



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act to amend the Acts relating to the *Waterford, Wexford, Wicklow, and Dublin Railway*, and to enable the *South Wales Railway Company* to subscribe thereto. [30th June 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway and Branch Railways, to be called "The Waterford, Wexford, Wicklow, and Dublin Railway:"* And whereas another Act was passed in the last Session of Parliament, intituled *An Act to authorize certain Alterations of the Line of the Waterford, Wexford, Wicklow, and Dublin Railway, and to amend the Act relating thereto:* And whereas by the said first-recited Act it was enacted (amongst other things) that it should be lawful for the *Waterford, Wexford, Wicklow, and Dublin Railway Company* thereby incorporated to accept and take a Lease of the *Dublin and Kingstown Railway* for a Term of Thirty-five Years, to be computed from the First Day of *March* One thousand eight hundred and forty-seven, and certain Agreements in the same Act mentioned for the granting and Acceptance of such Lease were thereby confirmed: And whereas it has been agreed between the said *Waterford, Wexford, Wicklow, and Dublin Railway Company* and the said *Dublin and Kingstown Railway Company* that the Term of the said

9 & 10 Vict. c. 208.

10 & 11 Vict. c. 61.

[Local.]

4 G

Lease

Variation of
the Power to
lease the
Dublin and
Kingstown
Railway.

Lease should not commence until the Line of the *Waterford, Wexford, Wicklow, and Dublin* Railway between *Kingstown* and *Wicklow* shall have been completed, and shall be ready to be opened for the Purposes of public Traffic: And whereas the *Dublin and Kingstown* Railway has been constructed upon a Gauge of Four Feet Eight Inches, and it is expedient that such Gauge should be altered to a Gauge of Five Feet Three Inches, so as to admit of the same being worked continuously with the Line of the *Waterford, Wexford, Wicklow, and Dublin* Railway: And whereas the Construction of the *Waterford, Wexford, Wicklow, and Dublin* Railway will be beneficial to the Interests of the *South Wales* Railway Company, and the last-mentioned Company have agreed to subscribe the Sum of Two hundred and fifty thousand Pounds towards the Undertaking of the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company, and it is expedient that such Subscription should be authorized, and that some of the Powers and Provisions of the recited Acts should be altered and amended, but for such Purposes the Authority of Parliament is necessary: 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, That, notwithstanding any thing contained in the said first-recited Act, or in the said Agreements thereby confirmed, it shall not be lawful for the *Waterford, Wexford, Wicklow, and Dublin* Railway Company to require the Grant to them, or for the *Dublin and Kingstown* Railway Company to require their Acceptance of any Lease of the *Dublin and Kingstown* Railway until the whole of the Line of the *Waterford, Wexford, Wicklow, and Dublin* Railway between *Kingstown* and *Wicklow* shall have been completed, and shall be ready to be opened for public Traffic; and in the meantime the *Dublin and Kingstown* Railway Company shall be at liberty to retain the Possession of their Railway and Works and Effects, and to continue in the Receipt of the Profits and Produce thereof, and to work and use the same respectively as they shall think proper, for their own Benefit, and without Account to the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, without Prejudice nevertheless to the existing Power of the last-mentioned Company to take the *Kingstown and Dalkey* Railway for the Purposes of their Works; but that when and so soon as the Line of the *Waterford, Wexford, Wicklow, and Dublin* Railway between *Kingstown* and *Wicklow* shall have been completed, and shall be ready to be opened as aforesaid, the said *Dublin and Kingstown* Railway Company shall grant to the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, and the *Waterford, Wexford, Wicklow, and Dublin* Railway Company shall accept, a Lease of the *Dublin and Kingstown* Railway, and all the Stations, Buildings, Lands, Works, and Machinery of the *Dublin and Kingstown* Railway Company, and of the Engines, Carriages, Chattels, and Effects then belonging to them, except as in the said Agreements excepted, for a Term of Thirty-five Years, to be computed from the Period of the Completion of the *Waterford, Wexford, Wicklow, and Dublin* Railway between *Kingstown* and *Wicklow* as aforesaid, instead of the said First Day of *March* One thousand eight hundred and forty-seven, upon the Terms and Conditions in all other respects in
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the said Agreements mentioned, and to be renewed in manner provided by the said Agreements, and otherwise from Time to Time, if and as the said Companies shall think fit.

II. And for providing a due Security to the *Dublin and Kingstown* Railway Company for the Rents to be reserved to them by the first or or any future Lease of their Railway and Works to the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, be it enacted, That if any such Rent shall be wholly or partially in arrear by the Space of Six Calendar Months or more after it shall have become due, then and in every such Case it shall be lawful for the said *Dublin and Kingstown* Railway Company (without Prejudice to any other Remedies available to them for the Recovery thereof) to appoint under their Common Seal a Receiver or Receivers, who shall enter into and continue in the Receipt of the Tolls, Fares, Rents, Profits, and Income arising not only from the *Dublin and Kingstown* Railway and the Works belonging thereto, but also from all such Portions of the *Waterford, Wexford, Wicklow, and Dublin* Railway as shall have been constructed and opened for public Traffic in connexion with the said *Dublin and Kingstown* Railway, and the Works belonging thereto, until he or they shall have received out of the said Tolls, Fares, Rents, Profits, and Income all Costs incident to the Execution of his or their Authority and Duties, and the full Amount of all Rents due at the Time of his or their Appointment, or which shall have become due to the *Dublin and Kingstown* Railway Company from the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, the Amount of all which Rents shall be thereupon paid by him or them to the said *Dublin and Kingstown* Railway Company; and further, that it shall be lawful for such Receiver or Receivers, if Occasion shall so require, for the Purposes aforesaid, to enter into and retain the Possession of the said *Dublin and Kingstown* Railway, and such Portions of the said *Waterford, Wexford, Wicklow, and Dublin* Railway as aforesaid, and the Works belonging thereto respectively, or any Part or Parts thereof respectively, and also all or any Part or Parts of the Engines, Carriages, Plant, and Stock of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, situate or being upon or about the same Railways and Works or any of them, and to work, use, maintain, repair, and renew the same respectively, as he or they shall think expedient, and to exercise for the Purposes aforesaid all or any of the Powers and Privileges of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, and that the said *Dublin and Kingstown* Railway Company shall not be answerable for any Loss occasioned by the Acts or Omissions, of any such Receiver, unless arising from his wilful Neglect or Default.

Power to the *Dublin and Kingstown* Railway Company to recover the Rents payable to them by the *Waterford, Wexford, Wicklow, and Dublin* Railway Company by receipt of their Tolls and Profits.

III. And be it enacted, That it shall be lawful for the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, after the Execution to them of any such Lease as aforesaid, or for the *Dublin and Kingstown* Railway Company at any Time prior to the Execution thereof, at the Request in Writing of the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company, to alter the Gauge of the *Dublin and Kingstown* Railway to a Gauge of Five Feet Three Inches; and if the *Dublin and Kingstown* Railway Company shall upon such Request

Power to alter the Gauge of the *Dublin and Kingstown* Railway.

Request make such Alteration of the said Gauge, then the whole Cost of such Alteration shall be repaid to them by the *Waterford, Wexford, Wicklow, and Dublin* Railway Company; and if any Dispute shall arise between the said Companies respecting the Amount of such Cost, the same shall be settled by Arbitration in the Manner provided with respect to the Settlement of Disputes by Arbitration between the said Companies by the Agreement of the Twenty-third Day of *March* One thousand eight hundred and forty-six, confirmed by the first-recited Act, or as near thereto as the Circumstances of the Case will permit.

Power for the South Wales Railway Company to become Shareholders.

IV. And be it enacted, That it shall be lawful for the *South Wales* Railway Company and they are hereby empowered to subscribe towards and become Shareholders in the Undertaking of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, to the Extent so agreed or resolved to be subscribed by them as aforesaid.

Power for the South Wales Railway Company to raise Capital for the Purpose.

V. And be it enacted, That for such Purpose it shall be lawful for the *South Wales* Railway Company to raise the Sum so agreed or resolved to be subscribed by them, or any Part thereof, by the Creation of new Shares in their Undertaking, of such Amount, and upon such Terms and Conditions, as may be determined by a Majority of the Shareholders present at any Ordinary or Extraordinary Meeting of the said *South Wales* Railway Company: Provided always, that it shall not be lawful for the said *South Wales* Railway Company to guarantee Interest, or give any Preference in the Payment of Dividend, in respect of any new Shares which may be created for the Purposes aforesaid.

Right of voting by the South Wales Railway Company.

VI. And be it enacted, That it shall be lawful for the *South Wales* Railway Company to nominate and appoint any Person (whether such Person be a Shareholder or not in the last-mentioned Company) by Writing under the Common Seal of the said *South Wales* Railway Company, or under the Hand of the Chairman for the Time being of the Directors of such Company, to vote on their Behalf at any Meeting of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, and such Person so appointed shall have the same Right of voting at such Meeting as though the Shares held by the *South Wales* Railway Company in the Undertaking of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company were held by him and in his Name.

South Wales Railway Company to appoint Directors.

VII. And be it enacted, That at the first Ordinary Meeting of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company to be held after the passing of this Act, Seven of the Directors of the last-mentioned Company, to be determined by Ballot among themselves, unless they shall otherwise agree, shall retire from Office, and the *South Wales* Railway Company shall appoint Seven Directors out of their own Body to supply the Places of the Directors so retiring; and from and after such Period the Number of Directors of the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company shall be Twelve, of whom Seven shall be appointed by the Directors for the Time being of the *South Wales* Railway Company, out of their own Body.

VIII. And

VIII. And be it enacted, That the Provisions of the said first-recited Act, and of the Companies Clauses Consolidation Act, 1845, with regard to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not be applicable to the Directors to be appointed by the Directors of the said *South Wales* Railway Company on behalf of that Company; and the Directors of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company to be appointed on behalf of the said *South Wales* Railway Company shall be so appointed in manner herein-after mentioned; (that is to say,) at or before the said Ordinary Meeting of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company next after the passing of this Act, the Directors for the Time being of the said *South Wales* Railway Company, for and on behalf of that Company, shall nominate Seven Members of their own Body to be Directors of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, from and after the said Ordinary Meeting; and the Directors so appointed shall accordingly be Directors of the last-mentioned Company, and shall respectively remain in Office until they or either of them shall respectively die or resign, or become disqualified by ceasing to be Directors of the *South Wales* Railway Company, or until they shall be removed by the Vote of the Directors of such last-mentioned Company, or otherwise, under the Provisions herein-after contained.

Provisions of first-recited Act not to apply to Directors appointed by the *South Wales* Railway Company.

IX. And be it enacted, That it shall be lawful for the Directors of the said *South Wales* Railway Company from Time to Time to remove any Director or Directors of the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company whom they may have appointed under the Powers of this Act, and thereupon or whenever from any other Cause the Place or Places of the Director or Directors so appointed shall be vacant, or such Director shall be unable from any Cause to attend any Meeting of the Directors of the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company, to appoint, in manner aforesaid, another Director or other Directors out of their own Body to supply the Place or Places of the Director or Directors so originally appointed, either temporarily or permanently, as Occasion may require; and such Director or Directors shall have the same Powers at such Meeting as the Director or Directors in whose Stead he or they may be nominated would have had.

How Vacancies may be filled up.

X. And be it enacted, That so long as the *South Wales* Railway Company shall remain Subscribers to the Undertaking of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company to the Extent of Two hundred and fifty thousand Pounds, it shall not be lawful for the *Waterford, Wexford, Wicklow, and Dublin* Railway Company to reduce the Number of Directors to be appointed by the *South Wales* Railway Company without the Consent of the last-mentioned Company; but in the event of the *South Wales* Railway Company reducing the Number of Shares or the Amount of Stock for which they are authorized to subscribe as aforesaid, then and in such Case the Number of Directors which such Company shall have the Right to appoint as aforesaid shall be reduced in such Manner as that such Company shall cease to have the Right of appointing One Director in respect of every entire Sum of Twenty-five thousand seven hundred

Provision for the Appointment of Directors in case the *South Wales* Railway Company transfer their Shares.

[Local.]

4 H.

Pounds

Pounds in the Capital Stock of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, for which the *South Wales* Railway Company may have subscribed, which such Company shall sell or transfer.

For Removal of Directors if South Wales Railway Company cease to have a Right to appoint.

XI. And be it enacted, That in the event of the *South Wales* Railway Company ceasing to have the Right to appoint any Director as aforesaid, the Directors of such Company shall forthwith remove from Office such or so many of the Directors appointed by such Company as may be necessary for reducing the Number of the Directors whom such Company may have the Right to appoint to the requisite Number; and in default of their so doing within Seven Days after such Right shall have ceased as aforesaid, the Directors appointed by the *Waterford, Wexford, Wicklow, and Dublin* Railway Company may remove such or so many of the Directors appointed by the *South Wales* Railway Company as may be necessary, in accordance with the Provisions herein-before contained; and the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company may from Time to Time appoint a Director or Directors to supply the Places of any Director or Directors who may have been removed by either of the Means aforesaid; and it shall not be lawful for the *South Wales* Railway Company, having ceased to possess any such Right as aforesaid, at any Time to resume the same without the Consent of the *Waterford, Wexford, Wicklow, and Dublin* Railway Company.

Interest not to be paid on Calls paid up.

XII. And be it enacted, That it shall not be lawful for the said *South Wales* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

XIII. And be it enacted, That it shall not be lawful for the said *South Wales* Railway Company, or for the said *Waterford, Wexford, Wicklow, and Dublin* Railway Company, out of any Money by this Act, or any other Act relating to the said Railway Companies, or either of them, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Railway to be subject to the Provisions of

XIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed

in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Tenth Year of the Reign of Her present Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Companies from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Companies so far as the same shall be applicable thereto.

1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

XV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railways from the Provisions of any general Act relating to the recited Acts, or of any general Act relating to Railways, now in force, or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the recited Acts.

Railway to be subject to Provisions of future general Acts.

XVI. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, or in legal Instruments or other Proceedings, it shall be sufficient to use the Expression "*The Waterford, Wexford, Wicklow, and Dublin Railway Amendment Act, 1848.*"

Short Title.

XVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

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