required
to sell parts
only of
certain lands
and
buildings.

35. And whereas in the construction of the railways or otherwise in exercise of the powers of this Act it may happen that portions only of any property shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described or referred to in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or such other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that

such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them : A.D. 1898.

Provided always that if in the opinion of such tribunal any such portion or portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice :

Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owners or other persons be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owners or other persons incident to the arbitration or inquiry shall be borne and paid by such owner or person :

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

36.—(1) Any limited owner as defined in this Act may with the sanction of the commissioners given under this section grant to the Company either without payment of purchase money or compensation or in consideration of the issue as herein-after provided of shares or stock in the undertaking any land which the Company are authorised to purchase and take for the purposes of the railways and may convey the same free from all incumbrances thereon Provided that the costs or expenses incurred by such limited owner or any successor in title in the land or by the trustees (for the time being) herein-after mentioned or by any incumbrancer on the land of all conveyances and assurances to the Company of such lands and of evidencing and verifying the title to the same or to the said shares or stock when issued to the trustees as herein-after provided and of appearing before the commissioners shall be paid by the Company and such costs and expenses may be taxed in manner provided in respect to costs incurred under the provisions of the Railways (Ireland) Act 1864 and if within seven days after demand of the amount certified the same be not paid it may be recovered in the manner provided by the thirteenth section of the Railways Act (Ireland) 1851.

As to
limited
owners.

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 VICT.]
Harbours Act, 1898.*

A.D. 1898.

(2) The commissioners shall not give their sanction under this section unless they are satisfied that the estate of which the land so to be purchased and taken forms part will be permanently increased in value by the construction of the railways. Provided always that in the case of a free grant of land by the limited owner to the Company the commissioners shall certify that in their opinion the said estate will be permanently increased in value to an amount greater than the value of the land so granted and in case such land shall be granted in consideration of the issue of shares or stock that in the opinion of the commissioners the said estate will be permanently increased in value to an amount exceeding the difference between the value of the land so granted and the actual value of such shares or stock at the date of the transfer or conveyance of the land to the Company. Provided also that if the land proposed to be granted is subject to incumbrances the commissioners before giving their sanction under this section shall cause notice to be given to the incumbrancers and shall consider the objections (if any) raised by them.

(3) Where any limited owner grants any land to the Company in consideration of the issue of shares or stock in the undertaking the amount of such shares or stock shall be equal in nominal value to the purchase money of such land and such shares or stock shall be issued to two trustees nominated by the limited owner to be held by them upon the like uses and trusts and for the same purposes as the estate of which such land formed part stood settled. Provided that such shares or stock shall be deemed to be shares or stock fully paid up of the undertaking.

(4) If either or both of the trustees die resign or become incapable of acting then the limited owner or his successor in title may nominate by writing under his hand another person or other persons to be a trustee or trustees in place of the trustee or trustees having died resigned or become incapable of acting.

(5) If any one trustee die resign or become incapable of acting the remaining trustee shall continue to be as competent to act as if no such deficiency in number had occurred and no act of the surviving trustee shall be invalidated or illegal by reason of the vacancy not being filled up or by reason of any irregularity or omission in or about any appointment of a new trustee or trustees.

(6) Trustees appointed under this section shall be indemnified against any claim or any loss by reason of their acting and taking and holding any shares or stock under the provisions and for the purposes of this section.

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

(7) The term "limited owner" in this section shall mean any person or persons by whom the powers of sale conferred by section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised. A.D. 1898.

37. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Every such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 Vict.]
Harbours Act, 1898.

A.D. 1898.

inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

Restrictions
on displacing
persons of
labouring
class.

38.—(1) The Company shall not under the powers of this Act 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 unless and until the Company—

- (a) shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place

[61 & 62 VICT.] *Fishguard and Rosslare Railways and* [Ch, cclii.]
Harbours Act, 1898.

of employment of such persons and to all the circumstances of the case; and A.D. 1898.

(b) shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 and 203 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 Vict.]
Harbours Act, 1898.

A.D. 1898. authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

[61 & 62 VICT.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate. A.D. 1898.

(12) The Company shall not under the powers of the Act of 1893 as extended by this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of that Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(13) For the purposes of this section the expression "labouring class" includes mechanics artisans 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 such persons who may be residing with them.

39. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of forty-one thousand and fifty-one pounds six shillings and eleven-pence two and three-quarters per centum consolidated stock being equal in value to five per centum on the amount of the estimate in respect of the railways originally proposed to be authorised by this Act has been deposited with the Accountant-General of the Supreme Court in Ireland And whereas the sum of twenty-four thousand one

Deposit money not to be repaid except so far as portions of railway opened.

A.D. 1898.

hundred and fifty-three pounds part of the said sum of forty-one thousand and fifty-one pounds six shillings and elevenpence two and three-quarters per centum consolidated stock is equal in value to five per centum on the amount of the estimate in respect of the railways by this Act authorised and the sum of sixteen thousand eight hundred and ninety-eight pounds six shillings and elevenpence the remainder thereof is equal in value to five per centum on the amount of the estimate in respect of certain railways which were struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the said sum of twenty-four thousand one hundred and fifty-three pounds two and three-quarters per centum consolidated stock (which sum is in this Act referred to as "the deposit fund") shall not be transferred 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the said railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any of the said several railways or any portion of the said several railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the particular railway or railways so opened as aforesaid and the portion of the deposit fund which bears to the whole of that part of the deposit fund which relates to the said particular railway or railways so opened the same proportion as the length of the particular railway or railways or any portion thereof so opened bears to the entire length of the said particular railway or railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified.

Application
of deposit.

40. If the Company do not previously to the expiration of the period limited for the completion of the said several railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons

whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of any of the said several railways or any portion thereof in respect of which the said deposit was made or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors Provided that until the deposit fund has been retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1898.

41. On the application of the depositors at any time after the passing of this Act the High Court may order that the said sum of sixteen thousand eight hundred and ninety-eight pounds six shillings and elevenpence two and three-quarters per centum consolidated stock the remainder of the said sum of forty-one thousand and fifty-one pounds six shillings and elevenpence like stock so deposited as aforesaid over and above the deposit fund shall be transferred or paid to the depositors or as they shall direct.

Providing for release of part of money deposited.

42. Notwithstanding anything contained in the Parliamentary Deposits Act 1846 or in the sections of this Act of which the marginal notes are "Deposit money not to be repaid except so far as portions of railway opened" and "Application of deposit" the High Court may after due notice to the depositors on the application from time to time of the Company issue a direction to the Accountant-General of the Supreme Court in Ireland to vary the names of the persons named in the warrant or order referred to in those sections and thereafter the persons named in such direction shall for all purposes be deemed to be the depositors within the meaning of those sections.

As to change of names of depositors.

A.D. 1898.

Period for completion of works.

43. If the several railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Confirming agreement with Treasury.

44. The agreement set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

Dungarvan undertaking to be vested in Company.

45. The undertaking of the Dungarvan Company shall as on and from the date of vesting and upon the terms and conditions in this Act contained be by virtue of this Act transferred to and vested in the Company and such transfer and vesting shall subject as provided by this Act be deemed to be an amalgamation within the meaning of Part V. of the Railways Clauses Act 1863.

Payments to shareholders of Dungarvan Company.

46. As on and from the date of vesting each shareholder of the Dungarvan Company shall upon the surrender to the Company of the certificates for the shares held by him or on proof to the reasonable satisfaction of the Company that such certificates have been lost or destroyed be entitled to receive from the Company the sum of seven pounds twelve shillings and sixpence in respect of each such share together with interest thereon at the rate of four pounds per centum per annum from the date of vesting until the date of payment and on payment thereof all the rights interests and claims of such shareholder in to or against the Dungarvan Company or the undertaking of the Dungarvan Company or the guarantors in respect of such undertaking shall by virtue and subject to the provisions of this Act be transferred to and vested in the Company and such payment shall be accepted and received by such shareholder in full satisfaction and discharge of all such rights interests and claims.

Provision as to debts of Dungarvan Company.

47. The Company shall pay to the Most Noble Spencer Compton Duke of Devonshire (herein-after called "the Duke") in respect of the sum of twenty thousand pounds owing to the Duke by the Dungarvan Company and secured by a deed dated the tenth day of April one thousand eight hundred and eighty-four and made between the Dungarvan Company of the one part and the Most Noble William Duke of Devonshire of the other part the sum of five thousand pounds with interest thereon at the rate of four pounds per centum per annum from the date of vesting until the date of payment and such payments shall be accepted and received by the Duke in full satisfaction and discharge of the said sum of twenty

thousand pounds and of all other claims of the Duke under the said deed. A.D. 1898.

48.—(1) The guarantors shall continue to discharge their existing liabilities under the Act of 1873 in accordance in all respects with the provisions of that Act in respect of the payment of the sums payable by them under that Act up to and including the half-year ending the thirtieth day of June one thousand eight hundred and ninety-eight and the sums so payable up to that date shall be paid to the Company and distributed by the Company among the persons who on that date were shareholders of the Dungarvan Company or their respective executors administrators successors or assigns. Half-yearly payments to Company by guarantors.

(2) As and from the date of vesting the Act of 1873 shall be hereby amended as follows:—

Section 10 shall be repealed down to but not including the words “shall become payable” and the following words shall be substituted namely “During the period of thirty-five years after the opening of the whole of the railways the sum of fourteen thousand pounds being a dividend at the rate of five per centum per annum on the sum of two hundred and eighty thousand pounds”:

The following sections or parts of sections shall also be repealed namely:—

In section 11 the words “and for the purpose of ascertaining what are the net profits from the railways”:

And the words “and after the opening of all of the said railways shall from time to time ascertain and determine the amount of the net receipts from such railways respectively in each half-year applicable to the payment of the said dividend as herein-before provided”:

The whole of sections 12 and 13:

Section 15 from and including the words “except as to the sums respectively” down to the end of the section.

(3) During the continuance of the liability of the guarantors under the Act of 1873 as amended by this Act the treasurer of the county of Waterford and the council of the borough of Waterford acting as the fiscal authority shall respectively notwithstanding the dissolution of the Dungarvan Company collect from the guarantors in the manner and in the proportions provided by the Act of 1873 and shall pay to the Company the sums for which the guarantors are liable under the Act of 1873 as amended by this Act and upon payment of all such sums to the Company the liability of the guarantors under the Act of 1873 shall cease and determine in respect thereof.

A.D. 1898.

Release of
charge upon
undertaking
of Dun-
garvan
Company.

49.—(1) On payment by the Company to the shareholders of the Dungarvan Company and to the Duke respectively of the sums prescribed by this Act the undertaking of the Dungarvan Company shall as from the date of vesting be transferred to and vested in the Company freed and discharged from all charges and incumbrances affecting the same except as by this Act otherwise expressly provided and other than the claims of the Treasury and the commissioners for or in respect of the principal money and interest under the said deed poll of the twelfth day of February one thousand eight hundred and seventy-eight.

(2) The Dungarvan Company shall be entitled to and shall retain all cash in hand and any sums standing to their credit at their bankers and the revenue of their undertaking up to the date of vesting and thereout shall (except as by this Act otherwise provided) pay and discharge all debts and liabilities of the Dungarvan Company including the costs of the Dungarvan Company reasonably incurred in relation to the Bill for this Act and shall apply the balance in or towards the discharge of the half-year's interest to the first day of May one thousand eight hundred and ninety-eight due to the commissioners but the Company shall pay and discharge all liabilities of the Dungarvan Company in respect of rolling stock then in use and of rails and fastenings ordered but not delivered before the said date.

Dissolution
of Dun-
garvan
Company.

50. On payment by the Company to the shareholders of the Dungarvan Company of the sums in that behalf provided for by this Act and on the payment or discharge of the debts and liabilities of the Dungarvan Company which under this Act are to be paid or discharged by that company the Dungarvan Company shall by virtue of this Act be dissolved.

Providing
for payment
by Company
to county of
Waterford.

51. In consideration of the repeal of section 12 of the Act of 1873 and the extinguishment of the rights of the guarantors in respect of the repayments therein provided for the Company shall pay to the treasurer of the county of Waterford and the council of the borough of Waterford acting as the fiscal authority jointly the sum of seven thousand pounds per annum in respect of each year from and after the date of vesting until the expiration of the liability of the guarantors under the Act of 1873 as amended by this Act the said sum to be paid by equal half-yearly payments in each half-year within seven days after the receipt of the payment of the sum payable by the guarantors under the Act of 1873 as amended by this Act for the half-year ending the thirty-first day of December one thousand eight hundred and ninety-eight and each

[61 & 62 Vict.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

succeeding half-year and the said sum when so paid shall be distributed rateably among the guarantors in proportion to their respective liabilities prescribed by the Act of 1873 and the said payments shall be in aid of the grand jury cess of the county of Waterford and the presentment rates of the said council other than the proportion of such cess or rates payable by way of railway guarantee or charge but the Company shall not be responsible for the proper distribution of the said sum and in the event of any sum payable by the Company under this section not being paid by the Company within one month of the date of its becoming payable such sum shall thereupon become payable and shall be paid by the two companies who shall be jointly and severally liable for the same.

A.D 1898.

52. As on the date of vesting the undertaking of the Fermoy Company shall by virtue of this Act be transferred to and vested in the Company freed and discharged from all charges and incumbrances affecting the same and the Company shall pay to the Fermoy Company as the consideration for such transfer the sum of eighty thousand pounds with interest thereon at the rate of four pounds per centum per annum from the date of vesting until payment and such transfer and vesting shall be deemed to be an amalgamation within the meaning of Part V. of the Railways Clauses Act 1863.

Undertaking of Fermoy Company vested in Company.

53. The Fermoy Company shall be entitled to and shall retain the revenue of their undertaking up to the date of vesting and shall pay and discharge all debts and liabilities of the Fermoy Company which shall remain unpaid and unsatisfied on the date of vesting.

As to revenue and debts of Fermoy Company up to date of vesting.

54. The receipt in writing of two directors of the Fermoy Company for any money paid to the Fermoy Company by the Company or the two companies shall effectually discharge the Company or the two companies from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Receipt for consideration money for Fermoy undertaking

55. So soon as conveniently may be after the date of vesting the affairs of the Fermoy Company shall be wound up and for that purpose the directors of the Fermoy Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase money and all other sums of money paid to the Fermoy Company by the Company or the two companies and for winding up the affairs of the Fermoy Company and when and so

Winding-up and dissolution of Fermoy Company.

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

soon as such moneys have been distributed and their affairs have been wound up the Fermoy Company shall be by virtue of this Act dissolved.

If the number of directors of the Fermoy Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Fermoy Company to fill the vacancy or vacancies so caused.

Certain provisions of Acts of Dungarvan Company and Fermoy Company to apply to Company.

56. From and after the date of vesting all the provisions of the several Acts relating to the Dungarvan Company and the Fermoy Company respectively except those relating to the share and loan capital of those companies shall (so far as applicable and subject to the provisions of this Act) have effect as if the Company had been named throughout the same instead of the Dungarvan Company or the Fermoy Company as the case may be.

For securing payment of purchase moneys.

57.—(1) Out of the first moneys raised by the Company under the powers of this Act the Company shall pay all moneys payable in respect of the transfer to and vesting in the Company of the respective undertakings of the Dungarvan and Fermoy Companies.

(2) In the event of the sums payable by the Company in pursuance of the provisions of this Act to the shareholders of the Dungarvan Company and to the Fermoy Company and to the Duke respectively not being paid by the Company within six months from the date of vesting such sums or so much thereof as shall then remain unpaid together with interest thereon at the rate of four pounds per centum per annum from the date of vesting until the date of payment shall thereupon become payable and shall be paid by the two companies who shall be jointly and severally liable for the same.

Interest to be a first charge on gross receipts.

58. Upon the completion of the works and the inauguration of the through service intended by this Act to be provided interest at a rate of not exceeding three pounds ten shillings per centum per annum upon the capital raised by the Company under this Act (whether as share or loan capital) shall be a first charge on the gross receipts both of the local traffic on the Company's undertaking and of the through traffic of the two companies over the said undertaking by means of the service to be inaugurated as aforesaid.

Power to raise additional capital for purchase of vested companies.

59. The Company may for the purpose of paying any money which under the provisions of this Act shall be payable to the Fermoy Company or the Dungarvan Company or the Duke or the Treasury raise such an amount of additional capital by the issue at their option of new ordinary shares or stock or new preference shares or stock

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. ccli.]

or wholly or partially by any one or more of these modes respectively as may be requisite for those purposes. A.D. 1898.

60. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company in respect of the railways of the Company in Ireland as if it were one of the railway companies named in the Order confirmed by the said Act. Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight. Rates for merchandise.

61. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger train other than consignments of perishable merchandise exceeding fifty-six pounds in weight the Company may demand and take any charges not exceeding the following (that is to say):— Charges for small parcels.

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

62. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight Passengers' luggage.

A.D. 1898. for third-class passengers without any charge being made for the carriage thereof.

Maximum rates for passengers.

63. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a second-class carriage twopence per mile;

For every passenger conveyed in a third-class carriage one penny per mile;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Foregoing charges not to apply to special trains.

64. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Running powers.

65.—(1) The Company as regards the portions of railway described in paragraphs (A) and (B) of this section and the Company and the Great Southern Company as regards the portions of railway described in paragraphs (C) and (D) of this section may run over work and use with their engines carriages and waggons and trucks and with their officers and servants for the purposes of traffic of every description—

(A) So much of the railway belonging to the Great Southern Company as lies between the termination of the Fermoy and Lismore Railway at Fermoy and the Fermoy Station of the Great Southern Company including that station;

(B) So much of the railway of the Great Southern Company as lies between the junction therewith of the intended railway from Fermoy to Dunkettle herein-after referred to and the terminal station of that company at Cork;

(C) So much of the railway of the Limerick Company as lies between the junction therewith of Railway No. 15 by this Act authorised and a point in the rails of the Limerick Company fifty feet south of the Clonmel Road overbridge at Mountmisery;

(D) So much of the railway of the Limerick Company as lies between the junction therewith of Railway No. 14 by this Act authorised and the point herein-before described in the rails of the Limerick Company fifty feet south of the Clonmel Road overbridge at Mountmisery including the railway and works at Waterford constructed under the powers of the Waterford and Limerick Railway Act 1860 : A.D. 1898.

And may also use all stations roads bridges turntables signals water and watering places engine sheds offices warehouses sidings junctions wharves works telegraphs telephones and conveniences upon or connected with the said railways.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the said companies respectively for or in respect of the running over and use of the said railways works and conveniences and as regards any such traffic shall be such as are from time to time agreed upon between the companies interested or failing such agreement as shall be determined by arbitration in accordance with the Railway Companies Arbitration Act 1859.

(3) The said companies respectively in running over and using the said railways in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on or in respect of the said railways respectively so far as such regulations and byelaws shall be applicable to the said companies in exercise of the said powers.

66. The Company and the Great Southern Company respectively may demand and take for all passengers animals minerals and goods conveyed by them on the portions aforesaid of the railways of the Great Southern Company and of the Limerick Company respectively and for the use of the stations and works of those companies respectively and for carriages waggon and trucks and for locomotive engines and other power and for all services performed by them and for all other matters in respect to traffic thereon a like amount of tolls fares rates or other charges in each case as by the Act or Acts relating to the said railways and portions of railways respectively and to the said railway stations and works respectively are authorised to be demanded and taken for like traffic services and matters by the said companies respectively and in like manner and with and subject to like powers and provisions and where applicable like limitations of maximum charges in all respects. Tolls on portions of railways used.

A.D. 1898.

Traffic
facilities to
Company
and
Wicklow
Company.

67.—(i) In order to facilitate the transmission of traffic passing to or from the railways now belonging to or hereafter constructed by the Wicklow Company from to or over the railways of the Company or railways over which the Company is authorised to exercise running powers by this Act the Company shall at all times and in all respects conduct forward carry on and accommodate all such traffic as efficiently and expeditiously as if it were their own proper traffic and shall afford all such facilities services and conveniences as may be needful for that purpose including through booking and invoices and through rates and fares and as far as reasonably may be through waggons and carriages and the Wicklow Company shall afford similar facilities in respect of traffic from or to the railways of the Company from to or over the railways of the Wicklow Company The facilities to be afforded by the Company under this section shall include access for the carriages and waggons of the Wicklow Company to from and on to the pier at Rosslare.

(ii) If any dispute arises as to whether either the Company or the Wicklow Company have fulfilled the obligations imposed upon them by this section or as to whether further facilities ought to be afforded such dispute shall be referred to arbitration under the Railway Companies Arbitration Act 1859 and on any such arbitration the arbitrator shall have power to determine what additional facilities shall be afforded and on what terms and to award damages or penalties in respect of any failure to perform the provisions of this section or of any award which may have been from time to time made in pursuance thereof.

(iii) All necessary accommodation for the interchange of traffic between the railways of the Company and of the Wicklow Company shall be from time to time provided by the Company at the junction between the said railways and the Wicklow Company shall pay such a sum annually in respect of such accommodation as may be from time to time fixed by arbitration in the manner herein-before provided.

(iv) If after the opening for traffic of the railway from New Ross to Waterford authorised by the Wicklow Act of 1897 and the construction of a junction between that railway and the railway of the Company the arbitrator decides on any arbitration under subsection (ii) of this section that the Company or the Wicklow Company have failed to give any of the facilities therein provided for or directed by the award of the arbitrator and that such failure has not been remedied within a reasonable time after notice so to do has been received the Wicklow Company or the Company respectively may if the arbitrator so orders and for such period as may be

[61 & 62 Vict.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

ordered by him or if he so orders in perpetuity run over and use with their engines carriages and waggons for the purpose of their traffic of every description and with their clerks officers and servants the whole of the railways of the Company or the Wicklow Company respectively or any part thereof together with all stations upon or connected with such railways and the roads signals water watering places engine sheds offices warehouses sidings junctions works and conveniences connected therewith and the Company exercising such running powers may demand rates and charges upon the said railways so run over in respect of traffic conveyed by them not exceeding the rates and charges authorised to be demanded in respect thereof: A.D. 1898.

(A) The terms and conditions upon which the running powers referred to in this section shall be exercised shall be determined from time to time in default of agreement by arbitration as herein-before provided;

(B) The exercise of the running powers herein-before referred to shall be subject to and in accordance with the regulations and byelaws of the Company or the Wicklow Company respectively for the time being in force;

(c) Neither of the companies exercising the running powers herein-before referred to shall without the consent in writing of the Company owning or working the railway run over convey local traffic.

(v) The provisions of subsections (i) (ii) and (iii) of this section shall apply in favour of and against the Mitchelstown and Fermoy Light Railway Company Limited and any existing railway company whose railway forms or may hereafter form a junction with the railways of the Company as fully and effectually as if the title of such company was used therein instead of the words the Wicklow Company.

(vi) In this section "the railways of the Company" includes any railways over which the Company are by this Act authorised to exercise running powers and so much of the railway of the Great Southern Company as will lie between the junction therewith of the intended railway from Fermoy to Dunkettle herein-after referred to and the terminal station of that company at Cork including the said station.

68. From and after the passing of this Act the following provisions shall except so far as they are dependent upon the obtaining of further parliamentary powers and subject thereto come into operation and have effect (that is to say):— Provisions as to through booking and other matters.

(1) The rates and fares in respect of all descriptions of local traffic shall be fixed by the board of directors of the Company

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 VICT.]
Harbours Act, 1898.*

A.D. 1898.

- and the rates and fares in respect of all descriptions of through traffic shall be fixed by the general managers of the Great Western Company and the Great Southern Company or in case of difference between them by the said board of directors :
- (2) There shall be the fullest system of through bookings with through rates fares and facilities between stations on the railways of the Company and stations on the railways now or hereafter belonging to the Great Western Company and the Great Southern Company respectively and also over the railways of the Company between stations on railways now or hereafter belonging to the Great Western Company and the Great Southern Company respectively *viâ* Fishguard and Rosslare and until the opening of the Fishguard and Rosslare route *viâ* Waterford and New Milford and the Great Western Company and the Great Southern Company shall so far as they can control or influence the same extend such through bookings to stations beyond their respective systems :
- (3) The rates and fares between Cork and Fermoy and all places beyond both for local and through traffic shall in respect of all traffic carried *viâ* Mallow until the construction and opening for traffic of the intended railway from Fermoy to Dunkettle herein-after referred to be calculated and charged upon the mileage distance of the direct line between Fermoy and Cork authorised by the Cork and Fermoy and Waterford and Wexford Railway Act 1890 :
- (4) The Great Southern Company shall provide an efficient daily service of trains (both passenger and goods for the conveyance of traffic of all descriptions) equal as regards speed carriages and conveniences of every description to that run by them over any other portion of their system having regard to the exigencies of single-line working in each direction on the opening of the Fishguard and Rosslare route between the districts served by their railways and Rosslare and in the meantime between such districts and Waterford the trains in every case to be reasonably timed to reach Waterford or Rosslare as the case may be so as to connect with the outgoing steamers for New Milford or Fishguard in the one direction and to depart from Waterford or Rosslare in the reverse direction on the arrival of the steamers from New Milford and Fishguard :
- (5) The Great Western Company shall provide an efficient service of trains (both passenger and goods for the conveyance of traffic of all descriptions equal as regards speed carriages and conveniences of every description to the trains run by them for

the time being between London and Cardiff) between Fishguard or New Milford and the various districts served by their railway including London and Birmingham the trains to be reasonably timed to reach Fishguard or New Milford so as to connect with the outgoing steamers for Rosslare or Waterford in the one direction and to depart from Fishguard or New Milford in the reverse direction on the arrival of the steamers from Rosslare or Waterford :

- (6) The Great Southern Company shall in so far as may be reasonably practicable by the service of trains run in connexion with the said through service and also by such further service of trains as may be agreed between the Company the Great Western Company and the Great Southern Company or as in case of difference may be settled by arbitration fully develop the traffic both local and through of the district to be served by the system of the Company between Cork and Rosslare and all places beyond between which through rates and fares may for the time being be in force under the provisions of this section :
- (7) The Company shall construct the Rosslare and Waterford line as a single line in the first instance but with land and works (other than the bridge over the River Barrow) for a double line and such line shall be doubled if the interests of the said through service shall hereafter reasonably require it :
- (8) The Company by the time the line to Fishguard and the necessary accommodation for conducting cross-channel traffic in Fishguard Bay and of the necessary works at Rosslare Harbour and the Waterford and Rosslare Railways are completed shall put on an efficient daily service of fast steamers for the conveyance of passengers and coaching traffic between Fishguard and Rosslare and as soon as the traffic requires it and reasonable appliances are provided for the accommodation of such traffic on both sides of the channel a reasonable service of steam vessels for the accommodation of goods and live stock traffic :
- (9) If the Company or the Great Western Company or the Great Southern Company or any two of them shall from time to time be of opinion that the other or others of them are not doing their utmost to develop in accordance with the terms of this section the traffic capable of being so carried by the Rosslare and Fishguard route or until the opening of that route via Waterford or if any difference shall arise between any of the said companies then unless the

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

said companies agree to refer the matter to a single arbitrator the company or companies complaining or differing may make an application to the Railway and Canal Commission to determine such difference or (as the case may be) whether or not such complaint is well founded and if such arbitrator or the said Commission shall be of opinion that the complaint is well founded then he or they shall award what shall be done by the company or companies in default and further may award to the company or companies injured such an amount by way of damages as he or they may consider the complaining company or companies has or have sustained by the action or default of the defaulting company or companies :

(10) The passing of this Act shall for the purposes of subsection (2) of section 5 of the Rosslare Pilotage Order 1897 be deemed to be the passing of the Act referred to in that subsection :

(11) The Company will in the next session apply to Parliament for and use their best endeavours to obtain powers to construct and if such powers are obtained will construct a railway from a point on the Great Southern Company's Railway at or near Fermoy to a point on the same company's railway at or near Dunkettle including such part of Railway No. 12 as authorised by this Act as shall not be deviated or altered :

(12) The Company will use their best endeavours to obtain the assent and co-operation of the Cork Commissioners and the Corporation of Cork and of the Cork Bandon and South Coast and Cork and Macroom Railway Companies and within a reasonable time of obtaining such assent and co-operation will apply to Parliament for and use their best endeavours to obtain and if such powers are obtained will construct a direct communication across the River Lee so as to connect the systems of the Company and of the Great Southern Company with those of the Cork Bandon and South Coast and the Cork and Macroom Railway Companies which communication when constructed shall be part of the undertaking of the Company :

(13) If the Treasury shall be of opinion that the three companies are not properly working maintaining and developing the traffic on or over the railways of the Company or that the through or local rates or fares charged upon those railways are unreasonable they may call upon the three companies to make such alterations in their mode of working maintaining and developing traffic or in the rates or fares charged as they may think fit and should the three companies fail to make such

alterations within a reasonable time after notice to them to that effect the Treasury may prefer a complaint against the three companies to the Railway and Canal Commission for an order directing such alterations to be made and thereupon the said Commission may make such order on the complaint as to them may seem fit.

A.D. 1898.

69. The Great Western Company shall not work run over or use any portion of the railways authorised by the Act of 1893 until they shall have applied to Parliament for authority to purchase or confirm the purchase by them of the undertaking of the North Pembroke and Fishguard Railway Company and shall have obtained the decision of Parliament upon such application and the decision of Parliament upon any such application and upon any application or petition of the London and North Western Railway Company with reference thereto may include and deal with the said railways authorised by the Act of 1893 as if such railways had formed part of the undertaking of the North Pembroke and Fishguard Railway Company notwithstanding that the last-named company are not parties to the application but the provisions of this section are not intended to and shall not prejudice or affect the position of the Great Western Company or the London and North Western Railway Company or the Company upon any such application to Parliament.

As to North Pembroke and Fishguard Railway.

70.--(1) The Great Western Company shall unless and until Parliament shall otherwise determine continue to provide or afford a daily service by steamer between Waterford and either New Milford or Fishguard as efficient as that provided by them at the date of the passing of this Act and the Railway and Canal Commission shall have the same powers for enforcing this provision as they have for enforcing the provisions of section 2 of the Railway and Canal Traffic Act 1854 Provided that in determining whether the service at any time provided or afforded by the Great Western Company complies with the requirements of this section the Commissioners shall not only compare speed with speed and tonnage with tonnage but shall determine whether taking the service as a whole the combined speed and tonnage of the vessels provided or afforded at the time of the inquiry is fairly equivalent to the combined speed and tonnage of the vessels provided by the Great Western Company at the date of the passing of this Act.

As to continuance of daily service by steamer with Waterford.

(2) The provisions of section 2 of the Railway and Canal Traffic Act 1854 and of section 14 of the Regulation of Railways Act 1873 and of any enactments amending and extending those provisions

[Ch. cclii.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

shall apply to traffic by sea in any vessels provided or afforded by the Great Western Company under this section in the same manner and to the like extent as they apply to the land traffic of the Great Western Company.

As to
footway
over River
Suir.

71. The Company will include in a Bill for which application is to be made to Parliament in the next session and endeavour to obtain power to affix to the bridge for carrying Railway No. 14 over the River Suir a footway six feet in width to enable foot passengers to pass over the said bridge.

Certain
existing
rates and
facilities
to be
maintained
pending an
application
to Parlia-
ment.

72. And whereas provisional agreements have been entered into between the Great Southern Company and the Limerick Company and the Waterford and Central Ireland Railway Company (in this section referred to as "the Central Ireland Company") respectively subject to the approval of the shareholders of the said companies respectively for the amalgamation with the Great Southern Company of the Limerick Company and the Central Ireland Company respectively and the Great Southern Company have pledged themselves if such approval is obtained to apply to Parliament in the next session for parliamentary sanction to such amalgamations Therefore until such approval has been refused or such application to Parliament has been disposed of (as the case may be) the Great Southern Company shall not diminish the facilities now afforded or increase the rates now charged by that company in districts where the system of the Great Southern Company is or may be considered to be in competition with the systems of the Limerick Company or the Central Ireland Company nor shall the Great Southern Company be party to any agreement which may injuriously affect the rates or facilities now given by the Great Southern Company in the districts aforesaid or which shall have the effect of an amalgamation and in particular the Great Southern Company shall maintain the rates and facilities at present enjoyed by the districts represented by the following centres Tralee Limerick Limerick Junction Tipperary Thurles Kilkenny and Waterford and further if such approval is given as aforesaid the Great Western Company shall not until such application has been made and disposed of determine or give notice to determine the rebate arrangements at present existing between that company on the one hand and the Limerick Company and the Central Ireland Company on the other.

Tolls on
traffic
conveyed
partly on

73. Where in the exercise of the running powers hereby conferred traffic is conveyed partly on the railways of the Company and partly on the railway of any other company the railways of the

Company and the railway of such other company shall for the purposes of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect to passengers conveyed partly on the railways of the Company and partly on the railway of any other company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic (including perishable merchandise exceeding fifty-six pounds in weight by passenger train) conveyed partly on the railways of the Company and partly on the railways of any other company the Company shall be deemed to be a company connected with such other company and specified in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892. Provided that in respect of the conveyance of the consignments of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

the railway and partly on the railway of any of the said companies.

74. Notwithstanding anything contained in this Act the following provisions shall from and after the acquisition by the Company of the railways of the Dungarvan Company and the Fermoy Company but in any event within two years from the passing of this Act have effect (that is to say):—

For protection of Cork Commissioners.

(1) The three companies and each of them shall give all reasonable railway facilities to induce traffic to pass to from and viâ Cork and shall not by their rates or fares (whether local or through) or otherwise place the port or city of Cork at an undue disadvantage as compared with any other port or city in Ireland to or from which traffic is or may be carried by means of the railways of the three companies or any of them :

(2) There shall be a reasonable system of through booking with through rates and fares viâ Cork and New Milford or viâ Cork and Fishguard when the cross-channel service viâ Fishguard and Rosslare is established between stations on the railways of the Great Southern Company and on the railways of the Company on the one hand and stations on the railways of the Great Western Company on the other hand between which through rates or fares are for the time being in operation viâ

A.D. 1898.

Waterford Rosslare or Dublin and such through rates and fares may be applied for by any railway company or by the Corporation of Cork or by the Cork Commissioners or by any incorporated steamship company regularly trading with the port of Cork and the Great Western Company on the one hand and the Great Southern Company and the Company on the other shall so far as they can control or influence the same extend such through bookings to stations beyond their respective systems :

- (3) The railway companies' proportion of the said through rates and fares shall in respect of the land portion of the journey be calculated on the mileage for which the traffic is carried over the railways of the three companies or any of them and the mileage rate upon which such through rates and fares are calculated shall not be higher for the same description of traffic than the mileage rate charged by the same companies respectively for similar distances for conveyance on the land portion of the journey viâ any other port in Ireland under similar circumstances :
- (4) The Great Southern Company shall give on application so far as they themselves are concerned through rates for live stock viâ the port of Cork from all stations on their system south of and including the Limerick Junction to all places in England to which through rates for live stock are given by the said company viâ Dublin The said company's proportion of the said through rates shall in respect of the land portion of the journey be calculated on the mileage for which the traffic is carried over the railway of the said company and the mileage rate upon which such through rates are calculated shall not be higher than the mileage rate charged by the said company for similar distances for conveyance on the land portion of the journey viâ Dublin under similar circumstances :
- (5) The three companies shall provide a reasonable through service of trains both for local and cross-channel traffic between Cork Tralee and Killarney on the one hand and Rosslare on the other hand over the railways of the Company :
- (6) The Company may run over work and use with their engines carriages waggons and trucks and with their clerks officers and servants for the purposes of through traffic so much of the railways of the Great Southern Company as lies between the junction therewith of the Fermoy and Lismore Railway at Fermoy and Cork :

(7) The Cork Commissioners or the Corporation of Cork or any such incorporated steamship company as aforesaid may complain to the Railway and Canal Commission that the three companies or any of them are not duly fulfilling their obligations under this section or taking all reasonable and necessary steps for that purpose and the said Commission may thereupon make such order as they think fit for giving full effect to this enactment and the said Commission shall have the like jurisdiction to hear and determine the subject matter of any complaint under this subsection as if the same had been referred to their decision by the Railway and Canal Traffic Act 1888 and any order made under this subsection may be enforced in the same way as an order made by the same Commission under the Railway and Canal Traffic Acts 1873 and 1888.

A.D. 1898.

75. Notwithstanding anything contained in this Act the following provisions shall from and after the acquisition by the Company of the railways of the Dungarvan Company and the Fermoy Company have effect (that is to say):—

For protection of Waterford Commissioners.

(1) The three companies and each of them shall give all reasonable railway facilities to induce traffic to pass to and from and viâ Waterford and shall not by their rates or fares (whether local or through) or otherwise place the port or city of Waterford at an undue disadvantage as compared with any other port or city in Ireland to or from which traffic is or may be carried by means of the railways of the three companies or any of them:

(2) There shall be a reasonable system of through booking with through rates and fares viâ Waterford and New Milford or viâ Waterford and Fishguard when the cross-channel service viâ Fishguard and Rosslare is established between stations on the railways of the Great Southern Company and on the railways of the Company on the one hand and stations on the railways of the Great Western Company on the other hand between which through rates or fares are for the time being in operation viâ Rosslare and Fishguard and such through rates and fares may be applied for by any railway company or by the Waterford Corporation or by the Waterford Commissioners or by any incorporated steamship company regularly trading with the port of Waterford and the Great Western Company on the one hand and the Great Southern Company and the Company on the other shall so far as they can control

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

or influence the same extend such through bookings to stations beyond their respective systems :

- (3) The said through rates and fares (except from or to stations between Waterford and Rosslare and between Rosslare and Bray) shall not be higher for the same description of traffic between the same stations than the through rates and fares for the time being charged by the same companies viâ Rosslare and Fishguard :
- (4) The Waterford Commissioners or the Waterford Corporation or any such incorporated steamship company as aforesaid may complain to the Railway and Canal Commission that the three companies or any of them are not duly fulfilling their obligations under this section or taking all reasonable and necessary steps for that purpose and the said Commission may thereupon make such order as they think fit for giving full effect to this enactment and the said Commission shall have the like jurisdiction to hear and determine the subject matter of any complaint under this subsection as if the same had been referred to their decision by the Railway and Canal Traffic Act 1888 and any order made under this subsection may be enforced in the same way as an order made by the same Commission under the Railway and Canal Traffic Acts 1873 and 1888.

Power as to
hotel &c.

76. The Company may on any lands at Rosslare now belonging to them or acquired by them under the powers of this Act erect or build an hotel with all necessary buildings stables and conveniences in connexion therewith and may buy lease rent or otherwise acquire by agreement houses or buildings for that purpose and may convert any lands acquired by them under the powers of this Act into pleasure grounds in connexion with such hotel and may maintain or lease or let the same.

Saving for
Postmaster-
General.

77. Nothing in this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is owned or worked by the Great Western Company as freely and fully in all respects as he was entitled to do before the passing of this Act.

For protection of Postmaster-General.

78.—(1) Nothing in this Act relating to the transfer to and vesting in the Company of the undertakings of the Fermoy Company and the Dungarvan Company or either of them shall prejudice or affect the heads of agreement dated the third March one thousand eight hundred and seventy-one and made between F. E. Baines and T. H. Sanger on the part of the Post Office and G. E. Ilbery on the part of the Fermoy Company or the agreement dated the twelfth July one thousand eight hundred and seventy-nine and made between the Dungarvan Company of the one part and the Right Honourable John James Robert Manners then commonly called Lord John Manners Her Majesty's then Postmaster-General of the other part but such heads of agreement and agreement respectively shall after the transfer to and vesting in the Company of the said undertakings be as binding and of as full force and effect against or in favour of the Company and may be enforced as fully and effectually as if the Company had been a party to the same instead of the said G. E. Ilbery on the part of the Fermoy Company and the Dungarvan Company respectively.

(2) The transfer to and vesting in the Company of the undertaking of the Fermoy Company shall not impose on the Postmaster-General the obligation of transmitting at a reduced rate any telegraphic messages on the business of the Company other than such messages as bonâ fide relate to the business of the Fermoy and Lismore Railway and as the Fermoy Company would have been entitled under the heads of agreement aforesaid to send at a reduced rate before such transfer and vesting of their undertaking.

79. The Company may from time to time for the purposes of this Act and for the general purposes of their undertaking and apart from any other purposes for which capital is specially authorised to be raised by this Act raise any additional capital not exceeding in the whole five hundred thousand pounds exclusive of the other capital and other moneys which they are or may be authorised to create and issue or raise by this Act or by any other Act or Acts by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively Provided that the amount of new preference shares or stock so to be issued shall not exceed two hundred thousand pounds and the Company shall not issue any share of less nominal value than ten pounds 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.

Power to raise additional capital.

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898:

New shares or stock to be subject to same incidents as other shares or stock.

80. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

81. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

82. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act already passed may be of same class.

83. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit 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 such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

84. The Company may in respect of the additional capital of five hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds and of that sum they may borrow not exceeding in the whole twenty-five thousand pounds in respect of each fifty thousand pounds of their additional capital but no part of any such sum of twenty-five thousand pounds shall be borrowed until the whole fifty thousand pounds of capital in respect of which it is to be borrowed is issued and accepted and one-half of such portion of capital 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 shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth of the amount of each separate share in such portion of

[61 & 62 Vict.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

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 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 to the extent aforesaid 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 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 certificate shall be sufficient evidence thereof.

A.D. 1898.

85. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 20 of the Act of 1893 Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

Debenture stock.

86. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

87. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to apply corporate funds to purposes of Act.

88. The Great Western Company and the Great Southern Company respectively with the authority of three-fourths of the votes of their respective shareholders present in person or by proxy at a general meeting of the said companies specially convened for the purpose may in their own name subscribe for and take shares in or with the consent of the Company by lending money on mortgage or subscribing for or taking debenture stock contribute funds towards the undertaking of the Company to any amount which may be agreed between the said companies respectively and the Company not exceeding in the case of each company the sum of two hundred and fifty thousand pounds :

Subscriptions to undertaking of Company.

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

Provided always that the Great Western Company and the Great Southern Company respectively shall not sell transfer or dispose of any shares or stock so held by them :

The said companies shall in respect of any shares in the undertaking of the Company held by them respectively in virtue of such subscription have all the powers rights and privileges (except in regard to voting at general meetings and the appointment of directors which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company :

The Great Western Company and the Great Southern Company respectively when they have become shareholders in the undertaking may by writing under their common seals appoint some person to attend any meeting of the shareholders or stockholders of the Company and each such person shall have all the privileges and powers attaching to other shareholders at such meeting and may vote thereat in respect of the capital held by the company by whom he was appointed :

Every such appointment by the Great Western Company or the Great Southern Company as the case may be of any person to vote on their behalf shall be delivered to the Company and kept with their records and shall be at all reasonable times open to the inspection and transcription of all parties interested and every such instrument shall as between the said companies and the Company be sufficient evidence of the facts therein stated.

Directors
of Company.

89. Notwithstanding anything contained in any of the Acts relating to the Company the number of directors of the Company shall be seven of whom four shall be directors of the Great Western Company and three shall be directors of the Great Southern Company and such directors shall be nominated as soon as practicable after the passing of this Act by the directors of the two companies respectively and the directors so nominated shall hold office until others are nominated in their place.

Great
Western
Company
may apply
corporate
funds.

90. The Great Western Company may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to
Great
Southern
Company

91.—(1) The Great Southern Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole the sum of two

[61 & 62 VICT.] *Fishguard and Rosslare Railways and* [Ch. cclii.]
Harbours Act, 1898.

hundred and fifty thousand pounds and such additional capital may be raised by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively. But the Great Southern Company shall not issue any share or stock of less nominal value than ten pounds nor shall any stock or 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 or the whole of the stock shall have been paid in respect thereof.

A.D. 1898.
 to raise
 additional
 capital.

(2) Notwithstanding anything contained in this Act all preference stock created and issued by the Great Southern Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the Acts of Parliament or resolutions by which such stock was authorised. Notice of the effect of this enactment shall be endorsed on all certificates of preference stock created under this or any subsequent Act.

92. Except as by this Act otherwise provided the capital in new shares or stock created by the Great Southern Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Great Southern Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Great Southern Company.

Except as
 otherwise
 provided
 new shares
 of Great
 Southern
 Company
 to be
 subject to
 same
 incidents
 as other
 shares.

93. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Great Southern Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock as the case may be.

Dividends
 on new
 shares of
 Great
 Southern
 Company.

94. All moneys raised by the Great Southern Company under this Act whether by shares or stock shall be applied only for the purposes of this Act being purposes to which capital is properly applicable and the Great Southern Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise under any of the Acts relating to the Great Southern Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application
 of moneys
 raised by
 Great
 Southern
 Company
 under
 this Act.

A.D. 1898.

Power to
pay interest
out of
capital
during
construction.

95. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest on the additional capital authorised by this Act at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares or stock in the additional capital authorised by this Act held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

- (a) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share or stock capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same :
- (b) No such interest shall accrue in favour of any shareholder or stockholder for any time during which any call on any of his shares is in arrear :
- (c) The aggregate amount to be so paid for interest shall not exceed thirty-seven thousand five hundred pounds and the amount so paid shall not be deemed share or stock capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :
- (d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares or stock for the railways and in every certificate of shares or stock :
- (e) Notice that the Company has power so to pay interest out of capital on the additional shares or stock authorised by this Act shall be endorsed on every certificate of such additional shares or stock :
- (f) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share stock or loan capital which the Company are by this or any other Act authorised to raise to any shareholder or

stockholder on the amount of the calls made in respect of the shares or stock held by him but nothing in this Act shall prevent the Company from paying to any such shareholder or stockholder 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. A.D. 1898.

96. Section 6 of the Act of 1893 shall be read as if the words "twelve thousand shares" were substituted for the words "twelve hundred shares." Amendment
of Act of
1893.

97. The Company or the Great Southern Company shall not out of any money by this Act authorised to be raised by them respectively 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 authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for
future Bills
not to be
paid out of
capital.

98. Nothing in this Act contained shall exempt any company named in this Act or the railways of any such 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 the rates for small parcels authorised by this Act. Provision
as to general
Railway
Acts.

99. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Saving
rights of
Crown
under
Crown
Lands Act.

100. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty. Saving
rights of
Crown in
foreshore.

[Ch. cclii.] *Fishguard and Rosslare Railways and* [61 & 62 VICT.]
Harbours Act, 1898.

A.D. 1898.

—
Saving rights
of Waterford
Corporation
and of certain
harbour com-
missioners.

101. Nothing in this Act contained except as is otherwise expressly herein provided shall alter limit prejudice lessen or affect any of the existing rights privileges powers or authorities vested in or enjoyed by the Waterford Corporation the Waterford Commissioners or the New Ross Commissioners.

Costs of
Act.

102. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

A.D. 1898.

FIRST SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Number on deposited Plan.
WATERFORD AND ROSSLARE RAILWAYS.	
Parish of Kilculliheen in the county of the city of Waterford (townland of Mount Sion) - - -	Nos. 12 13 14 15 16.
(Townland of Abbeylands) - -	Nos. 16 17 18 19 20 30 32 34 39 40 41.

SECOND SCHEDULE.

AGREEMENT between the LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY (herein-after called "the Treasury") of the one part and the FISHGUARD AND ROSSLARE RAILWAYS AND HARBOURS COMPANY (herein-after called "the Fishguard Company") of the other part.

WHEREAS a Bill was promoted in Parliament by the Fishguard Company with the object of securing a new through route by way of Fishguard and Rosslare between the districts served by the system of the Great Western Railway Company in England and the districts served by the system of the Great Southern and Western Railway Company in Ireland which Bill as referred to the Committee herein-after mentioned proposed to construct a railway from the terminus of the Waterford Dungarvan and Lismore Railway at Waterford to Rosslare and to acquire the undertakings of the Waterford Dungarvan and Lismore and Fermoy and Lismore Railway Companies:

And whereas such Bill was referred to a hybrid Committee of the House of Commons consisting of nine Members of whom Sir Ughtred Kay-Shuttleworth was appointed Chairman:

And whereas in the course of the said Bill through Committee various obligations were undertaken by the Fishguard Company and the Great Western and Great Southern and Western Railway Companies in the interest of the public involving a greatly increased expenditure beyond that contemplated by the Bill as submitted to the Committee such obligations involving amongst other things the following:—

The construction with the sanction of Parliament of a line from Fermoy to Dunkettle with running powers over the Great Southern and

[Ch. cclii.] *Fishguard and Rosslare Railways and [61 & 62 VICT.]
Harbours Act, 1898.*

A.D. 1898.

Western Railway Company's line from Dunkettle to the Great Southern and Western Railway Company's terminal station at Cork ;

The construction with the sanction of Parliament and the co-operation of the local authorities in Cork and the railway companies west of Cork of a line to connect the systems of the companies west of Cork with the systems of the Fishguard Company and the Great Southern and Western Railway Company ;

Provisions as to the construction of the railways and works of the Fishguard Company at Waterford in such manner as to be consistent with the construction of the authorised railways and works of the Dublin Wicklow and Wexford Railway Company ;

The relief to the extent of one-half of the baronial guarantee provided by the Waterford Dungarvan and Lismore Act 1873 ;

The most stringent reciprocal traffic facilities between the railways of the Fishguard Company and the railways of all companies forming junctions with the railways of the Fishguard Company ;

The fullest system of through booking between the railways of the Great Western Railway Company and the systems of the Fishguard Company and the Great Southern and Western Railway Company by the short sea route viâ Fishguard and Rosslare with an effective service of trains on both the English and Irish sides and a fast service of steamers across the channel ;

The provision by the Great Western Railway Company unless and until Parliament should otherwise determine of an effective steamboat service between Waterford and Milford or Fishguard ;

The maintenance and development of the traffic upon the lines of the Fishguard Company to the satisfaction of the Treasury ;

In view of the proposed amalgamations of the Waterford and Central Ireland and Waterford and Limerick Railway Companies respectively with the Great Southern and Western Railway Company the maintenance of the status quo of both such first-mentioned companies pending the decision of Parliament upon such respective amalgamations ;

And lastly the re-constitution of the board of the Fishguard Company which is in future to consist of four directors of the Great Western Railway Company and three directors of the Great Southern and Western Railway Company :

And whereas in view of the very substantial benefits to the whole of the south and south-west of Ireland secured by the said scheme the Treasury undertook during its progress through Committee and at the instance of such Committee to apply to Parliament for a grant in aid in furtherance of the benefits proposed by the Bill to be conferred on the public :

Now it is hereby agreed between the Treasury and the Fishguard Company as follows :—

1. The Fishguard Company shall out of the first moneys raised by them under the powers of the proposed Bill pay to the Treasury the sum of ninety-three thousand pounds and shall provide for and pay interest thereon at the rate of two and a half per cent. from the date of vesting prescribed by the said Bill to the date of payment.

[61 & 62 VICT.] *Fishguard and Rosslare Railways and Harbours Act, 1898.* [Ch. cclii.]

A.D. 1898.

2. The Treasury upon payment of the said sum of ninety-three thousand pounds will accept the said sum in full discharge of all principal moneys and interest and claims under the mortgage granted by the Waterford Dungarvan and Lismore Railway Company to the Commissioners of Public Works in Ireland and will if required by the Fishguard Company assign to that company all their rights and interest under such mortgage or re-convey the mortgaged premises and release the Fishguard Company from all claims and demands in respect of the said mortgage.

3. The Treasury upon being paid the said sum of ninety-three thousand pounds and interest and upon being satisfied that half of the works upon each of the sections of the scheme between Rosslare and Waterford and between Fermoy and Dunkettle respectively have been completed shall advance and pay to the Fishguard Company the sum of fifty thousand pounds and upon the certificate of the inspecting officer of the Board of Trade that the whole of the said works have been completed shall pay the sum of forty-three thousand pounds.

4. The Treasury will make such applications to Parliament as may be necessary to enable them to fulfil the obligations undertaken by the last two preceding clauses.

5. This agreement shall be scheduled to the said Bill in its progress through Parliament.

In witness whereof H. T. Anstruther and Lord Stanley two of the Lords Commissioners of Her Majesty's Treasury have hereunto set their hands and seals and the Fishguard and Rosslare Railways and Harbours Company have caused their common seal to be hereunto affixed this twenty-first day of July one thousand eight hundred and ninety-eight.

Signed sealed and delivered by H. T. Anstruther and Lord Stanley for and on behalf of the Treasury in the presence of

F. W. HOLMES
Treasury Messenger.

H. T. ANSTRUTHER.

L.S.

STANLEY.

L.S.

The common seal of the Fishguard and Rosslare Railways and Harbours Company was affixed hereunto in the presence of

ALEX. HENDERSON
Director.

L.S.

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