



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xlv.

An Act to grant further Powers to the *Dublin and Drogheda* Railway Company for raising Money by the Creation of Shares, in lieu of borrowing on Mortgage; and to amend the Acts relating to the *Dublin and Drogheda* Railway.

[15th July 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Dublin to Drogheda*, whereby certain Persons were incorporated by the Name of "The *Dublin and Drogheda* Railway Company:" And whereas another Act was passed in the Session held in the First Year of the Reign of Her present Majesty, intituled *An Act to alter the Line of the Dublin and Drogheda Railway, and to amend the Act relating thereto*: And whereas another Act was passed in the Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to alter and amend the Acts passed for making a Railway from Dublin to Drogheda*: And whereas another Act was passed in the Session held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to enable the Dublin and Drogheda Railway Company to make a Branch Railway to Howth; and to amend the Acts*

6 & 7 W. 4.
 c. 132.

 7 W. 4. &
 1 Vict. c. 106.

 3 & 4 Vict.
 c. 106.

 8 & 9 Vict.
 c. 128.

[Local.] 7 T relating

The Dublin and Drogheda Railway Act, 1850.

10 & 11 Vict. c. 100. relating to such Company : And whereas Two other several Acts were passed in the Session held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled respectively *An Act to enable the Dublin and Drogheda Railway Company to make a Railway from the Navan Branch of the Dublin and Belfast Junction Railway in the County of Meath to the Town of Kells in the same County*, and

10 & 11 Vict. c. 180. *An Act to authorize the Purchase by the Dublin and Drogheda Railway Company of the Navan Branch of the Dublin and Belfast Junction Railway, and to authorize the Dublin and Drogheda, the Dublin and Belfast Junction Railway with a Branch from Drogheda to Navan, the Ulster, and the Dundalk and Enniskillen Railway Companies, or any of them, to amalgamate with one another* : And whereas it is expedient to grant further Powers to the said *Dublin and Drogheda Railway Company* for raising Money by the Creation of new Shares or Stock in their Undertaking, in lieu of borrowing, or for the Purpose of paying a Portion of the Money which they are by the said recited Acts or any of them authorized to borrow : And whereas it is expedient to provide, as herein-after mentioned, for the Disposal of Shares in the Company in respect of which Calls shall be in arrear or which may have been declared forfeited, and for the Consolidation of Shares into Stock : And whereas it is expedient, for the Purpose of employing the Poor in that Part of *Ireland*, that additional Facilities should be given to the said Company for entering into possession of the Land and other Hereditaments authorized to be taken under the Provisions of the said Act fifthly herein-before recited, for the Purposes of the Branch Railway from *Navan* to *Kells* thereby authorized ; and that for such Purpose the said Act, and the Provisions of the "Lands Clauses Consolidation Act, 1845," as extended to the same, should be altered and amended ; 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, That the recited Acts relating to the *Dublin and Drogheda Railway*, so far as the same are now unrepealed and in force, as altered or amended by this Act, and this Act, shall be One Act, and shall be carried into execution accordingly.

Recited Acts and this Act to be One Act.

Power to Company to raise Money by Creation of new Shares, instead of borrowing.

II. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum of Sixty thousand Pounds, Parcel of the several Sums which they are by virtue of the said recited Acts or any of them authorized to borrow, or any Part of the said Sum of Sixty thousand Pounds, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to pay off such Loan or any Part thereof by

creating

The Dublin and Drogheda Railway Act, 1850.

creating new Shares or Stock of the Company, but no such Augmentation of Capital shall take place without the previous Order of a General Meeting of the Company specially convened for the Purpose.

III. And whereas the Company have not hitherto created or issued any Shares with any special Privileges attached of Preference or Priority in Payment of Interest or Dividend: Be it therefore enacted, That it shall be lawful for the Company, if they shall think fit, to guarantee any Rate of Interest or Dividend upon all or any of the new Shares or Stock which may be created for the Purposes aforesaid, not exceeding Five Pounds *per Centum per Annum*, to be paid in preference to and before any other Dividend upon or in respect of any other Class of Shares or Stock in the said Company.

Power to guarantee Dividends on Shares created for paying off Mortgage Debt.

IV. And be it enacted, That the new Shares which shall be created for the Purposes aforesaid shall be of such nominal Amount, and shall be issued and disposed of in such Manner, and to such Persons, and on such Conditions as may be determined upon by the Company at any such General Meeting as aforesaid, and it shall be lawful for the Directors of the Company from Time to Time to fix the Times of making Calls on such Shares, and the Amount of such Calls.

As to Amount and Disposition of Shares, and as to Calls upon the same.

V. And be it enacted, That the new Shares or Stock so to be created as aforesaid shall form Part of the general Capital of the Company, and shall be subject to all the Provisions of the said recited Acts with respect to such general Capital, except in so far as such Provisions may be inconsistent with the Provisions of this Act, or with any Resolutions of the Shareholders or Directors of the Company made in conformity with such Provisions.

New Shares to form Part of general Capital.

VI. And be it enacted, That, instead of proceeding to forfeit any Shares in respect of which Calls are or may hereafter be in arrear, it shall be lawful for the Directors, in any Case where, in their Opinion, any Shares if sold would not produce a sufficient Sum to discharge the Arrears of Calls thereon, (with the Authority of a General Meeting of the Company specially convened for the Purpose,) to agree with the Proprietor thereof for the Surrender of the same to the Company, on such Terms as the Directors shall think fit; and after such Surrender, which shall be made by Deed under the Hand and Seal of the Proprietor, setting forth truly the Terms of such Surrender, and duly stamped, the Shares so surrendered shall merge in and form Part of the Capital of the Company.

Power to Directors to agree with Shareholders in arrear for an Assignment of their Shares, instead of forfeiting same.

VII. And be it enacted, That in all Cases where any Share shall have been forfeited, and such Forfeiture shall have been or shall be confirmed by a General Meeting of the Company, in accordance with

Forfeited Shares which cannot be sold may.

The Dublin and Drogheda Railway Act, 1850.

merge in the
Company.

with the Provisions of the said first-recited Act, and Notice of such Forfeiture shall have been given to the Owner of the Share forfeited, in Writing under the Hand of the Secretary of the Company, by sending the same by Post in a registered Letter to or by leaving the same at his Place of Abode or Business as described in the Register of the Shareholders in the said Company, it shall be lawful for the Directors of the Company, if they shall be unable to sell the said Share for a Sum equal to the Arrears of Calls and Interest due in respect thereof, to declare the same to be merged in the general Capital Stock of the Company, and the same shall thenceforth merge accordingly in the said Capital; and a Declaration in Writing, made by some credible Person not interested, before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest in respect of such Share could not be obtained for the same at the Time of such Merger, shall be *primâ facie* Evidence of the Facts therein stated, and the Proprietor of such Share shall, from and after the making of such Declaration, be precluded from all Right and Interest therein.

Power to
issue new
Shares in
lieu of those
merged in
Company.

VIII. And be it enacted, That, in lieu and instead of any Shares which shall be surrendered or forfeited or merged as aforesaid, it shall be lawful for the Company from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General Meeting of the Company specially convened for the Purpose, to create and issue such new Shares, of such Amount, subject to such Conditions, and generally upon such Terms as by the Order of any such Meeting shall be determined: Provided always, that it shall not be lawful to attach to any Share so created in lieu of any Shares which may be surrendered, forfeited, or merged as aforesaid any Privilege of Preference or Priority in the Payment of Interest or Dividend, and that One Fifth Part of the Amount of any Share created in pursuance of this Enactment shall be the greatest Amount of any One Call which the Company may make thereon, and that Three Months at the least shall be the Interval between successive Calls on such Shares; provided also, that the aggregate Amount to be raised by the Issue of any such new Shares shall not exceed the aggregate Amount left unpaid on the old Shares in lieu of which such Shares shall be issued, at the Time of the Surrender, Forfeiture, or Merger as aforesaid of such old Shares; provided further, that any Capital raised by the Creation of such new Shares shall be applicable to such Purposes only as the Capital raised by the Shares in lieu of which such Shares may be created might have been by Law applied to if this Act had not been passed.

Power to
convert
Shares into
Stock.

IX. And be it enacted, That it shall be lawful for the Company, from Time to Time, with the Consent of Three Fifths of the Votes
of

The Dublin and Drogheda Railway Act, 1850.

of the Shareholders present in Person or by Proxy at any General Meeting of the Company specially convened for the Purpose, to convert or consolidate all or any Part of the Shares then existing in the Capital of the Company, and in respect whereof the whole Money subscribed shall have been paid up; into a general Capital Stock, to be divided amongst the Shareholders according to their several Interests therein.

X. And be it enacted, That after any such Conversion or Consolidation shall have taken place all the Provisions contained in this or in the said recited Acts which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect; and it shall be lawful for the several Holders of such Stock thenceforth to transfer their respective Interests therein, or any Part or Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as are applicable to the Transfer of Shares in the Capital of the Company under the Provisions of the said recited Acts; and the Company shall cause an Entry of every such Transfer to be made in a Book to be kept for that Purpose, and to be called "The Register of Transfers of Stock," and for every such Entry they may demand any Sum not exceeding Two Shillings and Sixpence.

After Conversion, &c. Provisions requiring Capital to be divided into Shares to cease.

XI. And be it enacted, That the Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for that Purpose, and to be called "The Register of Holders of consolidated Stock," and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first ordinary half-yearly Meeting of the Company held after the Consolidation of any Shares into Stock, and so from Time to Time thereafter at each succeeding ordinary half-yearly Meeting of the Company.

Register of Holders of consolidated Stock to be kept.

XII. And be it enacted, That in addition to the said Register of Holders of consolidated Stock the Company shall provide a Book, to be called the "Stockholders Address Book," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Stockholders of the Company, being Corporations, and the Surnames of the several other Stockholders, with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the Company; and every Holder of Shares or Stock in the Company, or, if the Holder of any Shares or Stock be a Corporation, the Clerk or

Address Book of Stockholders to be kept.

The Dublin and Drogheda Railway Act, 1850.

Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, or may require a Copy thereof or any Part thereof, and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Proprietors
of Stock
entitled to
Dividends.

XIII. And be it enacted, That the Holders of any Stock who may have become entitled thereto as Holders of any new Shares which may have been created under the Authority of this Act shall be entitled to the same Privileges (if any) of Priority in Payment of Dividend as were attached to such Shares before the Conversion or Consolidation of the same into Stock, according to the Amount of their respective Interests in such Stock, and that the Holders of any Stock who may have become entitled thereto as Holders of any Shares created under the Authority of the recited Acts or either of them shall be entitled to participate, according to the Amount of their respective Interests in such last-mentioned Stock, in the Dividends and Profits of the Company which shall remain after paying the Dividends on Shares or Stock entitled to Priority in Payment of Dividend, and such last-mentioned Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except such Participation in the Dividends and Profits of the Company as aforesaid, shall be conferred by any aliquot Part of such Amount of consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages respectively.

Shareholders
allowed to
inspect, &c.
Account
Books of the
Company.

XIV. And be it enacted, That for Fourteen Days previous to each ordinary half-yearly Meeting, and for One Month thereafter, it shall be lawful for any Shareholder in the said Company, at any reasonable Time, to inspect the Account Books of the Company for the Half Year ending at the Period up to which such Books shall have been balanced previous to such Meeting, and to take Copies or Extracts therefrom, at the principal Office or Place of Business of the Company; and if the Book-keeper of the said Company shall fail to permit any such Shareholder to inspect such Books or take Copies or Extracts therefrom at any reasonable Time during the Periods aforesaid, he shall forfeit to such Shareholder for every such Offence a Sum not exceeding Five Pounds.

Power to
carry Howth
Branch, Na-
van Branch,
and Kells
Branch

XV. And whereas in the Construction of the Branch Railway to *Howth* authorized to be made by the recited Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty it has been found expedient to carry
the

The Dublin and Drogheda Railway Act, 1850.

the same across the Roads or Highways numbered respectively 39a in the Townland of *Kilbarrack Lower* in the Parish of *Kilbarrack*, and 50 in the Townland of *Burrow* in the Parish of *Howth*, on the Plans according to which the said Branch Railway to *Howth* was authorized to be constructed, on the Level of such Roads or Highways: And whereas in the Construction of the *Navan* Branch Railway, now vested in the said *Dublin and Drogheda* Railway Company by virtue of a Transfer thereof made to them under the Authority of the recited Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, it has been found expedient to carry the said last-mentioned Branch Railway across the Road or Highway numbered 15 a in the Townland of *Painestown* in the Parish of *Painestown* on the Plans according to which such last-mentioned Branch Railway was authorized to be constructed on the Level of such Road or Highway: And whereas, in the Construction of the Branch Railway to *Kells*, authorized to be made by the recited Act passed for such Purpose in the last-mentioned Session, it has been found expedient to carry the same across the several Roads or Highways numbered respectively 45 in the Townland of *Townparks* in the Parish of *Navan*, 1 and 19 in the Townland of *Whistlemount*, 1 a in the Townland of *Liscartan* in the Parish of *Liscartan*, 7 in the Townland of *Ardraccon* in the Parish of *Ardraccon*, 8 in the Townland of *Castlemartin*, 10 in the Townland of *Phœnixtown*, 3 a in the Townland of *Martry* in the Parish of *Martry*, and 2 in the Townland of *Ballybeg* in the Parish of *Balrathboyne*, on the Plans according to which such last-mentioned Branch Railway is authorized to be constructed, on the Level of such last-mentioned Roads or Highways: Be it enacted, That, subject to the Provisions contained in the Railways Clauses Consolidation Act, 1845, with respect to the crossing of Roads on the Level, and subject to the Provisions herein-after contained, it shall be lawful for the Company to carry and maintain the said Railways across and on the Level of the said Roads or Highways respectively.

across certain
Roads on the
Level.

XVI. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Commissioners shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the said Railways, by means of a Bridge or Arch, in lieu of crossing the same on a Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from any such level Crossing.

Commis-
sioners of
Railways
may require
a Bridge to
be erected, in
lieu of level
Crossing.

XVII. And

The Dublin and Drogheda Railway Act, 1850.

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of the Commissioners of Railways.

XVII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railways cross the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect, or at all Times maintain, any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to make out Maps and Schedules of Lands, &c. required for Railway from Navan to Kells.

XVIII. And be it enacted, That it shall be lawful for the said Company to cause to be made out, and to be signed with the Names of their Engineer and Secretary, Maps and Schedules of all such Lands and Hereditaments as are required to be taken for the Purposes of the Branch Railway from *Navan* to *Kells*, authorized by "The *Dublin and Drogheda Railway, Navan to Kells* Branch, Act, 1847," and for the Purchase whereof the Company shall not have contracted prior to the passing of this Act, together with the Names of the Owners or reputed Owners, Lessees, and Occupiers thereof, as far as the same can be reasonably ascertained, with Estimates of the gross annual Value and the Value thereof in Fee (taking into consideration Damage by way of Severance, and any other Matters by "The Lands Clauses Consolidation Act, 1845," required to be considered, if necessary,) of all such Lands and Hereditaments respectively required for the Purposes of the said Railway from *Navan* to *Kells*, and every such Map shall be upon a Scale of Two hundred Feet to the Inch, and all Lands, Buildings, Yards, Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked with distinct Numbers, and shall have put thereon a distinct Valuation to each Number; and the Company shall deposit a Copy of such Maps, Schedules, and Estimates at the Office of the Commissioners of Public Works in the City of *Dublin*, and also at the Office of the Clerk of the Peace for the County of *Meath*, and such Clerk of the Peace is hereby required to retain the said Documents in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace to take the Custody of such Documents as shall be directed to be deposited with them by the Standing Orders of either House of Parliament.*

Maps, &c. to be deposited with Commissioners of Public Works and at the Office of Clerk of the Peace for Meath, which shall be open to Inspection, as provided by 7 W. 4. & 1 Vict. c. 83.

XIX. And

The Dublin and Drogheda Railway Act, 1850.

XIX. And be it enacted, That the said Commissioners shall from Time to Time appoint an Arbitrator, to consider and settle such Valuations or any of them, and for other the Purposes of this Act; and they may from Time to Time remove any such Arbitrator, and may appoint any other Arbitrator in the Place and Stead of any such Arbitrator who shall die or shall be so removed as aforesaid, and shall determine what Salary or Remuneration and travelling or other Expenses shall be paid to every such Arbitrator so appointed as aforesaid.

Commissioners to appoint an Arbitrator to consider the Valuations.

XX. And be it enacted, That as well the Salary or Remuneration, travelling and other Expenses of every such Arbitrator as aforesaid, as also all other Costs, Charges, and Expenses which shall be incurred by the said Commissioners or by any of their ordinary Officers in carrying the Provisions of this Act into execution, shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses by any Person or Persons authorized on behalf of the Company; and it shall be lawful for the Commissioners from Time to Time to require the Company to deposit any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and Expenses, as to the said Commissioners shall seem fit; and every Certificate of the said Commissioners, certifying the Amount of any such Costs, Charges, and Expenses, shall be taken as Proof in all Proceedings at Law or in Equity of the Amount of such respective Costs, Charges, and Expenses; and the Amount so certified shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly.

Expenses of the Commissioners to be borne by the Company.

XXI. And be it enacted, That the said Arbitrator so for the Time being appointed shall consider such of the said Valuations as shall be referred to him by the said Commissioners, and may at his sole Discretion alter or vary the same, and may call for such further Information relating thereto as he shall think fit; and so soon as the said Arbitrator shall from Time to Time have signified in Writing his Approval and Sanction of any such Maps, Schedules, and Estimates deposited as aforesaid, or any Part thereof, the said Company shall proceed to deposit so much of the said Maps, Schedules, and Estimates so approved of as aforesaid as relates to each Parish in which any Lands or Hereditaments required to be taken for the Purposes of the said Railway are situate with the Clerk of the Poor Law Union in which such Parish shall be situate, and thereupon the Company shall publish a Notice once in the *Dublin Gazette* and once in each of Three successive Weeks in some one and the same Newspaper published in the County of *Meath*, or if no Newspaper shall be published in such County, then in some Newspaper published

When Plans, Estimates, &c. shall have been approved by Arbitrator, Company to deposit the same with Clerks of Unions, and to publish a Notice requiring Persons interested to send in a Statement of their Claims.

[Local.]

7 X

in

The Dublin and Drogheda Railway Act, 1850.

in *Dublin* at least Three Days in the Week; and every such Notice shall state the Time and Place of depositing such Maps, Schedules, and Estimates with the Clerk of such Union, and the Sanction and Approval of the said Maps, Schedules, and Estimates by the said Arbitrator, and shall require all Persons claiming to have any Right to or Interest in the Lands and Hereditaments required for the Purposes of the said Railway in such Parish to deliver to the Company, on or before a Day to be named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim or Right, and a short Abstract of the Title on which the same shall be founded, such Statement and Abstract to be paid for by the said Company: Provided always, that the Company shall not be liable or called upon to pay the Expense of a short Abstract of the Title of the Person who would under the Provisions of the recited Acts be enabled to sell and convey Lands to the Company in any Case where the Interest in respect of which such Claim shall have been made shall be that of a Lessee or Occupier.

Certificates
of Value to
be delivered
by Company.

XXII. And be it enacted, That within Thirty Days from the Delivery of such Statement and Abstract as aforesaid the said Company shall, when it shall appear to them that the Party so claiming as aforesaid is absolutely entitled to the said Lands or Hereditaments claimed by him, deliver to such Party a Certificate under the Hand of the Secretary or any Two of the Directors of the said Company, stating the Amount of the Valuation approved by the said Arbitrator as aforesaid; and where it shall appear to the said Company that there are different and concurrent Interests existing in the same Lands or Hereditaments, then the said Company shall apportion the Amount of the said Valuation according to such different Interests, and shall deliver to each Party claiming such different Interests as aforesaid a Certificate under the Hand of the Secretary or any Two of the Directors of the said Company, stating what Portion of the said Valuation such Party so claiming as aforesaid is, in the Opinion of the Company, entitled to receive; and where more Land or Hereditaments than is included in One Number shall be claimed by the same Party, such Land or Hereditaments, and the Valuations thereof or of the Interests therein, may be included in One Certificate, if the Company shall think fit, such Certificates to be prepared by and at the Costs of the said Company.

When
Amount
mentioned in
Certificates
has been paid
to Parties or
into Court of

XXIII. And be it enacted, That when and so soon as the said Company shall have paid to the Party to whom any such Certificate shall have been given, or to Trustees, or into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Exchequer there, in the Cases herein-after mentioned,
the

The Dublin and Drogheda Railway Act, 1850.

the Amount of Monies specified to be payable by such Certificates to the Party to whom or in whose Favour such Certificates shall be given, his or her Executors, Administrators, or Assigns, it shall be lawful for the said Company from Time to Time to enter upon any Lands, Tenements, and Hereditaments in respect of which such Certificate shall have been given, and thenceforward to hold the same in Fee, discharged of all Estates and Interests whatsoever of any Person or Body whomsoever.

Exchequer
in Ireland,
Company
may enter on
Lands.

XXIV. And be it enacted, That in every Case in which any Monies shall be paid on any such Certificate as aforesaid, the Party receiving such Monies shall give to the said Company a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, or Conveyance of all the Estate and Interest of such Party in the said Lands or Hereditaments, and of that of all Parties claiming under or through him, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificates (but exclusive of the Amount paid for Severance and consequential Damages) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, and every such Receipt shall be prepared by and at the Costs of the said Company.

Receipt
duly stamped
to operate
as a Con-
veyance.

XXV. And be it enacted, That if it shall appear to the said Company, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands or Hereditaments in respect of which such Claim shall have been made, or shall be under any Disability, or if the Title to such Lands or Hereditaments shall not be satisfactorily deduced to the said Company, then and in every such Case the Amount of any such Valuations as aforesaid, or of any Monies to be recovered on any Traverse, as after mentioned, or payable in respect of any Judgment or Execution, as after mentioned, exceeding Twenty Pounds, shall, on the Request of any Party claiming any Interest in the Lands or Hereditaments included in any such Valuation, or without such Request, if the said Company shall think fit, be paid as follows; (that is to say,) if the same shall exceed Twenty Pounds and shall not amount to Two hundred Pounds, the same shall either be paid into the Bank of *Ireland* or to Two Trustees, who shall be nominated and shall apply the Money so paid to them in the Manner in that Behalf provided by "The Lands Clauses Consolidation Act, 1845;" and if the same shall amount to or exceed Two hundred Pounds, then the same shall be paid into the Bank of *Ireland* in all respects as by "The Lands Clauses Consolidation Act, 1845," is provided in Cases of Sales by Parties under Disability; and all Monies paid into the Bank of *Ireland* in pursuance of this Enactment shall be dealt with in all respects as if the same had been paid into the Bank of *Ireland*, in pursuance

If Parties
making claim
are deemed
not entitled,
or shall be
under Disa-
bility, or if
Title shall
not be satis-
factorily
deduced,
Monies to
be paid into
Court.

The Dublin and Drogheda Railway Act, 1850.

pursuance of the Provisions of the said last-mentioned Act, on a Sale of any such Lands or Hereditaments by a Party under Disability, as defined by the same Act; and every such Sum not exceeding Twenty Pounds may be paid to the Parties who under the Lands Clauses Consolidation Act, 1845, would be entitled to receive the same in case their Lands or the Interests therein had been taken under the Powers in the said Lands Clauses Consolidation Act, 1845, contained.

Where Parties make no Claim, or refuse to accept the Sums specified in the Certificate, the Money to be paid into Court.

XXVI. And be it enacted, That when the said Company shall be desirous of taking possession of any Lands or Hereditaments under the Provisions of this Act, and the Party or Parties to whom such Certificate shall have been given or tendered shall refuse to receive such Certificate, or to accept the Amount specified in such Certificate as payable to him or them, or if no Claim shall have been made in respect of any such Lands or Hereditaments, or of some particular Interest in the same, within the Period herein-before prescribed for making such Claim, then and in either of the Cases aforesaid the said Company shall pay the Amount of the Valuation either of the Fee or of any other Interest (as the Case may be) in such Lands not claimed for as aforesaid, or the Amount mentioned in such Certificate, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Exchequer there, as is by the Lands Clauses Consolidation Act, 1845, provided with respect to the Entry on Lands by the Promoters of the Undertaking, and the same shall be accordingly dealt with as by the said Act is provided.

Nothing to prevent Company requiring further Evidence of Title, at their Costs.

XXVII. And be it enacted, That nothing herein-before contained shall prevent the said Company from requiring any further Abstract of Title or Statement respecting any Lands or Hereditaments included in any such Valuations in addition to the Abstract or Statement herein-before mentioned, if they shall think fit, so as any such further Information be obtained at the Costs of the said Company.

Where Money has been paid into the Bank, Parties may enter a Traverse at the Assizes.

XXVIII. And be it enacted, That it shall be lawful for any Person or Persons lawfully claiming any Interest in any Monies so paid to Trustees or into the Bank of *Ireland* as aforesaid, who shall be dissatisfied with the Amount of the Valuation of the Lands and Hereditaments in respect of which such Monies shall be so paid to Trustees or into the Bank of *Ireland* as aforesaid, or of any Interest therein, at the Assizes next following the giving such Certificates or the Payment of Money to Trustees or into the Bank of *Ireland*, as the Case may be, or at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes respectively to the Secretary of the Company of the Amount of Compensation or Damages intended to be claimed, to have a Traverse for Damages entered in "The Crown Book" in respect of such Claim; and thereupon such

The Dublin and Drogheda Railway Act, 1850.

Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Compensation or Damages shall be such Sum as the Judge of Assize before whom such Traverse may be tried shall think fit to award by Rule made for that Purpose, and shall in no Case exceed the Sum of Twenty Pounds; and further, that no Party shall have any Remedy for the Purpose of ascertaining the Amount of the Value of any Land to be taken under the Powers of this Act, or of impeaching the Amount of the Valuation put thereon as aforesaid, other than by means of such Traverse as aforesaid, anything in any of the aforesaid Acts, or any Acts incorporated therewith, or in this Act, to the contrary notwithstanding.

XXIX. And be it enacted, That the Entry of the Verdict of the Jury in all Cases of every Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment in an Action at Law obtained in the Court of Queen's Bench in *Ireland* against the said Company, and may be enforced by like Remedies against or by the said Company as in the Case of Judgments in Actions at Law by all Parties interested therein; and if such Verdict shall be for an Amount of Compensation or Damages less than the Amount paid to Trustees or into the Bank of *Ireland*, as the Case may be, the said Company shall, if the Amount has been paid into the said Bank, on a summary Application by Petition be entitled to receive the Difference between the Amount of such Compensation or Damages and the Amount of the Sum paid into the Bank of *Ireland*, and if the Amount has been paid to Trustees the Company shall be entitled to receive on Demand, and in default of Payment on Demand to recover by Action at Law in any Court of competent Jurisdiction, from such Trustees, the Difference between the Amount of such Compensation or Damages and the Amount so paid to such Trustees; but if the Amount of such Compensation or Damages shall exceed the Amount of the Monies paid to Trustees or into the Bank of *Ireland*, then the Difference between the Amount paid in and the Compensation or Damages shall, at the Costs of the said Company, be paid to the same Trustees or into the Bank of *Ireland*, as the Case may require, and the Payment of such Difference to the same Trustees or into the Bank of *Ireland*, as the Case may require, and the Payment of any Costs payable by the said Company in respect of such Traverse, shall be a good Discharge to the said Company on any such Verdict in the Nature of a Judgment as aforesaid; and in either of the Cases aforesaid a Receipt stamped

Verdict on
Traverse to
have Effect
of Judgment.

[Local.]

7 Y

as

The Dublin and Drogheda Railway Act, 1850.

as herein-before directed in the Case of Receipts given for Monies paid to Parties on Certificates given as aforesaid, and under the Hands of such Trustees, for the Amount paid to them, or under the Hand of the Accountant General of the Court of Exchequer in *Ireland* for the Amount paid into the Bank of *Ireland* (after deducting the Difference between the Amount of Damages and the Amount paid into the Bank or to the Trustees, as the Case may be, where the Verdict shall be for a less Sum than the last-mentioned Amount), shall have the Effect of a Release or Conveyance of the Interests of all Parties who may have entered such Traverse, and of all Parties claiming under them, in the Lands and Hereditaments which shall have formed the Subject of such Traverse.

Existing
Contracts
not to be
prejudiced.

XXX. Provided always, and be it enacted, That nothing in this Act shall prejudice or affect any Contract or Agreement for the Purchase or taking of Lands entered into before the passing of this Act; and where before the passing of this Act any such Contract shall have been entered into by the Company for purchasing, taking, or using any Lands for the Purposes of the said Railway, every such Contract shall be construed and take effect, and the same Proceedings 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.

Nothing
deemed to
extend
Period for
purchasing
certain
Lands.

XXXI. Provided also, and be it enacted, That nothing in this Act contained shall be deemed or taken to extend the Period within which the Company are now by Law authorized to purchase Lands and Hereditaments by Compulsion for the Purposes of the said Railway from *Navan* to *Kells*.

Differences
as to Accom-
modation
Works to be
settled by the
Arbitrator.

XXXII. And be it enacted, That if any Dispute shall arise between the Company and any Owner or Occupier of Lands adjoining the said Railway from *Navan* to *Kells*, as to the Necessity, Kind, or Number of any Works for their Accommodation, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be referred to and determined by the Arbitrator for the Time being appointed as aforesaid, whose Decision shall be final for and against all Parties, and such Arbitrator shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Deposit for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XXXIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Company 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 any Act
authorizing

The Dublin and Drogheda Railway Act, 1850.

authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

XXXIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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 said first-recited Act in that Behalf contained.

Interest not
to be paid
on Calls
paid up.

XXXV. 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 the Reign 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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said 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 *Dublin and Drogheda Railway* or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway and Company, so far as the same shall be applicable thereto.

Railway to
be subject to
Provisions of
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.

XXXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the *Dublin and Drogheda Railway* from the Provisions of any general Act relating to the said recited Acts or this Act, or 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 this 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 not
exempt from
Provisions
of future
general Acts.

XXXVII. And

The Dublin and Drogheda Railway Act, 1850.

Expenses of Act.

XXXVII. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory thereto, shall be paid by the said Company out of any Monies which may be in their Possession at the Time of the passing of this Act, or out of the first Monies which shall come to their Possession after such Period, and in preference to all other Payments whatsoever.

Short Titles of this and recited Acts.

XXXVIII. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "*The Dublin and Drogheda Railway Act, 1850;*" and in citing or referring to the first-recited Act it shall be sufficient in all Cases to use the Expression "*The Dublin and Drogheda Railway Act, 1836;*" and in citing or referring to the Act secondly herein-before recited it shall be sufficient in all Cases to use the Expression "*The Dublin and Drogheda Railway Act, 1837;*" and in citing or referring to the Act thirdly herein-before recited it shall be sufficient in all Cases to use the Expression "*The Dublin and Drogheda Railway Act, 1840;*" and in citing or referring to the Act fourthly herein-before recited it shall be sufficient in all Cases to use the Expression "*The Dublin and Drogheda Railway Act, 1845.*"

Interpretation of Terms.

XXXIX. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word "Company" shall mean the *Dublin and Drogheda Railway Company* :

The Word "Person" shall include Corporations, whether aggregate or sole.

Public Act.

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

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.