



ANNO DECIMO OCTAVO & DECIMO NONO
VICTORIÆ REGINÆ.

Cap. lxxiii.

An Act to enable the *Waterford and Limerick*
Railway Company to raise further Money ; and
for other Purposes. [26th June 1855.]

WHEREAS by “The *Waterford and Limerick* Railway Act, 8 & 9 Vict.
One thousand eight hundred and forty-five,” (incorporating c. cxxxi.
“The Railways Clauses Consolidation Act, 1845,”) the
Waterford and Limerick Railway Company (herein-after called “the
Company”) were incorporated, with a Capital of Seven hundred and
fifty thousand Pounds, divided into Fifteen thousand Shares of the
Amount of Fifty Pounds each, and with Power to borrow on Mortgage
or Bond any Sums not exceeding in the whole Two hundred and fifty
thousand Pounds, and were authorized to make a Railway from the
Borough or City of *Waterford* to the Borough or City of *Limerick*,
with a Branch diverging therefrom : And whereas by “The *Water-*
ford and Limerick Railway Amendment Act, 1847,” (also incorpora- 10 & 11 Vict.
c. ccxxxi.
ting “The Railways Clauses Consolidation Act, 1845,”) the Company
were authorized to make certain Alterations in the Line of the Railway
by the firstly-recited Act authorized ; And whereas by “The *Water-*
ford and Limerick Railway (Deviations) Act, 1851,” (also incorpo- 14 & 15 Vict.
c. cx.
rating “The Railways Clauses Consolidation Act, 1845,”) the Company
were authorized to make a Deviation in their Line of Railway, com-
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mencing in a certain Field in the Townland of *Granny*, and terminating by a Junction with the Line of the *Waterford and Kilkenny* Railway in the Townland of *Dunkitt*, and other Works; and by the Act now in recital it was enacted, that in case that Portion of the *Waterford and Kilkenny* Railway which lay between the said Point of Junction and the intended Terminus of the *Waterford and Kilkenny* Railway in the City of *Waterford* should not be completed and opened for Traffic by the *Waterford and Kilkenny* Railway Company on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-three, then and thereupon all the Powers vested in that Company with reference to the Formation of that Portion of their Railway, or the Purchase, taking, holding, or using of Lands for the Purposes thereof, should forthwith vest in and might be exercised by the Company, and that after the Completion of that Portion of Railway by the Company the same should vest in the Company, and thenceforth form Part of their Undertaking, but subject to the Provisions therein contained for the Use thereof by the *Waterford and Kilkenny* Railway Company: And whereas the Powers of the *Waterford and Kilkenny* Railway Company with reference to the Formation of the before-mentioned Portion of their Railway were conferred by "The *Waterford and Kilkenny* Railway Act, 1845," and "The *Waterford and Kilkenny* Railway Amendment Act, 1848," with both of which Acts "The Railways Clauses Consolidation Act, 1845," was incorporated; and by the said "*Waterford and Kilkenny* Railway Amendment Act, 1848," it was provided, that the Works thereby authorized should be made according to the Levels defined on certain Sections deposited with the Clerks of the Peace, as in that Act mentioned: And whereas the Company have completed and opened for Traffic the whole of their Railway between *Limerick* and the before-mentioned Point of Junction with the *Waterford and Kilkenny* Railway at *Dunkitt*, and also the before-described Portion of the *Waterford and Kilkenny* Railway, the *Waterford and Kilkenny* Railway Company having failed to complete the same on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-three: And whereas the Company, in the Execution of their Undertaking, have incurred Liabilities to a considerable Amount, and for the Purpose of discharging those Liabilities, of increasing their Station Accommodation at *Limerick*, and of laying down additional Rails on their Railway, it is expedient that they should be enabled to raise further Sums of Money: And whereas it is expedient that Arrangements should be authorized between the Company, the *Limerick and Foynes* Railway Company, and the *Limerick and Ennis* Railway Company, for the joint Use by those Companies, or either of them, and the Company, of the Station of the Company at *Limerick* and the Works connected therewith, and that those Companies should be authorized to contribute towards the Extension and Enlargement of the said Station and Works,

and

8 & 9 Vict.
c. lxxxvii.

11 & 12 Vict.
c. lxi.

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and to subscribe towards and take Shares in the Undertaking of the Company, and to raise Money for those Purposes: And whereas, in consequence of physical and other Difficulties, the Construction of the before-mentioned Portion of the *Waterford and Kilkenny* Railway, in exact accordance with the Levels prescribed by the Acts authorizing the same, and the Modes of carrying that Portion of Railway, and also the Railway of the Company, across certain public Carriage-roads, and of dealing with such Roads, prescribed by the Acts relating thereto respectively, have been found impracticable; and certain Variations from those Levels, and from the prescribed Modes of crossing and dealing with those Roads, have been made, and it is expedient that such Variations should be confirmed: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Waterford and Limerick Railway Act, 1855.*" Short Title.

II. It shall be lawful for the Company, for the Purpose of discharging their Debts and Liabilities, extending and enlarging their Station Accommodation at *Limerick* and the Works connected therewith, and laying down additional Rails on their Railways, or for any or either of those Purposes, to raise (in addition to the Sums of Money which they are already authorized to raise) any further Sum not exceeding Ninety thousand Pounds, by the Creation of new Shares in the Undertaking of the Company of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any Ordinary or Extraordinary Meetings of the Company. Power to raise additional Money by Creation of new Shares.

III. Subject to the Provisions herein-after contained with respect to existing preferential Shares, the Company may from Time to Time, with the Consent of Three Fifths of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened for that Purpose, attach to any new Shares or any Class of new Shares created under the Powers of this Act, any perpetual, terminable, fixed, variable, contingent, or absolute Preference, Priority, or guaranteed Interest or Dividend, not exceeding the Rate of Six Pounds *per Centum per Annum*, or other Privileges, as to the Company shall seem fit. Privileges may be attached to new Shares.

IV. Any such new Shares which may be apportioned by the Order of any such Meeting among the then Shareholders shall be offered to them New Shares, how to be offered to

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existing
Share-
holders.

them by Letter under the Hand of the Secretary, given to or sent by Post, addressed to each Shareholder according to his Address in the Register of Shareholders, or left at his usual or last known Place of Abode.

Vesting or
other Dispo-
sition of such
Shares.

V. Such last-mentioned new Shares shall vest in and belong to the then Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Directors; and if any then Shareholders, for One Month after such Offer of new Shares, fail to accept the same, and pay the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Limit of
Amount, and
Number of
Calls.

VI. The Amount of any One Call to be made upon the Proprietors of the new Shares created under the Powers of this Act shall not exceed the Rate of Fifteen Pounds *per Centum* on the Amount of such Shares; and Three Fourths of 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 there shall be an Interval of Three Calendar Months at the least between every Two successive Calls.

Dividends of
new Share-
holders.

VII. Every Person who becomes entitled to any new Share shall in respect of the same be a Shareholder in the Undertaking, and shall (unless the Rate of Dividend or Interest thereon be before the issuing thereof otherwise fixed by the Company) be entitled to a Dividend with the other Shareholders proportioned to the whole Amount for the Time being paid up on such Share.

Votes, &c.
for new
Shares.

VIII. All new Shares in the Capital of the Company of any other Amount than Fifty Pounds each shall confer on the respective Holders thereof Qualifications and Rights of Voting in proportion to the aggregate nominal Value of such new Shares held by them respectively, and not in proportion to the Number of or the Amount paid on such new Shares; and for the Purpose of Qualifications and Rights of Voting, every entire Sum of Fifty Pounds of such aggregate nominal Value shall be considered as equivalent to One Share of Fifty Pounds in the Capital of the Company.

Receipts for
Persons
under Dis-
ability.

IX. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Dividends
not payable

X. No Dividend shall be paid in respect of any Share created under the Powers of this Act until all Calls due in respect of that
and

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and every other Share in the Undertaking held by the Person to whom such Dividend may be payable shall have been paid. until all Calls paid.

XI. The Company may borrow on Mortgage or Bond any additional Sum of Money not exceeding Thirty thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital of the Company herein-before authorized to be raised shall have been subscribed for, and Three Fourths of the entire Capital of the Company for the Time being shall have been actually paid up. Power to borrow on Mortgage.

XII. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages granted by virtue of this Act. Priority of existing Mortgages.

XIII. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares, or on Mortgage or Bond, shall be applied only to the Purposes by this Act and the said recited Acts authorized. Application of Sums raised under this Act.

XIV. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, shall be incorporated with this Act, and shall respectively apply to all Shares created and to all Mortgages and Bonds granted and Monies borrowed by the Company under the Powers of this Act; and in construing those Clauses and Provisions in connexion with this Act, the Expression "the Special Act" shall mean this Act, and the Expression "the Company" shall mean the *Waterford and Limerick* Railway Company, unless there be something in the Subject or Context repugnant to such Construction. Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

XV. It shall be lawful for the Company and the *Limerick and Foynes* Railway Company, and also for the Company and the *Limerick and Ennis* Railway Company, from Time to Time to enter into and carry into effect any Contracts, Agreements, or Arrangements for or with reference to the Use and Enjoyment of the Station of the Company at *Limerick*, and the Works and Conveniences connected therewith, or any Part thereof. Working Arrangements with other Companies.

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XVI. The

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Contracts
may be
varied.

XVI. The Companies who may be Parties to any such Contract, Agreement, or Arrangement may from Time to Time, by mutual Consent, vary, suspend, or rescind such Contract, Agreement, or Arrangement, and may enter into and carry into effect other Contracts, Agreements, or Arrangements in lieu thereof or in addition thereto.

Contracts
not to affect
Third Parties.

XVII. Provided always, That no such Contract, Agreement, or Arrangement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the contracting Companies respectively shall for the Time being be authorized and entitled to demand or receive from any Person or any other Company ; but that all Persons and all other Companies shall, notwithstanding any such Contract, Agreement, or Arrangement, be entitled to the Use and Benefit of the Station comprised therein upon the same Terms and Conditions and on Payment of the same Tolls as they would have been in case no such Contract, Agreement, or Arrangement had been entered into.

Power for
other Companies to
subscribe
and take
Shares.

XVIII. It shall be lawful for the *Limerick and Foynes* Railway Company, (with the Consent of Three Fifths at least of the Votes of the Proprietors therein present, personally or by Proxy, at some General Meeting of such Company specially convened for the Purpose of authorizing such Subscription,) and also for the *Limerick and Ennis* Railway Company, with the like Consent, to contribute towards the Expense of any Extension and Enlargement of the Station of the Company at *Limerick* and the Works and Conveniences connected therewith, which may be deemed desirable by the said *Limerick and Ennis* Railway Company and *Limerick and Foynes* Railway Company respectively or either of them, and also to subscribe towards and become Shareholders in the Undertaking of the Company, but so that the aggregate Amount of such Contributions and Subscriptions shall not exceed, as regards the *Limerick and Foynes* Railway Company, Five thousand Pounds, and as regards the *Limerick and Ennis* Railway Company, Five thousand Pounds ; and those Companies respectively may pay the Amounts of their respective Contributions and Subscriptions and the Calls upon their respective Shares, or such Sums as they respectively may think fit to advance to the Company in anticipation of Calls, or any Parts of those Amounts respectively, by and out of any Monies which those Companies respectively have raised or are now authorized to raise by Shares or borrowing under the Provisions of any Acts relating to those Companies respectively, and which may not be required for the Purposes of those Acts respectively, and notwithstanding any Restriction of the Application of such Monies contained in those Acts respectively.

Contributing Companies.

XIX. It shall be lawful for each of the said Companies who shall so contribute or subscribe as aforesaid to raise (with such Consent
as

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as aforesaid) any Sum required for the Purposes of their Contribution and Subscription, or for either of those Purposes, by the Creation of new Shares in their Undertaking of such Amount as will allow the same to be conveniently apportioned or disposed of, according to the Resolutions of any Ordinary or Extraordinary Meeting of the Company creating the same: Provided also, that all and every Part of the Monies raised by either of the said Companies under the Powers of this Act shall be applied only to the Purposes which the Company raising the same are by this Act authorized to execute.

nies may
raise Funds.

XX. 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 the Company creating such new Shares or Stock 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.

Saving ex-
isting Pre-
ference
Shares.

XXI. The Alterations made by the Company in the Roads specified in the Schedule to this Act, and the Mode in which the Railway of the Company and the before-mentioned Portion of the *Waterford and Kilkenny* Railway have been carried across the same Roads respectively, and the Bridges and other Works constructed for that Purpose (so far as such Bridges are built in conformity with the Regulations of "The Railways Clauses Consolidation Act, 1845," relating to Bridges,) and the Formation of the said Portion of the *Waterford and Kilkenny* Railway according to the Levels on which the same is now constructed, shall be and the same are hereby ratified and confirmed; and the Company may hold, use, and enjoy their Railway and the before-mentioned Portion of the *Waterford and Kilkenny* Railway, as fully, freely, and effectually as if the same respectively had in the Particulars before-mentioned been made in conformity with the Acts respectively authorizing the Construction thereof.

Confirma-
tion of
Works.

XXII. For the greater Convenience and Security of the Public the Company shall permanently maintain either a Station or Lodge at the Points where the *Waterford and Limerick* Railway crosses on the Level the Roads respectively marked 30 in the Parish of *Killardry*, 66 in the Parish of *Saint Mary's Clonmell*, 10 in the Parish of *Fiddown*, 1 in the Parish of *Arderra*, and 9 in the Parish of *Rathkieran*, in the said Schedule mentioned, and also at the Point where the before-mentioned Portion of the *Waterford and Kilkenny* Railway crosses on the Level the Road marked 6 in the Parish of *Kilculliheen* in the said Schedule mentioned; and with reference to the said Roads the Company shall be

Station or
Lodge to be
erected at
Points of
Crossings.

subject

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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 thereafter to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at 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 in
lieu of level
Crossings.

XXIII. 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 hereafter to require the Company, within such Time as the Board of Trade shall direct and at the Expense of the Company, to carry the said Roads, or any or either of them, either over or under the 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 Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing; but where either of such Roads shall be so carried either under or over the Railways, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereof, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Saving
Rights as to
Arrange-
ment with
the Water-
ford and Kil-
kenny Rail-
way Com-
pany.

XXIV. And whereas by "The *Waterford and Limerick* Railway (Deviations) Act, 1851," it was also provided that the whole Outlay on such Portion of Railway and the Station and Works in the City of *Waterford* should be under the joint Superintendence and Control of the principal Engineers of the Company and the *Waterford and Kil-kenny* Railway Company; and that in case of any Difference between such Engineers as to the Amount or the Expediency of any Part of such Outlay or otherwise in reference thereto, the Matter in difference should be decided by some competent Engineer, to be appointed by the Commissioners of Railways on the Application of either of such Engineers, and that the Decision of the Engineer so appointed, on the Matters submitted to him, should be final and conclusive: And whereas Disputes and Differences have arisen or may arise between the said Companies with reference to certain Matters connected with the Outlay upon such Portion of the said Railway and the Construction of the same, and otherwise in reference thereto: Therefore, nothing in this Act contained shall in any way prejudice, diminish, alter, or affect any Rights, Claims, or Demands of or by either of the said Companies against the other of them, in reference or with respect to the Outlay upon

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upon such Portion of the said Railway, or the Construction of the same, or otherwise in reference thereto ; but the same shall be as valid and effectual to all Intents and Purposes, and may be enforced, sued upon, and recovered in all respects as fully and effectually as if this Act had not been passed.

XXV. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him 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.

No Interest
or Dividend
to be paid
on Calls
paid up.

XXVI. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose 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 to execute any other Work or Undertaking.

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

XXVII. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, 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 the present or any future Session of Parliament, or from any future Revision or Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges or of the Tolls for small Parcels authorized by this or the recited Acts.

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

XXVIII. The Expenses, Costs, and Charges of preparing and passing this Act and incidental thereto shall be paid by the Company.

Expenses of
Act.

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The SCHEDULE referred to in the foregoing Act.

FIRST PART, CONTAINING ROADS CROSSED ON THE LEVEL.

Waterford and Kilkenny Railway.

Number on Plans deposited as in "The Waterford and Kilkenny Railway Amendment Act, 1848," mentioned.	Townland.	Parish.	Mode of crossing adopted.
6	Newrath - -	Kilculliheen -	Raised 6 Feet, and crossed on the Level.

Waterford and Limerick Railway.

Number on Plans deposited as in "The Waterford and Limerick Railway Act, 1845," "The Waterford and Limerick Railway Amendment Act, 1847," or "The Waterford and Limerick Railway (Derivations) Act, 1851," mentioned.	Townland.	Parish.	Mode of crossing adopted.
6	Linfield - -	Grean - -	Lowered Three Feet, and crossed on the Level.
32 a	Toureen - -	Killardry - -	Lowered Two Feet, and crossed on the Level.
30	Toureen - -	Killardry - -	Lowered Two Feet, and crossed on the Level.
65	Ballydrehid -	Killardry - -	Raised Five Feet, and crossed on the Level.
38	Caher Abbey } Upper - - }	Caher - - }	Raised Three Feet, and crossed on the Level.
34	Caher Abbey } Upper - - }	Caher - - }	Raised Three Feet, and crossed on the Level.
66	Burgagery } Lands West - }	St. Mary's Clonmel - - }	Level unaltered; crossed on the Level.
10	Ardclone - -	Fiddown - -	Raised Two Feet, and crossed on the Level.
1	Ballinacurra, South	Arderra - - }	Raised Five Feet, and crossed on the Level.
9	Ballinacurra -	Rathkieran - }	

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SCHEDULE—*continued.*

SECOND PART, CONTAINING ROADS CROSSED OTHERWISE
THAN ON THE LEVEL.

Waterford and Limerick Railway.

Number on Plans deposited as in "The Waterford and Limerick Railway Act, 1845," "The Waterford and Limerick Railway Amendment Act, 1847," or "The Waterford and Limerick Railway (Devia- tions) Act, 1851," men- tioned.	Townland.	Parish.	Mode of crossing adopted.
1	Flankerhouse -	Saint Nicholas	Lowered 15 Feet, and passed under Railway.
20	Crossagalla -	Saint Nicholas	
20	Ballydrehid -	Killardry -	Raised 22 Feet, and passed over Railway.
40	Granny -	Kilmacow -	Diverted and passed under Railway.

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