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VICTORIÆ REGINÆ.

Cap. lxii.

An Act to extend the Time for constructing the *Wexford* Branch and the *Kingstown Connecting* Branch of the *Dublin, Wicklow, and Wexford* Railway Company; to make Arrangements as to the Capital of the Company; and for other Purposes. [25th June 1868.]

WHEREAS by "The *Waterford, Wexford, Wicklow, and Dublin* Railway Act, 1846," in this Act called "the Act of 1846," the Company, in that Act called "the *Waterford, Wexford, Wicklow, and Dublin* Railway Company," were incorporated, and by divers subsequent Acts the Powers of that Company were extended, and the Name of that Company was changed to "the *Dublin and Wicklow* Company:" And whereas by "The *Dublin and Wicklow* Railway (*Gorey* Extension) Act, 1859," in this Act called "the Act of 1859," the *Dublin and Wicklow* Company were authorized to extend their Railway to *Gorey* in the County of *Wexford*: And whereas by "The *Dublin, Wicklow, and Wexford* Railway (*Enniscorthy* Extension) Act, 1860," in this Act called "the Act of 1860," the *Dublin and Wicklow* Company were authorized to construct a Railway from and
[Local.] 9 I out

9 & 10 Vict.
c. ccviii.

22 & 23 Vict.
c. lxxx.

23 & 24 Vict.
c. xlvi.

*The Dublin, Wicklow, and Wexford Railway Act, 1868.*24 & 25 Vict.
c. xi.27 & 28 Vict.
c. cxxvi.28 & 29 Vict.
c. cexxii.

out of their authorized Line of Railway to *Gorey* in the Townland of *Clonatin Lower* in the Parish of *Kilmakilloge* in the County of *Wexford*, and terminating at or near *Enniscorthy* in the Townland of *Templeshannon* in the Parish of *Templeshannon* in the same County, and by the same Act the Name of the Company was again changed, and became "The *Dublin, Wicklow, and Wexford* Railway Company" (in this Act called "the Company"): And whereas by "The *Dublin, Wicklow, and Wexford* Railway Act, 1861," in this Act called "the Act of 1861," the Company were authorized to make a Deviation in the Line of their authorized Railway to *Gorey*, and by "The *Dublin, Wicklow, and Wexford* Railway Act, 1863," in this Act called "the Act of 1863," they were authorized to construct a Branch Line to *Shillelagh* in the County of *Wicklow*: And whereas by "The *Dublin, Wicklow, and Wexford* Railway Act, 1864," in this Act called "the Act of 1864," the Company were authorized to make a Deviation in their Branch Line to *Shillelagh*, and to construct a Railway commencing in the Townland of *Templeshannon* aforesaid by a Junction with their authorized Line of Railway, and terminating at or near the North-western Side of *Slaney Street* in the Parish of *St. Selkstan's* in the County of *Wexford*: And whereas by "The *Dublin, Wicklow, and Wexford* Railway Act, 1865," in this Act called "the Act of 1865," the Company were authorized to make and maintain a Railway (in this Act called "the *Kingstown Connecting* Railway") from *Sydney Parade* in the County of *Dublin* to *Ranelagh* in the same County, connecting the *Dublin and Kingstown* and the *Dublin, Wicklow, and Wexford* Railways, and also connecting both those Railways with a central Railway Station at *Trinity Street*, and with the *Great Southern and Western* Railway, by means of other Lines then proposed to be made by independent Companies or actually sanctioned by Parliament, and so affording Facilities for Through Traffic between the Harbour of *Kingstown* on the East Coast and the South and West of *Ireland*: And whereas the Company have (among other Works) completed and opened their Railway from *Dublin* to *Enniscorthy*, and have in part constructed their Line to *Wexford*, but the Time granted to the Company by the Act of 1864 for the compulsory Purchase of Land required for the Remainder of that Line expired in the Month of *June* 1867, and the Time granted for the Execution of the Works by that Act authorized will finally expire in the Year 1869: And whereas the Company have prepared Plans and Estimates for the *Kingstown Connecting* Railway, but no Steps have yet been taken by the other Companies for constructing either the Central Station at *Trinity Street*, or the intermediate Lines giving Access to the *Great Southern and Western* Railway, beyond obtaining Parliamentary Powers for those Purposes, and the Time granted to the Company by the Act of 1865 for the compulsory Purchase of Land

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Land required for the *Kingstown Connecting Railway* will expire in the Month of *July* 1868, and the Time granted for the Execution of the Works by that Act authorized will expire in the Year 1870: And whereas by the Act of 1859 (Sec. 6) the Company were bound, wherever the Works of the Railway by that Act authorized should touch the *Avoca River*, or any Part of the Lands on or opposite the Estate of *William Earl of Wicklow* in the Parish of *Kilbride* in the County of *Wicklow*, to construct and maintain an Embankment or Abutment in manner by that Act specified, and it has been agreed between the Earl and the Company that the Company shall be released from such Obligation: And whereas the State of the Country and the Circumstances generally of *Irish Railways* have of late been unfavourable to the Construction or Completion of Branch Lines, but the Company are desirous of carrying out the Undertakings so authorized by their former Acts, and it is expedient that renewed and extended Powers for the Purchase of Land and as to the Period for the Completion of Works be conferred upon the Company: And whereas the authorized Capital and Borrowing Powers of the Company under their several Acts are set forth in the following Table:

Amount.	Description.	Borrowing Powers.	Act authorizing.	Date.
£		£		
500,000	Ordinary Shares -	166,665	14 & 15 Vict. c. 108	1851
200,000	6 per Cent. Preference	66,666	20 & 21 Vict. c. 29	1857
200,000	5 per Cent. „	66,200	22 & 23 Vict. c. 80	1859
100,000	5 per Cent. „	33,100	23 & 24 Vict. c. 47	1860
145,000	Ordinary Shares -	48,300	26 & 27 Vict. c. 86	1863
150,000	5 per Cent. Preference	50,000	27 & 28 Vict. c. 126	1864
150,000	5 per Cent. Preference	50,000	28 & 29 Vict. c. 222	1865
1,445,000	Total Shares.	480,932	Total Borrowing Powers.	
	Total Shares and Borrowing Powers		£1,925,932.	

And whereas the Company have issued Share Capital to the Amount of One million three hundred and seventy-two thousand Pounds, and have borrowed on Mortgage the Sum of Two hundred and fifty-two thousand five hundred and eighty-one Pounds or thereabouts: And whereas the Company have also obtained on Mortgage from the Commissioners of Her Majesty's Treasury Loans to the Amount of Two hundred and nineteen thousand three hundred and twenty-four Pounds or thereabouts, forming Portion of the total Sum of Four hundred and eighty thousand nine hundred and thirty-two Pounds which the Company are authorized to borrow: And whereas at a Meeting of the Shareholders of the Company specially convened with Notice of the Object, and held on the 2nd Day of *December* 1867, the Directors were authorized to affix the Seal of the Company to the Bill for this Act: And whereas it would be attended with
Convenience

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Convenience if the Company were authorized to convert their several Issues of Preference Stock or Shares into One uniform consolidated Five per Centum Preference Stock, and to define the Purposes to which the Capital so consolidated or otherwise shall be applicable: And whereas for the Purposes of their Undertaking the Company require certain Lands situated at and adjoining the Station and Line of their Branch Railway at *Shillelagh*: And whereas a Plan and Book of Reference to such Plan of all such Lands have been deposited with the Clerk of the Peace for the County of *Wicklow*, and such Plans and Books of Reference are herein-after referred to as the deposited Plan and Book of Reference, and it is expedient that Power should be granted to the Company to acquire such Lands compulsorily; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

1. This Act may for all Purposes be cited as "*The Dublin, Wicklow, and Wexford Railway Act, 1868.*"

Interpretation of Terms.

2. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Company" shall mean "*The Dublin, Wicklow, and Wexford Railway Company.*"

The Expression "the *Kingstown Connecting Railway*" shall mean the Railway from *Sydney Parade* to *Banetagh* authorized by the Act of 1865, and the Time for the Construction of which is by this Act extended:

The Expression "Consolidated Preferential Stock" shall mean the *Dublin, Wicklow, and Wexford Railway Five per Cent. Consolidated Preferential Stock* by this Act created and defined:

The Expression "the Act of 1846" shall mean "*The Waterford, Wexford, Wicklow, and Dublin Railway Act, 1846,*" and in like Manner the Expression "the Act of" any particular Year which may be named shall mean the Act passed with regard to the Company in that particular Year.

Incorporation of General Acts herein set forth.

3. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" "*The Railways Act (Ireland), 1851,*" "*The Railways Act (Ireland), 1860,*" "*The Railways Act (Ireland), 1864,*" Part I. (relating to the Construction of a Railway) and Part II. (relating

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(relating to Extension of Time) of the "Railways Clauses Act, 1863," the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

- With respect to the Distribution of the Capital of the Company into Shares;
- With respect to the Transfer or Transmission of Shares;
- With respect to the Payment of Subscriptions and the Means of enforcing Payment of Calls;
- With respect to the Consolidation of Shares into Stock;
- With respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders; and
- With respect to the Provision for affording Access to the Special Act,

save so far as any of the Sections and Provisions of those Acts respectively are by this Act expressly varied or excepted, shall be incorporated with and form Part of this Act.

4. And whereas by the "Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas in compliance with the present Standing Orders of both Houses of Parliament the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Therefore with reference to this Act all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if the Expression "Clerks of the Union within which such Parishes are included in *Ireland*," or the Words "Clerk to the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "Postmaster of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

As to
Deposit of
Plans, &c.
with Clerks
of the
Union:

5. The Powers conferred upon the Company by the Act of 1864 for the compulsory Purchase, taking, or using of Lands for the Purpose of making the Railway by that Act authorized from the Townland of *Templeshannon* in the Parish of *Templeshannon* and County of *Wexford* to *Slaney Street* in the Parish of *St. Selskar*

Reviving
Time for
Purchase of
Lands on
Wexford
Branch.

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in the same County are hereby revived, and shall continue in force for a Period of Three Years from the passing of this Act.

Extending
Time for
Purchase of
Lands on
Kingstown
Connecting
Branch.

6. The Powers conferred upon the Company by the Act of 1865 for the compulsory Purchase, taking, or using of Lands for the Purpose of making the Railway and Works by that Act authorized shall be and the same are hereby extended, and shall continue in force for a Period of Three Years from the passing of this Act.

Extending
Time for
Construc-
tion of
Works.

7. The Time limited by the Acts of 1864 and 1865 for the Completion of the Railways and Works by those Acts authorized shall be and the same is hereby extended for a Period of Five Years from the passing of this Act; and Section Ten of the Act of 1864 and Section Nineteen of the Act of 1865, shall respectively be read and have Effect as if the Time granted by those Acts for the Execution of the Works did not expire in each Case until a Period of Five Years from the passing of this Act.

Works to
be com-
pleted
within such
Period.

8. The Railways for the Construction of which the Time is by this Act extended 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 the Construction or Completion of those Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing in this or in any other Act relating to the Company shall render it obligatory upon the Company to complete the *Kingstown Connecting Railway*, or shall entail upon the Company any Penalty for the Non-completion thereof, unless and until the Lines already sanctioned by Parliament for bringing the *Kingstown Connecting Railway* when made into Communication with the proposed *Central Railway Station at Trinity Street*, and with the *Great Southern and Western Railway*, shall first have been constructed and opened for Traffic.

Lands for
extraor-
dinary
Purposes.

9. The Company may purchase by Agreement any Quantity of Land for extraordinary Purposes not exceeding Two Acres, in addition to the Land which they are by this Act or any former Acts relating to the Company authorized to take for such Purposes.

Existing
Contracts
and Notices
to take
Lands not to
be affected.

10. Nothing herein contained shall in anywise prejudice or affect any Contract entered into or Notice given by the Company, or any Award made in pursuance of "The Railway Act (Ireland), 1851," before the passing of this Act, for the Purchase or taking of any Lands, but every such Contract, Notice, and Award respectively shall be construed and shall take effect, and the same Proceedings shall

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shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed,

11. The Company may, for the Purpose of their Station and of Station Accommodation and of their Railway at *Shillelagh*, enter upon, take, and use, compulsorily or by Agreement, such of the Lands situated at or near *Shillelagh* as are delineated or described on the deposited Plan and Book of Reference.

Power to Company to acquire additional Lands.

12. From and after the passing of this Act the Sixth Section of the Act of 1859 relating to Works to be executed by the Company at or near the *Avoca River* shall be and the same is hereby repealed, and the Company is hereby released from all Claims and Liability in respect of the same.

Sect. 6 of 22 & 23 Vict. c. lxxx. repealed.

13. For the Consolidation into One general Preferential Stock of the Company of all their Preference Stock and Shares the Company from Time to Time, if and when they think fit, subject to the Conditions and Restrictions herein-after mentioned, may create a Stock to be called "*The Dublin, Wicklow, and Wexford Railway Five per Cent. Consolidated Preferential Stock*," and to bear a perpetual Preferential Dividend at the Rate of Five Pounds *per Centum per Annum*, and to have Preference and Priority in respect of Dividend over and to their ordinary Stock and Shares, but subject and without Prejudice to all now existing or authorized Preference Shares and Stock of the Company.

Power to create 5 per Cent. Consolidated Preferential Stock.

14. "*The Dublin, Wicklow, and Wexford Railway Five per Cent. Consolidated Preferential Stock*" (herein-after called the "*Consolidated Preferential Stock*") shall be created and issued on the Terms and Conditions that whatever be the Times of the Creation or Issue of any Portions thereof, and for whatever Preference Shares or Stock any Portion thereof be substituted, and whatever be from Time to Time the total Amount thereof, the Consolidated Preferential Stock from Time to Time created and issued shall form One Class of Preferential Stock of the Company entitling the several Holders thereof, in proportion to the Amounts thereof held by them respectively and rateably, and without any Preference or Priority as between themselves, to the Preferential Dividend payable thereon.

Conditions of Consolidated Preferential Stock.

15. The Consolidated Preferential Stock shall be issued only in substitution for the existing Preference Shares or Stock of the Company, or instead of issuing other Preference Shares or Stock of the Company, and shall be issued only as fully paid-up Stock.

Restrictions on Issue of Consolidated Preferential Stock.

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Substitution of Consolidated Preferential Stock for other Preference Shares or Stock.

16. The Company from Time to Time, by Agreement with the Holder of any other Preference Shares or Stock of the Company, may issue to him in substitution for the same so much of the Consolidated Preferential Stock as bears an Amount of Dividend not exceeding the Amount of Dividend borne by the Preference Shares or Stock for which it is so substituted, and thereupon those Preference Shares or Stock shall be extinguished, and the Certificate thereof shall be delivered to the Company and be cancelled, and they shall issue *gratis* in exchange for the same a Certificate of the Consolidated Preferential Stock so issued.

Consolidated Preference Stock to be held on same Trusts.

17. The Consolidated Preferential Stock so substituted for Preference Shares or Stock shall be held upon the same Trusts, and subject to the same Charges and Liabilities, as the Trusts, Charges, and Liabilities on and subject to which the Preference Shares or Stock were held immediately before the Substitution, and so as to give Effect to any Will or Testamentary or other Instrument disposing of or affecting the Preference Shares or Stock.

Limit of Amount of Consolidated Preferential Stock.

18. The Amount of the Consolidated Preferential Stock so issued from Time to Time in substitution for other Preference Shares or Stock shall be the same as the Amount of the Preference Shares or Stock extinguished by the Issue of such Consolidated Preferential Stock in any Case in which the Dividend remains the same; but the Amount of such Consolidated Preferential Stock may be increased to such Extent, and to such Extent only, as shall be requisite to secure to any Class of Preference Shares or Stock the same Amount of Dividend as that to which they were before entitled, but no increased Amount of Stock shall be given in any Case on account of any Priority surrendered.

Application of Consolidated Preferential Stock.

19. The Consolidated Preferential Stock shall be applicable, together with all other Stocks, Shares, and Monies of the Company, to the general Purposes of the Company's Undertaking.

Agreements with Holders of Stock of 1863.

20. The Company are hereby authorized to agree with the Persons, Public Bodies, or Corporations to whom the Shares created or purporting to have been created under and by virtue of the Act of 1863, or any of them, were issued, or by whom the same or any of them are now held, for the Surrender of all such Shares to the Company upon the Terms in this Act mentioned, and upon the Surrender of all or any of such Shares the same shall forthwith be cancelled, and shall merge in the general Stock of the Company, and thereupon all Right and Interest of the former Proprietors of such Shares therein shall cease and be absolutely extinguished.

21. Such

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21. Such of the Preference Shares or Stocks of the Company as were authorized by the recited Acts relating to the Company, or any of them, and have not hitherto been issued, but which may be created and issued after the passing of this Act, shall be issued as Consolidated Preference Stock.

Unissued Preference Stocks when issued to be consolidated.

22. Nothing in this Act contained shall lessen, prejudice, or otherwise affect any of the Rights, Powers, Privileges, or Remedies of the Debenture Holders or Mortgagees of the Company, or any of them.

Saving Rights of Debenture Holders and Mortgagees.

23. Nothing herein contained shall prejudice or affect the Rights of Holders of the different Classes of Preference Stocks or Shares in the Capital of the Company, but as between themselves such Holders of the respective Classes of Preference Stocks or Shares shall, until the same are consolidated in manner by this Act contemplated, retain the same Rights and Priorities as they had previous to the passing of this Act.

Saving Rights of Preference Shareholders.

24. Provided always, that this Act or anything herein contained shall not in anywise lessen, prejudice, alter, or otherwise affect any of the Rights, Interests, Powers, Authorities, Privileges, Remedies, Claims, and Demands whatsoever, either at Law or in Equity, or otherwise howsoever, which, under or by virtue of the several Acts relating either immediately or mediately to the *Dublin and Kingstown Railway Company*, the *Dublin and Kingstown Railway Company* or the Shareholders of that Company, or any of them, were immediately before the passing of this Act entitled to, or might lawfully have, exercise, enjoy, or claim, against, or with respect to, or in any way concerning the Company, or the Railways, Works, or other Property of the Company or any Part thereof, or the Revenue or Profits of the Company or any Part thereof, or the Undertaking of the Company or any Part thereof, but all such Rights, Interests, Powers, Authorities, Privileges, Remedies, Claims, and Demands whatsoever of the *Dublin and Kingstown Railway Company* and the Shareholders thereof, and every of them respectively, shall be and remain as of full Force, Validity, Operation, and Effect, and may be had, exercised, enjoyed, and enforced in like Manner to all Intents and Purposes whatsoever, both at Law and in Equity, and otherwise howsoever, as if this Act had not been passed, anything in this Act to the contrary thereof in anywise notwithstanding.

Saving Rights of Dublin and Kingstown Railway Company.

25. The Consolidated Preferential Stock created under the Powers of this Act shall be entitled to the Preferential Dividend or Interest assigned thereto out of the profits of each Year in priority

Preference Stock or Shares to be entitled to

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Dividends only out of the Profits of each Year.

of the Ordinary Shares and Ordinary Stock of the Company, but if in any Year ending on the Thirtieth Day of *June* there are not Profits available for the Payment of the full Amount of Preferential Dividend or Interest 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.

Terms, &c. of Preference Stock to be stated on Certificates.

26. The Terms and Conditions on which the Consolidated Preferential Stock by this Act authorized shall be created shall be clearly stated on the Certificates issued relating to such Stock.

Interest not to be paid on Calls paid up.

27. The Company shall not, out of any Money by this Act authorized to be raised, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him: Provided that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money paid in anticipation of Calls as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

28. The Company shall not, out of any Money by this Act or any Act relating to the Company 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 Company to construct any other Railway, or to execute any other Work or Undertaking.

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

29. Nothing in this Act contained shall be deemed or construed to exempt the *Dublin, Wicklow, and Wexford* Railway 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 or Alteration, under the Authority of Parliament, of Rates for small Parcels, and the maximum Rates of Fares and Charges, authorized by the recited Acts.

Expenses of Act.

30. 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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