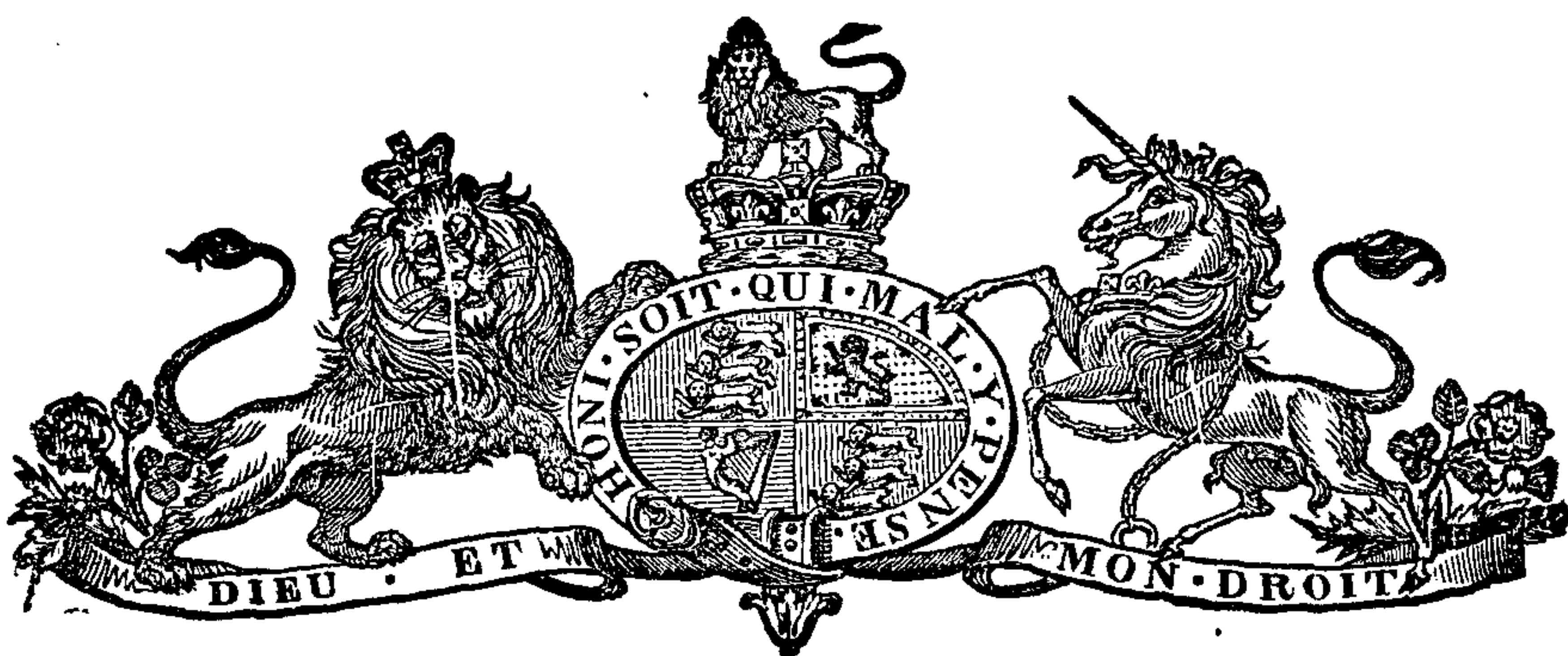




ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxviii.

An Act for making a Railway from *Limerick* to
Foynes. [4th August 1853.]

WHEREAS the making of a Railway from the City of *Limerick* to *Foynes* in the County of *Limerick* would be of great public Advantage by opening an additional, certain, and expeditious Means of Communication between the said Places: And whereas the Persons herein-after named, with other Persons and Corporations, are willing at their own Expense to provide such Communication; but the same 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:

I. The Provisions of the following Acts of Parliament, (that is to say,) "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," so far as the Provisions of the same are not repealed or altered by the Railways Act (*Ireland*), 1851, and "The Railways Act (*Ireland*), 1851," shall be incorporated with and form Part of this Act.

8 & 9 Vict.
cc. 16. 18.
and 20. and
14 & 15 Vict.
c. 70. incor-
porated with
this Act.

The Limerick and Foynes Railway Act, 1853.

- Short Title. II. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression, "The *Limerick and Foynes Railway Act, 1853.*"
- Subscribers incorporated. III. *Thadeus M'Donnell* Esquire, the Earl of *Dunraven*, the Lord *Monteagle of Brandon*, *William Monsell* Esquire, *Wyndham Goold* Esquire, Captain *Samuel Auchmuty Dickson*, *William Franklin* Esquire, *Robert M'Murray* Esquire, *Michael Robert Ryan* Esquire, *John White* Esquire, and *William Hartigan Barrington* Esquire, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking hereby authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company, for the Purpose of making and maintaining a Railway from the City of *Limerick* to or near the Quay at *Foynes* in the County of *Limerick*, with proper Works and Conveniences belonging thereto, according to the Provisions of the herein-before mentioned Acts and of this Act; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Limerick and Foynes Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions herein and in the herein-before mentioned Acts contained.
- Capital. IV. And whereas the estimated Expenses of making the Railway is One hundred and thirty thousand Pounds: Be it enacted, That the Capital of the Company shall be One hundred and thirty thousand Pounds.
- Number and Amount of Shares. V. The Number of Shares into which the Capital shall be divided shall be Five thousand two hundred, and the Amount of each Share shall be Twenty-five Pounds.
- Calls. VI. Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company shall be authorized to make on the Shareholders, and One Third the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.
- Meetings of the Company. VII. The First General Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly, in the Months of *March* and *September*, and the First of such Ordinary Meetings shall be held in the Month of *September* next; and all Meetings, whether ordinary or extraordinary, of the Company and

The Limerick and Foynes Railway Act, 1853.

and Directors shall be held at *Limerick*, or such convenient Place or Places as the Directors for the Time being shall appoint.

VIII. The Quorum for every Meeting of the Company, whether ordinary or extraordinary, shall be Ten Shareholders present, personally or by Proxy, and holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company. Quorum at Meetings of the Company.

IX. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company. Number of Shareholders to convene Extraordinary Meetings.

X. The Scale according to which the Shareholders may vote at Meetings of the Company in respect of their Shares shall be as follows; that is to say, Scale of Voting at Meetings of the Company.

For every Share above Five Shares up to Fifty One Vote.

For every Ten Shares above Fifty - - One Vote.

XI. The Number of Directors to be appointed at the General Meetings herein-after mentioned shall be not more than Fifteen, nor, subject as herein-after provided, less than Ten; and the Qualification of a Director shall be the Possession in his own Right of Forty Shares of the Undertaking. Number and Qualification of Directors.

XII. The Earl of *Dunraven*, *Wyndham Gould*, *Eyre Lloyd*, *Samuel Auchmuty Dickson*, *Richard Russell*, *Robert M'Murray*, *John White*, and *William Hartigan Barrington*, Esquires, shall be the Directors of this Company until the First General Meeting. First Directors.

XIII. The Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

XIV. The Directors appointed by this Act, or such of them as shall not die or resign, or become disqualified, or be removed, shall continue in Office until the First General Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect new Directors to supply the Places of those not continued in Office, or in addition to them, the Directors appointed by this Act being eligible as Members of such new Body. Election of Directors at First General Meeting.

XV. At the First General Meeting to be held in every Year after the First General Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Place of the Directors then retiring Subsequent Election of Directors.

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retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

Committees
of Directors.

XVI. The Number of Directors of which Committees appointed by the Directors shall consist, shall be such Number as the Directors shall from Time to Time think fit, not being less than Three; and at all Meetings of any Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Members present, and in case of an Equality of Votes the Chairman shall have a casting Vote, in addition to his own Vote as a Member of the Committee.

Quorum of
Committee of
Directors.

XVII. The Quorum of a Meeting of a Committee of Directors shall be Three Members of such Committee, and if such Committee shall consist only of Three the Quorum shall be Two.

Qualification
of Auditors.

XVIII. Every Auditor appointed under this Act shall have, at the least, the same Number of Shares as are herein-before required to qualify a Director.

The Great
Southern and
Western
Railway
Company
and the Wa-
terford and
Limerick
Railway
Company
authorized to
subscribe.

XIX. And whereas the *Great Southern and Western Railway Company* have agreed or may agree to subscribe Fifteen thousand Pounds, and the *Waterford and Limerick Railway Company* have agreed or may agree to subscribe the Sum of Seventeen thousand five hundred Pounds, towards the said Undertaking, if authorized by Parliament so to do: Be it therefore enacted, That it shall be lawful for each of the said last-mentioned Companies to subscribe towards and become Shareholders in the Undertaking hereby authorized, either in their own Names respectively, or in the Name or Names of any Person or Persons to be appointed by them respectively, to the Extent respectively of the Sums before mentioned.

The said
Railway
Companies
authorized to
raise Money
for the
Purpose.

XX. For such Purpose it shall be lawful for the *Great Southern and Western Railway Company*, by and with the Authority and Approbation of Three Fourths in Value of the Proprietors of Shares in the same Company, who shall be present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, to raise the said Sum of Fifteen thousand Pounds, and for the *Waterford and Limerick Railway Company*, with the like Authority and Approbation, to raise the said Sum of Seventeen thousand five hundred Pounds, or any Part of the said Sums respectively. to be subscribed by each of them as aforesaid, by
the

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the Creation of new Shares or Stock in the Undertakings of the *Great Southern and Western* Railway Company and the *Waterford and Limerick* Railway Company respectively, of such Amount and under such Conditions, and particularly as to the Dividends thereon, whether the same shall be fixed or rateable, and as to the Right of voting and other Privileges to be conferred on the Holders of such Shares or Stock, as the said *Great Southern and Western* Railway Company and the said *Waterford and Limerick* Railway Company, at any Special General Meetings of the Proprietors of the said Companies, or either of them, to be convened for the Purpose, shall determine; or it shall be lawful for the said Companies, or either of them, if they shall think fit, to raise the said Sum, or any Portion thereof, out of any Funds which they are authorized to raise, or which are now at their Disposal and not otherwise applied or necessary for the Purposes for which the same may have been raised, or by Mortgage of the Undertakings of the *Great Southern and Western* Railway Company and the *Waterford and Limerick* Railway Company, as the Case may be, in like Manner and subject to the same Provisions as they are by all or any of the Acts relating to the said Undertakings, or either of them, authorized to raise Money by Mortgage or Loan on the Credit thereof.

XXI. It shall be lawful for the *Great Southern and Western* Railway Company and for the *Waterford and Limerick* Railway Company respectively after they shall have so become Subscribers as aforesaid from Time to Time to nominate and appoint, under their respective Common Seals, any Person or Persons to vote on their Behalf respectively in respect of the Shares so held by them respectively at any Meeting of the Company.

Power to sub-
scribing
Companies
to appoint
Persons to
vote for them
at Meetings;

XXII. So long as the said *Great Southern and Western* Railway Company shall continue to hold Six hundred Shares in the Capital Stock of the Company hereby incorporated it shall be lawful for the Directors of the *Great Southern and Western* Railway Company to nominate annually Three Persons, and for the said *Waterford and Limerick* Railway Company (so long as the last-mentioned Company shall continue to hold Seven hundred Shares in the Capital Stock of the Company hereby incorporated) to nominate annually Four Persons, to be Directors of the Company hereby incorporated, and from Time to Time to appoint others in the Stead of such Directors who may die or resign their Office; and it shall not be necessary for such Directors to hold any Shares in the Undertaking hereby authorized, and such Directors shall not go out of Office in the Manner provided with respect to Directors appointed by the Shareholders in the Company, but shall retire from Office at any Time in the Month of *February* in every Year after the passing of this Act, which may from Time to Time be appointed for the Purpose by the Boards of Directors of the

and to nomi-
nate Direc-
tors.

[Local.]

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said

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said *Great Southern and Western* Railway Company and of the said *Waterford and Limerick* Railway Company respectively; and the Directors so retiring, or any of them, shall be eligible to be re-elected, or they may in any subsequent Year whilst they remain Directors of the said last-mentioned Companies be re-elected, and in all other respects such Directors shall have the same Powers and be subject to the same Provisions and Regulations as the Directors of the Company hereby incorporated: Provided always, that in case no such Nomination shall be made by the Directors of the *Great Southern and Western* Railway Company and the *Waterford and Limerick* Railway Company, in any Year, the Directors theretofore appointed by them who shall be then in Office shall remain until such Time as may be appointed for their Retirement in the next ensuing Year; and any Appointment of such Directors, authenticated by the Common Seal, or by the Signature of the Chairman for the Time being of the Directors of the *Great Southern and Western* Railway Company, or of the *Waterford and Limerick* Railway Company, as the Case may be, shall, after the Deposit of such Appointment, authenticated as aforesaid, with the Secretary of the Company hereby incorporated, entitle the Directors therein mentioned to act as such without other Proof of the Validity of such their Appointment.

The Eight Directors appointed by the Company not to be Directors of *Great Southern and Western* or *Waterford and Limerick* Companies.

XXIII. Provided always, That when and so long as the *Great Southern and Western* Railway Company and the *Waterford and Limerick* Railway Company, or either of them respectively, shall hold the said Six hundred Shares and Seven hundred Shares respectively, it shall not be lawful for the Company to reduce the Number of Directors to less than Fifteen, and that during such Time the Number of Directors shall be Fifteen, and that the Eight Directors to be appointed by the Company under the Powers of this Act or the Acts incorporated herewith shall consist of such Shareholders in the Company as shall not be Directors of the *Great Southern and Western* Railway Company or of the *Waterford and Limerick* Railway Company, or either of them.

Periods for Balance and Inspection of Books.

XXIV. The Periods to which the Books of the Company shall be brought to Balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year, and the Periods at which the Shareholders and Mortgagees and Bond Creditors of the Company shall be entitled to the Inspection of such Books, and also the Balance Sheets to be made up as provided by "The Companies Clauses Consolidation Act, 1845," shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Line of Railway.

XXV. The Railway shall commence by a Junction with the *Waterford and Limerick* Railway at a Point at or near the City of *Limerick*

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Limerick in the Townland of *Spital-land* in the Parish of *St. Lawrence's*, which said Townland of *Spital-land* and Parish of *St. Lawrence's* are situate partly in the County of the City or Borough of *Limerick* and partly in the County of *Limerick*, and the Railway shall terminate at a Point at or near the Quay at *Foynes* in the Townland of *Ballynacragga North* in the Parish of *Robertstown* and County of *Limerick*, and shall pass from, in, through, or into the several Parishes, Townships, Townlands, and Extra-parochial and other Places following, or some of them, that is to say, the Townland of *Spital-land* in the Parish of *St. Lawrence's*, which said Townland of *Spital-land* and Parish of *St. Lawrence's* are situate partly in the County of the City or Borough of *Limerick* and partly in the County of *Limerick*; the Townland of *Priorsland* in the Parish of *St. Michael's* in the County of the City or Borough of *Limerick*; the Townland of *Rathbane North* in the Parish of *St. Nicholas*, which said Townland of *Rathbane North* and Parish of *St. Nicholas* are situate partly in the County of the City or Borough of *Limerick* and partly in the County of *Limerick*; the Townland of *Rossbrien* in the Parish of *St. Michael's* in the County of *Limerick*; the Townlands of *Doora-doyle*, *Sluggary*, *Ballycummin*, *Cloghkeating*, *Barnakyle*, and *Clogh-acloka*, in the Parish of *Mungret* and County of *Limerick*; the Townlands of *Derryknockane* in the Parish of *Knockagaul* in the County of *Limerick*; the Townlands of *Rootiagh* and *Ashfort* in the Parish of *Crecora* in the County of *Limerick*; the Townlands of *Fort-Etna*, *Attyflin*, *Ballybronoge North*, and *Ballybronoge South*, in the Parish of *Killonahan* in the County of *Limerick*; the Townlands of *Ballycarrane*, *Ballyloughnaan*, and *Gorteen*, in the Parish of *Croom* in the County of *Limerick*; the Townlands of *Monearla*, *Kilgobbin*, *Rineroe*, *Gortaganniff*, *Mondellihy*, *Ardshanbally*, *Islandea*, *Blackabbey*, *Curraghbeg*, *Kilknockan*, *Rower-More*, and *Tuogh*, and the River *Maigue*, in the Parish of *Adare* in the County of *Limerick*; the Townlands of *Clonshire-Beg*, *Gortnagroun*, *Clonshire-More*, and *Knockdromin*, in the Parish of *Clonshire* in the County of *Limerick*; the Townlands of *Ballinvira*, *Clogh East* and *Clogh West*, in the Parish of *Croagh* in the County of *Limerick*; the Townlands of *Cloonoul*, *Knockdromin*, and *Cappagh*, in the Parish of *Cappagh* in the County of *Limerick*; the Townlands of *Curraheen South*, *Doohyle-More*, *Doohyle-beg*, *Ballingarrane*, *Graigeeen*, *Ardgoul South*, *Feeagh*, *Nantinan*, and *Boolaglass*, in the Parish of *Nantinan* in the County of *Limerick*; the Townlands of *Ballynacaheragh*, *Aghalacka*, and *Cloonreask*, in the Parish of *Askeaton* in the County of *Limerick*; the Townlands of *Cloonreask* and *Tomdeely South*, in the Parish of *Tomdeely* in the County of *Limerick*; the Townland of *Morgans South* in the Parish of *Morgans* in the County of *Limerick*; the Townlands of *Glenbane East*, *Glenbane West*, *Churchfield*, and *Ardaneer*, and the *Robertstown River*, in the Parish of *Shanagolden* in

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in the County of *Limerick*, and the *Robertstown* River, and the Townlands of *Dysert*, *Island-Mac-Teige*, *Durnish Corgrig*, *Ballynacragga North*, and *Leahys*, in the Parish of *Robertstown* in the County of *Limerick*.

Railway to
be made ac-
cording to
deposited
Plan, &c.

XXVI. Whereas a Plan and Sections of the proposed Railway, showing the Lines 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 through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Limerick*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions contained in this Act and the Acts incorporated herewith, to make and maintain the said Railway and Works between *Limerick* and the Quay at *Foynes*, on the Line and upon the Lands delineated on the said Plan and Sections, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that (anything in this Act or the Acts incorporated therewith, or anything, to the contrary notwithstanding) it shall not be lawful for the said Company to construct the said Railway, or the Works connected therewith, at any Place or in any Manner which, in the Opinion of the Commissioners of Public Works in *Ireland*, could or might interfere with, encroach upon, or injuriously affect the Navigation of the River *Maigue* in the County of *Limerick*, or the Works heretofore constructed, now in progress, or hereafter to be constructed by the said Commissioners in the District designated by the said Commissioners as "the District of *Shanagolden*" in the County of *Limerick*, under or by virtue of an Act passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland*, or any of the Acts since passed, amending the same, for the Drainage of the Lands within the said District, or under or by virtue of the several Acts of Parliament for improving the Navigation of the River *Shannon*, except in such Places, and according to such Plans, Specifications, Elevations, and Sections, and subject to such Terms, Restrictions, and Regulations as shall from Time to Time be approved of by the said Commissioners of Public Works in Writing under their Hands; and when any such Works shall have been constructed by the said Company, it shall not be lawful for the said Company to alter, vary, or extend the same without obtaining, previously to any such Alteration or Extension, the like Consent or Approval of the said Commissioners; and if any Works shall be commenced, altered, or completed by the said Company, contrary to the Provisions of this Act, it shall be lawful
for

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for the said Commissioners to abate and remove the same at the Cost and Charge of the Company, to be recoverable by Action, with Costs of Suit, without Prejudice, however, to the Right of the said Commissioners making such Application to the High Court of Chancery in *Ireland* for an Injunction to restrain the said Company from doing anything contrary to the Provisions of this Act, or taking such other Proceedings at Law or in Equity against said Company, as the said Commissioners may be advised.

XXVII. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Misstatement, or erroneous Description in certain Plans and Books of Reference therein referred to, shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby shall 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 shall 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 Poor Law Unions instead of such Postmasters: Be it therefore enacted, That, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and to the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster" in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the 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.

XXVIII. The Junction hereby authorized with the *Waterford and Limerick* Railway shall be made at the Point and according to the Levels shown on the said Plans and Sections, and not elsewhere or otherwise, without the Consent in Writing of the *Waterford and Limerick* Railway Company, and that all Communications between the Railway hereby authorized and the *Waterford and Limerick* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and to the reasonable Satisfaction for the Time being of the *Waterford and Limerick* Railway Company.

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XXIX. The

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Provisions as
to Expense
of Junction.

XXIX. The Expense of the Communication hereby authorized with the *Waterford and Limerick* Railway, and of all necessary Openings in the Rails thereof respectively, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company, and that all such Communications, Openings, and other Works shall not only be in the first instance made and done, but also shall from Time to Time be altered, amended, repaired, and maintained to the reasonable Satisfaction for the Time being of the *Waterford and Limerick* Railway Company, on each Occasion, and in such Manner and Form, and by such Ways and Means, as shall not in anywise prejudice or injure the said *Waterford and Limerick* Railway Company, or (except in so far, if at all, as may be unavoidably necessary for effecting the Communication hereby authorized) impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along their Railway; and the Control and Management of all such Communications, Openings, and other Works shall be and the same is hereby vested in the said *Waterford and Limerick* Railway Company, subject to the Provision for Settlement of Differences herein-after contained.

For Settlement of Differences.

XXX. If any Difference shall arise between the respective principal Engineers for the Time being of the said Companies with respect to the Point at which the said Communication, Opening, and other Works, or any of them, are or is to be constructed, or the Mode of constructing the same, or with respect to any Alteration, Amendment, Repairs, or Maintenance thereof, or the Watching, Regulation, or Adjustment thereof, or the Passage or Regulation of the Traffic thereof, or if any other Difference shall arise between the said Companies with respect to the Expenses payable by the Company under the foregoing Provisions, or with respect to any other Matter in any way relating to or consequent upon the Construction or Use of the said Communication, Openings, and other Works, the Matters in Difference shall from Time to Time be decided by an Umpire to be appointed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, on the Application of either Company, and the Decision of such Umpire shall be binding and conclusive on both the said Companies, and his Expenses shall be defrayed by such One of the said Companies, or by both of them, and in such Proportions as the said Umpire shall from Time to Time direct.

Saving Works and Property of the Water-

XXXI. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, or for any other Company, or any Persons acting under or in execution of this Act, without the Consent of

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of the said *Waterford and Limerick* Railway Company, under their Common Seal, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the said *Waterford and Limerick* Railway Company, or which they have Power to take or use under their respective Acts of Parliament, or in any Manner to alter, vary, or interfere with their Railways, or any of the Works appertaining thereto, saving only for the Purpose of constructing the Railway, and effecting the Communications by this Act authorized.

ford and Limerick Company.

XXXII. Except as in this Act otherwise expressed, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of, or vested in, or belonging to the said *Waterford and Limerick* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved.

Saving Rights of the Waterford and Limerick Railway Company.

XXXIII. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to carry the said Railway across and on the Level of the several public Roads numbered on the Plan deposited as aforesaid, as follows; (that is to say,)

Certain Roads may be crossed on the Level.

Public Road numbered 38, in the Townland of *Rossbrien*, Parish of *St. Michael's*, and County of *Limerick* :

Public Road numbered 31, in the Townland of *Rootiagh*, and 1, in the Townland of *Ashfort*, both in the Parish of *Creekora* and County of *Limerick* :

Public Road numbered 39, in the Townland of *Barnakyle* in the Parish of *Mungret* and County of *Limerick* :

Public Road numbered 20, in the Townland of *Kilgobbin*, and 1 a. in the Townland of *Mondellihy*, both in the Parish of *Adare* and County of *Limerick* :

Public Road numbered 18, in the Townland of *Kilknockan* in the Parish of *Adare* and County of *Limerick* :

Public Road numbered 8, in the Townland of *Knockdromin* in the Parish of *Cappagh* and County of *Limerick* :

Public Road numbered 23, in the Townland of *Ballingarrane* in the Parish of *Nantinan* and County of *Limerick* :

Public Road numbered 82, in the Townland of *Ballingarrane* in the Parish of *Nantinan* and County of *Limerick* :

Public Road numbered 105, in the Townland of *Ballingarrane* in the Parish of *Nantinan* and County of *Limerick* :

Public Road numbered 15, in the Townland of *Aghalacka* in the Parish of *Askeaton* and County of *Limerick* :

Public Road numbered 12, in the Townland of *Corgrig* in the Parish of *Robertstown* and County of *Limerick*.

XXXIV. For

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Company to
erect Sta-
tions or
Lodges
where Roads
crossed on
the Level.

XXXIV. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at each of the Points where the before-mentioned Roads shall be crossed on a Level, and the 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 Board of Trade; and if the 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.

Board of
Trade may
require
Bridges to be
erected in
lieu of level
Crossings.

XXXV. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Lands for
extraor-
dinary Pur-
poses.

XXXVI. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifteen Acres.

Period for
compulsory
Purchase of
Lands
limited.

XXXVII. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for
Completion
of Railway.

XXXVIII. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this or the herein-before mentioned Acts granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Tolls for
Merchandise,
&c.

XXXIX. It shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; that is to say,

1. In

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1. In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follow :

Tonnage on
Articles of
Merchan-
dise.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

And for every Carriage of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence :

And a Sum of Twopence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Twopence.

XL. In respect of Passengers and Animals conveyed in Carriages upon the Railway it shall be lawful to demand as follows :

Tolls for Pas-
sengers and
Cattle.

For every Person conveyed in or upon any such Carriage *per Mile* not exceeding Twopence, and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per Mile* not exceeding Threepence; and if

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conveyed

The Limerick and Foynes Railway Act, 1853.

conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon such Carriage, *per* Mile not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for
propelling
Power.

XLI. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls by this Act authorized to be taken.

Maximum
Charges for
Conveyance
of Passen-
gers.

XLII. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile :

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

Restrictions
as to Charges
not to apply
to Special
Trains.

XLIII. The Restrictions as to Charges to be made for Passengers and Articles herein-before and herein-after mentioned, shall not extend to any Special Trains, but only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company.

Maximum
Charges for
Conveyance
of Goods and
Chattels.

XLIV. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Description of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned ; that is to say,

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Twopence :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop

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Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence Halfpenny :
 For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Threepence Farthing :
 For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Fivepence ;
 For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* Eightpence :
 For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or neat Cattle, conveyed in or upon any such Carriage, *per Mile* Fourpence :
 And for every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* One Penny Halfpenny.

XLV. The following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,) Regulations
as to the
Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of loading and unloading :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stones and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

XLVI. With respect to small Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; that is to say, Tolls for
small Parcels
and Articles
of great
Weights.

For the Carriage of small Parcels, that is to say, Parcels not exceeding Five hundred Pounds Weight each, on the Railway or any Part thereof, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For

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For any Parcel not exceeding Fourteen Pounds in Weight,
Eightpence :

For any Parcel not exceeding Twenty-eight Pounds in Weight,
One Shilling and Fourpence :

For any Parcel not exceeding Fifty-six Pounds in Weight,
Two Shillings :

And for any Parcel exceeding Fifty-six Pounds in Weight, the
Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate
Quantities, although made up of separate Articles, such as
Bags of Sugar, Coffee, Meal, and the like, shall not be
deemed small Parcels, but such Term shall apply only
to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of
Machinery, or single Piece of Timber or Stone, or other single
Article, the Weight of which, including the Carriage, shall
exceed Four Tons but shall not exceed Eight Tons, the Com-
pany may demand such Sum as they think fit, not exceeding
Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery,
or other single Article, the Weight of which with the Carriage
shall exceed Eight Tons, the Company may demand such Sum
as they may think fit.

Company
may take
increased
Charges by
Agreement.

XLVII. Nothing herein contained shall be held to prevent the
Company from taking any increased Charge over and above the
Charges herein-before limited for the Conveyance of Goods of any
Description by Agreement with the Owners of or Persons in charge of
such Goods, either in respect to the Conveyance of such Goods,
except small Parcels by Passenger Trains, or by reason of any other
special Service performed by the Company in relation to such Goods.

Passengers
Luggage.

XLVIII. Every Passenger travelling upon the Railway may take
with him his ordinary Luggage, not exceeding One hundred Pounds
in Weight for each First-class Passenger, Sixty Pounds in Weight for
each Second-class Passenger, and Forty Pounds in Weight for each
Third-class Passenger, without any Charge being made for the
Carriage thereof.

Power to
borrow
Money on
Mortgage or
Bond.

XLIX. It shall be lawful for the Company, at any Time, or from
Time to Time, to borrow on Mortgage or Bond any Sum or Sums of
Money not exceeding in the whole the Sum of Forty-three thousand
three hundred Pounds : Provided always, that no Part of the said Sum
of Forty-three thousand three hundred Pounds shall be borrowed until
the whole of said Sum of One hundred and thirty thousand Pounds,
the Capital of the Company, shall have been subscribed, and One
Half thereof paid up.

L. All

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L. All Monies raised by the Company under the Powers of this Act shall be applied only for the Purpose of this Act, and for no other Purpose whatsoever.

Application
of Monies.

LI. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, but in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Creditors by whom such Application shall be made shall not be less than Twenty thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

LII. Previously to commencing any Work in, under, or across any tidal or navigable Water or River, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Work, 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 every such Work shall be constructed only in accordance with such Approval; and where any such Work shall have been 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 any such Work shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the 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.

Plan, &c. to
be deposited
at the Ad-
miralty.

LIII. 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 of the intended Site thereof, the Company shall defray the Cost 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 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.

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If Work affecting tidal Waters are abandoned, Admiralty may remove them at Expense of Company.

LIV. If any Work to be constructed by the Company in, under, or across any tidal or navigable Water or River, or if any Portion of such Work which affects 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 shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to Company to run over Portion of Waterford and Limerick Railway.

LV. The Company may, and the *Waterford and Limerick* Company shall, permit the Company to run and pass over, and to work and use, with their Engines and Carriages of every Description, so much and such Parts of the Line of the *Waterford and Limerick* Railway Company as is situate between the Point of Junction of the Railway hereby authorized with the *Waterford and Limerick* Railway, and the stational Terminus of the said *Waterford and Limerick* Railway, at or near the City of *Limerick*, and to use the said *Limerick* Station, and the Sidings, Watering Places, and other Conveniences connected therewith or belonging thereto; and the said *Waterford and Limerick* Railway Company shall afford all reasonable Accommodation at the said Station for the Reception, Transmission, Booking, and Conveyance of all Passengers passing or being about to or intended to pass to or from the Railway of the Company.

Terms for Use of Waterford and Limerick Railway Company.

LVI. If the Company and the *Waterford and Limerick* Railway Company shall be unable to agree as to the Tolls, Charges, or other Consideration to be paid, and the Terms and Conditions to be observed by the Company for and in respect of the Working and Use of the said Portion of the Railway, Works, and Conveniences of the *Waterford and Limerick* Railway Company, as to Amount of Expenses incurred by the said *Waterford and Limerick* Railway Company in providing or giving such Accommodation and Facilities as aforesaid, the same shall from Time to Time be determined by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, or by an Arbitrator to be appointed by them.

Working Arrangements between Company and Waterford and Limerick Railway Company.

LVII. The Company and the *Waterford and Limerick* Railway Company, from Time to Time, may make all such Contracts and Arrangements as they think fit, with respect to the Use and Working of the Railway, or any Part thereof, by the *Waterford and Limerick* Railway Company in connexion with the *Waterford and Limerick* Railway, and such Working, Contracts, and Arrangements respectively may be on such Terms and Conditions whatsoever with respect

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respect to the providing by the said *Waterford and Limerick* Railway Company of Engines and Carriages, Plant, Stock, and Services, for such Working of the Railway, or any Part thereof, and with respect to the Repair and Maintenance thereof, and with respect to the Conduct and Regulation of the Traffic on the Railway, or any Part thereof, and with respect to the Division, Apportionment, and Application of the Tolls, Rates, and Charges, to be demanded and taken for such Traffic, or any Part thereof, and with respect to the Compensation to be made by either of these Companies to the other of them for such Purposes, or any of them, and with respect to any other Matters in connexion with such Working, as those Two Companies mutually agree on; and any Contract which may be made between the Company or the Provisional Directors thereof, prior to the passing of this Act, with reference to such Arrangements, shall be as binding on the said Companies as if the same were made subsequent to the passing thereof.

LVIII. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised either by means of Calls or the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholders on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: Provided always, that the Company may pay to any Shareholders such Interest on Money advanced by them, beyond the Amount of Calls actually made, as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid out of Capital on Calls.

LIX. Any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares or Stock in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Company not to alter any Preference previously granted.

LX. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament, for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

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

LXI. Nothing

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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.
9 & 10 Vict.
c. 57. and
14 & 15 Vict.
c. 64.

LXI. Nothing in this Act contained shall be held to exempt the said Railway hereby authorized, or the Company, from the Provisions of the following Acts respectively, but such Provisions shall be in force in respect of the said Railway and the Company so far as the same shall be applicable thereto; that is to say, an Act 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*; an Act passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; an Act 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*; an Act 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*; Two Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*.

Railway, &c.
not exempt
from Provi-
sions of
future Gene-
ral Acts.

LXII. Nothing herein contained shall be deemed or construed to exempt the Company or the Railway by this Act authorized to be made from the Provisions of any General Act relating to such 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 Revisions and Alterations, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Interpreta-
tion of
Terms.

LXIII. In this Act the Words "the Company" shall mean the *Limerick and Foynes Railway Company* incorporated by this Act, and the Words "the Undertaking" shall mean the Railway and Works by this Act authorized to be made.

Expenses of
Act.

LXIV. The Expenses and Charges attending or incidental to the applying for and obtaining this Act shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.