



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xxiv.

An Act to enable the *Bagenalstown and Wexford* Railway Company to make Railways to *Enniscorthy* and to a certain Limestone Quarry at *Ballyellin*, and an Approach Road or Roads to their Station at *Wexford*; and to enable the *Great Southern and Western* Railway Company to subscribe further Sums towards the Undertaking of the Company; and to enable the Company and the Grand Jury of the County of *Wexford* and the Trustees of *Wexford* Free Bridge to make Arrangements in reference to the said Road or Roads; and for other Purposes.

[15th May 1860.]

WHEREAS an Act was passed in the Session held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the Irish South-eastern Railway at Bagenalstown to Wexford, to be called "The Bagenalstown and Wexford Railway."* And whereas

17 & 18 Vict.
c. cxxxvi.

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another

*The Bagenalstown and Wexford Railway Act, 1860.*19 & 20 Vict.
c. lxxxviii.

another Act was passed in the Session held in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to afford Facilities to the Bagenalstown and Wexford Railway Company for raising the Funds necessary to enable them to execute their Undertaking, and for other Purposes*: And whereas another Act was passed in the last

22 & 23 Vict.
c. xxxvi.

Session of Parliament, intituled *An Act to revive and extend the Powers of the Bagenalstown and Wexford Railway Company for the Purchase of Lands, and to extend their Powers for completing their Undertaking, and to enable them to make a Deviation in the Line of their Railway; and to increase the Powers of the said Company for borrowing on Mortgage, and to enable the Great Southern and Western Railway Company to subscribe towards the said Undertaking, and to enable the said Companies to make Working and Traffic Arrangements; and for other Purposes*: And whereas it is expedient that the Company should be enabled to make Railways to *Enniscorthy* and to a certain Limestone Quarry at *Ballyellin*, and also an Approach Road or Roads to their Station at *Wexford*: And whereas it is expedient that the Company should be enabled to enter into Agreements with the Trustees of the *Wexford Free Bridge*, or with the Grand Jury of the County of *Wexford*, in reference to the said Road or Roads, as herein-after mentioned: And whereas the authorized Capital of the Company in Shares amounts to Two hundred and seventy thousand Pounds, and the Company are authorized to borrow not exceeding One hundred and thirty-five thousand Pounds: And whereas the Company require further Sums for the Purposes of this Act: And whereas the Company have not created any Preference Shares: And whereas it is expedient that the *Great Southern and Western Railway Company* should be authorized to subscribe further Sums to the Undertaking of the Company, and that the said Companies should be authorized to enter into Working and Traffic Arrangements in reference to such Railways; but for the Purposes aforesaid 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 (as follows):

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Bagenalstown and Wexford Railway Act, 1860.*"

8 & 9 Vict.
cc. 16. 18.
& 20. and
14 & 15 Vict.
c. 70. &c.
incorporated.

II. The "*Companies Clauses Consolidation Act, 1845,*" "*The Railways Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Act, 1845,*" "*The Railways Act (Ireland), 1851,*" and the Act of the Twenty-first and Twenty-second of *Victoria*, Chapter Thirty-four, intituled *An Act to continue the Railways Act (Ireland), 1851,* shall be incorporated

The Bagenalstown and Wexford Railway Act, 1860.

porated with and form Part of this Act: Provided always, that nothing in this Act or the incorporated Acts contained shall authorize the Company to purchase or take any Land for the *Ballyellin Quarry Branch* otherwise than by Agreement.

III. It shall be lawful for the Company to make and maintain the following Lines of Railway and Road or Roads, with all proper Works and Conveniences connected therewith; (that is to say,) Power to make Railways and Roads as herein stated.

A Railway (in this Act called the *Enniscorthy Branch*) diverging from the Main Line of the *Bagenalstown and Wexford Railway*, as now authorized to be made in the Townland of *Shanahona* in the Parish of *Killurin* in the County of *Wexford*, and terminating in the Townland of *Enniscorthy* in the Parish of *Saint Mary Enniscorthy* in the County of *Wexford*:

A Railway (in this Act called the *Ballyellin Quarry Branch*) diverging from the Main Line of the *Bagenalstown and Wexford Railway*, in the Townland of *Clomony* in the Parish of *Ballyellin* in the County of *Carlow*, and terminating at or near a certain Limestone Quarry, commonly called the *Ballyellin Quarry*, in the Parish and County aforesaid:

An Approach Road, commencing on the Quay at *Wexford* near the Court House, and terminating at or near the South Side of the new Bridge now in course of Construction at *Wexford*, with a diverging Approach Road to the authorized Terminus of the Railway of the Company at *Wexford*.

IV. Whereas Plans and Sections of the Railways and Approach Road or Roads by this Act authorized, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the Counties of *Carlow* and *Wexford*: Therefore, subject to the several Powers and Provisions herein and in the incorporated Acts contained, it shall be lawful for the Company to construct the said Railway and Road or Roads in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the Purposes of the Railways and the said Road or Roads and the Works connected therewith. Railway, &c. to be made according to deposited Plans.

V. The Railways by this Act authorized shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever (except as regards the Periods for the Purchase of Lands and Completion of the Railways), Part of the Undertaking of the Company, in the same Railways to form Part of Undertaking.
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The Baginastown and Wexford Railway Act, 1860.

Manner as if the same had originally formed Part thereof; and the Capital of the Company shall be applicable to the Construction thereof.

Powers for compulsory Purchases limited.

VI. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

VII. The *Enniscorthy* Branch shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same shall cease.

Period for Completion of the Railway.

VIII. After the Expiration of Five Years from the passing of this Act it shall not be lawful for the Company to pay any Dividend on the ordinary or unguaranteed Capital of the Company, unless and until the *Enniscorthy* Branch by this Act authorized to be made shall be completed and opened for public Traffic.

Company required to complete Approach Roads within Two Years after Presentment by Grand Jury of 7,000*l.* for the Purposes thereof.

IX. The Company shall and they are hereby required to complete and open for public Traffic the Approach Roads by this Act authorized within Two Years from the Date of any Presentment by the Grand Jury of the County of *Wexford* of the Sum of Seven thousand Pounds for the Purposes of such Roads: Provided always, that after the Expiration of Five Years from the passing of this Act all the Powers of the Company for making such Approach Roads shall cease, and that the Company shall not be bound or compellable to make such Roads, unless a Presentment of Seven thousand Pounds for the Purposes of such Roads shall be made by the said Grand Jury within Two Years from the passing of this Act.

No Deviation along the Bank of the River *Slaney* to be made Riverward without Consent of the Admiralty.

X. Where the Limits of Deviation course along the Bank of the River *Slaney*, the Railway and other Works shall not deviate Riverward of the Black continuous Centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

If any such Deviation is without such Consent, Admiralty may abate the same at Expense of the Company.

XI. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation, or any Part thereof, and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be

The Bagenalstown and Wexford Railway Act, 1860.

be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

XII. Previously to commencing the Approach Road to the new Bridge at *Wexford* and the diverging Road therefrom, or either of them, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of each of the said Roads for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Roads shall be constructed only in accordance with such Approval; and when either of such Roads shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if either of such Roads shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Previously to commencing Approach Roads, Plans, &c. to be deposited at the Admiralty.

XIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order a local Survey at Expense of Company.

XIV. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof

If Works affecting tidal Waters are abandoned, &c., Admiralty may remove the same at Expense of Company.

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The Bagenalstown and Wexford Railway Act, 1860.

shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to raise additional Capital.

XV. It shall be lawful for the Company at any Time and from Time to Time, with the Consent of a General Meeting of Shareholders, to raise, in addition to any other Moneys which they are authorized to raise, such Sums of Money as they shall from Time to Time deem expedient, not exceeding in the whole the Sum of Eighty thousand Pounds: Provided always, that all and every Part of the Money so to be raised shall be applied to Purposes by this Act and the recited Acts authorized: Provided also, that Six thousand five hundred Pounds, Parcel of the Sum of Eighty thousand Pounds, shall not be raised by the Company unless they shall make the *Ballyellin* Quarry Branch, and so much only of that Sum of Six thousand five hundred Pounds shall be raised as shall be necessary for the Purposes of the *Ballyellin* Quarry Branch.

Power to create new Shares for that Purpose.

XVI. For the Purpose of raising such Sums of Money the Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company specially convened for the Purpose, may create and issue new Shares in their Undertaking, of such Amount, and to be appropriated and disposed of in such Manner and to such Persons, and with such Rights of voting and such Privileges of Preference or Priority in Payment of Dividend, at any Rate not exceeding Five Pounds *per Centum per Annum*, and on such Terms and Conditions as shall be determined by such Meeting.

Calls.

XVII. Two Pounds Ten Shillings *per Share* shall be the greatest Amount of any One Call to be made in respect of any of the said new Shares, and Two Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Three Fourths of the Amount of such Share.

Shares created under this Act to be entitled to preferential Dividends if can be paid out of Profits of each Year.

XVIII. Any Shares which may be created and issued by the Company in pursuance of this Act shall be entitled to the preferential Dividend (if any) which may have been assigned to them out of the Profits of each Year, in Priority to the ordinary Shares of the Company; but if in any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of the preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year or out of any other Funds of the Company.

Power to borrow on Mortgage.

XIX. When and so soon as the whole of the Capital which the Company are by this Act authorized to raise by the Creation of new Shares

The Bagenalstown and Wexford Railway Act, 1860.

Shares shall have been subscribed for *bonâ fide*, and shall be held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, and One Half thereof paid up, it shall be lawful for the Company, with the Authority of any General or Extraordinary General Meeting of the Company, to borrow on Mortgage of their Undertaking, in addition to any of the Sums which they are now authorized to borrow, any Sum or Sums not exceeding in the whole Twenty-six thousand six hundred Pounds: Provided always, that all and every Part of the Money so to be borrowed shall be applied to Purposes by this and the recited Acts authorized: Provided also, that if the Company shall not exercise their Powers under this Act of making the *Ballyellin* Quarry Branch, the whole of the Capital which they are by this Act authorized to raise by the Creation of new Shares shall for the Purposes of this present Enactment be deemed to be Seventy-three thousand five hundred Pounds only, and that the Company shall not borrow under the Authority of this Act any greater Sum than Twenty-four thousand five hundred Pounds, unless they shall exercise their said Powers of making the *Ballyellin* Quarry Branch.

XX. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgage to be created by virtue of this Act.

Former
Mortgages
to have
Priority.

XXI. The *Great Southern and Western* Railway Company may, with the Consent of Three Fifths of the Shareholders of the said Company, assembled either in Person or by Proxy at any Special Meeting to be called for the Purpose, subscribe towards and become Shareholders in the Undertaking of the Company to any Extent not exceeding Twenty-five thousand Pounds, in addition to any Sums which they may subscribe towards the same Undertaking under the Powers of "*The Bagenalstown and Wexford* Railway Act, 1859," and may pay the said Sum of Twenty-five thousand Pounds or any Part thereof by and out of any Moneys which they have raised or are now authorized to raise by Shares or Mortgage, and which are not required for the Purposes to which they were by any Act made applicable, or may raise all or any Part of the Money so authorized to be subscribed by them by the Creation of new Shares in their Undertaking, of such Amount, and with such Privileges of Preference or Priority in Payment of Dividend, at any Rate not exceeding Five Pounds *per Centum per Annum*, as shall be determined at such Meeting.

Power for
the *Great
Southern
and Western
Railway
Company* to
subscribe
further
Sums.

XXII. Any Shares which may be created and issued by the *Great Southern and Western* Railway Company in pursuance of this Act shall be entitled to the preferential Dividend (if any) which may have

been
created by
the *Great
Southern
and Western
Railway*

The Bagenalstown and Wexford Railway Act, 1860.

Company under this Act to be entitled to preferential Dividends if they can be paid out of Profits of each Year.

been assigned to them out of the Profits of each Year, in Priority to the ordinary Shares of the said Company; but if in any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of the preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the said Company.

Saving Rights of existing Preference Shareholders.

XXIII. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be assigned to any Shares in the *Great Southern and Western Railway Company* to be created by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any Share or Stock created and issued by that Company before the passing of this Act, or confirmed by any other Act, or otherwise lawfully subsisting.

Great Southern and Western Railway Company to have the same Rights of voting as under Act of 1859.

XXIV. The *Great Southern and Western Railway Company* shall be entitled to the same Rights of voting at Meetings of the Company, in respect of any additional Shares acquired by them in the Undertaking of the Company under the Powers of this Act, as they would have been if such Shares had been acquired under the Powers of "*The Bagenalstown and Wexford Railway Act, 1859.*"

Powers and Restrictions of Act of 1859, with respect to Working and Traffic Arrangements, to apply to new Railways.

XXV. The Powers and Restrictions of "*The Bagenalstown and Wexford Railway Act, 1859,*" with respect to Working and Traffic Arrangements between the Company and the *Great Southern and Western Railway Company*, shall extend and apply to the Railways by this Act authorized to be made, in the same Manner as they would have done if such Railways had formed Part of the Undertaking of the Company before and at the Time of the passing of that Act.

Provision in the event of a future Junction with the Dublin and Wicklow Railway at Enniscorthy.

XXVI. If the *Dublin and Wicklow Railway Company* shall in any future Session apply to Parliament for Powers to effect a Junction at *Enniscorthy* between the Railway by this Act authorized and any Railway which the *Dublin and Wicklow Railway Company* may by any Act of the present Session be authorized to make to *Enniscorthy*, and to forward their Traffic by means of the Railway of the Company between *Enniscorthy* and *Wexford*, the Company shall consent to such Junction, upon such Terms and Conditions as may be enacted by Parliament for Prevention of Danger and Obstruction in consequence of such Junction, and shall afford such Facilities for the forwarding of such Traffic, and upon such Terms and Conditions, and subject to such Payments, as in default of Agreement shall be prescribed by the Board of Trade.

XXVII. It

The Bagenalstown and Wexford Railway Act, 1860.

XXVII. It shall be lawful for the Company and the Grand Jury of the County of *Wexford*, or the Company and the Trustees of the *Wexford* Free Bridge, to enter into and make Contracts and Agreements for the Transfer, so soon as the same shall be completed, of the Road or Roads by this Act authorized to be made, to the said Grand Jury or the said Trustees, and for the Maintenance of the same by the Grand Jury or the Trustees.

Power to enter into Agreements with the Grand Jury or Trustees of *Wexford* Free Bridge as to the Road or Roads.

XXVIII. The said Companies shall not respectively, out of any Money by this Act or any other Act relating to the said Companies or either of them authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the said Companies may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made, as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Interest on Calls not to be paid out of Capital.

XXIX. The said Companies shall not respectively, out of any Money by this Act or by any other Act relating to the said Companies or either of them authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may require to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Companies or either of them to construct any other Railway or execute any other Work or Undertaking.

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

XXX. Nothing in this Act shall be deemed or construed to exempt the Undertakings of the said Companies or either of them from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, 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 Rates for small Parcels, and the maximum Rates of Fares and Charges authorized to be taken by the Acts relating to the said Companies.

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

XXXI. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on Behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are

Saving Rights of the Crown.

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The Bagenalstown and Wexford Railway Act, 1860.

hereby respectively authorized to give), or shall take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors.

Expenses of
Act.

XXXII. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

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