



ANNO TERTIO & QUARTO

# VICTORIÆ REGINÆ.

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## *Cap. cvi.*

An Act to alter and amend the Acts passed for making a Railway from *Dublin* to *Drogheda*.  
[23d July 1840.]

**W**HEREAS an Act was passed 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*: And whereas an Act was passed 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 it is expedient that some of the Powers and Provisions contained in the said recited Acts should be altered, and further Powers granted for the Execution of the said Line of Railway: And whereas 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, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Rules of Construction, Matters, and Things contained in the said first-recited Act, and not repealed, altered, or varied by the said second-recited Act, and also contained in the said second-recited Act (except such of them, or

6 & 7 W. 4. c. 132.  
7 W. 4. & 1 Vict. c. 106.  
Extending Powers of recited Acts to this Act.  
such

[*Local.*]

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such Parts thereof respectively, as are by this Act expressly repealed, altered, or otherwise provided for, or are inconsistent with or repugnant to the Provisions herein contained), shall extend and be construed to extend to this Act, and shall operate and be in force in respect to the Objects and Purposes of this Act, and of the said recited Acts, as altered and amended by this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules of Construction, Clauses, Matters, and Things were repeated and re-enacted in this Act, and specifically referred to the Objects and Purposes of this Act.

Capital of  
Company to  
be 450,000*l*.

II. And whereas by the said first-recited Act it is enacted, that it should be lawful for the *Dublin and Drogheda* Railway Company to raise among themselves any Sums of Money for making and maintaining the said Railway and Works, not exceeding in the whole the Sum of Six hundred thousand Pounds, in Shares of One hundred Pounds each, as therein mentioned, the Sum of Six hundred thousand Pounds having been estimated at the Time of passing the said Act as the probable Expence of making the said Railway: And whereas the Estimates of the Expence of making the said Railway have since the passing of the said recited Act been greatly reduced, and the Sum required for the making of the same, according to such reduced Estimates, will not exceed Four hundred and fifty thousand Pounds, and it is expedient therefore that the Capital of the said Company should be limited to that Amount; be it therefore enacted, That the said Company shall raise among themselves any Sum of Money for making and maintaining the said Railway and Works by the said recited Acts and this Act authorized, not exceeding Four hundred and fifty thousand Pounds, instead of the Sum not exceeding Six hundred thousand Pounds by the said first-recited Act authorized to be raised, and that the Shares of One hundred Pounds each, subscribed for and issued by the said Company, shall be reduced to Shares of Seventy-five Pounds each; and that all the Provisions in the said Two recited Acts contained, as to raising and applying the said Sum of Six hundred thousand Pounds, or in any way referring thereto, or to the Liability of any Persons or Person, or Corporations or Corporation, who may have subscribed for any of the said Shares, or in any way referring to the said Shares of One hundred Pounds each, or the said Sum of Six hundred thousand Pounds, shall be deemed and taken as if the said Sum of Four hundred and fifty thousand Pounds had been therein mentioned and directed to be raised and applied in lieu of the said Sum of Six hundred thousand Pounds, and as if the said Shares had been thereby directed to amount to Seventy-five Pounds each, instead of One hundred Pounds each, except as the said Provisions may be varied or altered by this Act.

New Certificates for  
Shares to be  
issued.

III. And be it further enacted, That every Certificate or other Document which shall have been issued, under the Authority of the said recited Acts or either of them, for any One hundred Pounds Share of the said Capital Stock, shall be deemed and taken to be a Certificate or Document representing a Share of Seventy-five Pounds, and no more; and that every Holder of any such Certificate or

Document,



Document, on Delivery up of the same to the Secretary of the said Company, shall receive in lieu thereof a new Certificate or Document which shall represent a Share of Seventy-five Pounds in the said Capital Stock of Four hundred and fifty thousand Pounds.

IV. And be it further enacted, That the Power contained in the said first-recited Act to borrow and take up at Interest any Sum not exceeding Two hundred thousand Pounds shall be and the same is hereby repealed, and that in lieu thereof it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, after the whole of the said Capital of Four hundred and fifty thousand Pounds shall have been subscribed, and One Half thereof actually paid up, and without Reference to the Sufficiency or Insufficiency of the said subscribed Capital for the Purposes of this Act or the said recited Acts, from Time to Time to borrow and take up at Interest in the Manner prescribed by the said first-recited Act for borrowing and taking up at Interest any Sum not exceeding Two hundred thousand Pounds, any further or additional Sums or Sum not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper, any thing in the said recited Acts or either of them to the contrary notwithstanding; and a Certificate of any Two of the Justices assembled at some General or Quarter Sessions of the Peace for either of the respective Counties of *Dublin* and *Meath*, that One Half of the said Capital has been paid up, (and which Certificate such Justices are hereby authorized and required to grant on Production of such Evidence as they shall deem sufficient,) shall be sufficient Evidence that One Half of the said Capital has been paid up at or before the Date of such Certificate.

Company may raise 150,000*l.* by Mortgage when Half the Capital is paid up.

Certificate of Two Justices Evidence of Payment of Half the Capital.

V. And be it further enacted, That the Time for the compulsory taking or using Lands for the Purposes of making the said Railway shall be and the same is hereby renewed and extended for the Period of Two Years, to be computed from the passing of this Act, and that all the Powers and Authorities in the said recited Acts and in this Act mentioned, for taking any Land for the Purposes aforesaid, shall be and continue in force during such Period of Two Years.

Time enlarged for taking Lands.

VI. And be it further enacted, That the Time by the said first-recited Act limited for the Completion of the said Railway and Works shall be and is hereby extended and enlarged for the Term of Five Years, to be computed from the passing of this Act; and that all Powers and Authorities contained in the said Two recited Acts and in this Act for the Completion of the said Railway and Works, shall continue and be in force for the Execution of the said Undertaking, Railway, and Works, until the Expiration of the said Period of Five Years; but in case the said Railway and Works shall not have been made and completed within the said Term of Five Years, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by the said recited Acts and by this Act shall cease and determine, save only and except as to so much, if any, of the said Railway and Works as shall be declared and certified to have been completed within the said Term of Five Years,

Time for completing the Undertaking extended for Five Years.



3<sup>d</sup> & 4<sup>th</sup> VICTORIAE, Cap. evi.

Years, by the Justices of the Peace of the Counties of *Dublin* and *Meath* and for the City and County of the City of *Dublin* and the County of the Town of *Drogheda*, or any One of them, assembled at any General or Quarter Sessions of the Peace to be held in or for either of the said Counties of *Dublin* and *Meath*, the City and County of the City of *Dublin* or the County of the Town of *Drogheda*, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in the Case of Quakers upon Affirmation, to be produced before such Justices for that Purpose.

As to the  
Number of  
Directors ;

VII. And whereas by the said first-recited Act it is provided that there shall be Twenty-four Directors of the said Railway thereby authorized; and it is further provided that when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation, as therein provided, it should be lawful for the remaining Directors, if they should think proper so to do, to elect some other Proprietor, duly qualified, to be a Director in lieu of the Person so ceasing to be a Director as aforesaid; be it enacted, That when, by Death or Resignation, or any other Cause than that of going out by Ballot or Rotation as aforesaid, the Number of Directors shall at any Time be reduced below Twenty-four, or below the Number of Directors for the Time being as the same may be reduced under the Provisions of this Act (and so often as the same shall happen), it shall not be necessary for the remaining Directors to proceed to fill up such Vacancy; and if it shall appear to the next General Annual Meeting of the said Company that it is inexpedient to fill up the same, and such General Meeting shall come to a Resolution to that Effect, then and in that Case, and when and so often as the same shall happen, the Number of Directors of the said Company shall be and remain reduced accordingly; and all the Acts of the said Directors, when so reduced in Number, shall to all Intents and Purposes be valid and effectual as if the Number of the said Directors had not been reduced.

and the  
Mode of  
going out  
of Office.

VIII. And be it further enacted, That in case of any such Reduction of the Number of Directors, the Numbers to go out of Office by Rotation at the Annual Meeting in the Month of *February* shall be as follows; namely, if the total Number of Directors shall be Twenty or more, the Number to go out by Rotation shall be Five; if the total Number shall be Sixteen or more, the Number to go out by Rotation shall be Four; if the total Number shall be Twelve or more, the Number to go out by Rotation shall be Three; and in case (with reference to the Provision that the Directors who have been longest in Office shall go out) any Difficulty shall arise from the Alteration in the total Number of the Directors, then it shall be determined by Lot amongst the Directors whose Turn it would have been to go out by Rotation which of them shall so go out of Office, provided that at no Time shall the whole Number of Directors be reduced, under



under the Provisions herein-before contained to a less Number than Twelve.

IX. And whereas by the said secondly-recited Act it is enacted, that Five at least of the Directors of the said Company shall be required to be present to constitute a Meeting of Directors to be competent to act: And whereas it is expedient that Three or more Directors should constitute a Meeting of Directors competent to act, and that Directors not present at any Meeting of Directors should have Power in certain Cases to vote by Proxy; be it therefore enacted, That Three at the least of the Directors of the said Company, and no more, shall be required to be present at a Meeting of Directors competent to act, and that any Meeting of the said Directors, at which Three or more of the said Directors shall be present, shall have and exercise all the Powers and Authorities and Rights which by the said second-recited Act were vested in or could have been exercised by any Meeting of Directors at which Five or more Directors should have been present.

Three Directors to be a Quorum.

X. And be it enacted, That, notwithstanding any thing contained in the said recited Acts or either of them to the contrary, it shall be lawful for any Director of the said Company to vote at any Meeting of such Directors upon any Subject by means of any Letter or Paper signed by such Director, addressed to any other Director or the Secretary of the said Company, provided that such Letter or Paper shall be produced at such Meeting by the Director or Secretary to whom the same shall be addressed, and shall specify the Subject Matter of such Vote, and the Manner in which the Director signing the same is desirous of voting on such Subject; and every such Vote by Proxy shall be good and sufficient to all Intents and Purposes as if the Director so voting had voted in Person.

Directors may vote by Proxy.

XI. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said first-recited Act (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants), shall be valid or binding for a longer Period than Six Months from the passing of this Act, nor shall any Bye Law, except as aforesaid, which shall hereafter be made by the said Company, be valid or binding, unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Dublin*, or by the Justices assembled at some General or Quarter Sessions of the Peace for either of the respective Counties of *Dublin* and *Meath*, which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the said Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same, stating the Time and Place of such Application, shall have been given in One

Bye Laws to be confirmed.

[Local.]

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or



or more Newspapers of each of the Counties through which the said Railway may pass, One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Company Ten Days before the hearing of such Application, may, by himself, his Counsel or Agents, be heard thereon, but not so as to allow more than One Party to be heard upon the same Nature of Objection.

The Word  
"Land" in  
former Act  
extended to  
Oyster Beds.

XII. And whereas there are or is certain Oyster Beds or Oyster Bed in the Bay of *Clontarf*, and Doubts may arise whether they are comprised under the Word "Land" in the said first-recited Act; be it further enacted, That in case any Damage shall be done to any such Oyster Bed by the said Railway, or the Construction thereof, the Owner or Owners of every such Bed which shall be so damaged shall be entitled to all the same Remedies and Compensation for any such Damage as he would be entitled to under this Act and the said recited Acts, or any of them, if the Word "Land" had by the said first-recited Act been expressly extended to and included such Oyster Beds.

Meetings of  
Proprietors  
may be held  
in Dublin, or  
Drogheda, or  
Manchester.

XIII. And be it enacted, That it shall be lawful for the said Directors of the said Company to appoint that any Half-yearly or other General or Special Meeting of the Proprietors of the said Company shall be held in the City of *Dublin*, or in the Town of *Drogheda*, or in the Town of *Manchester*, or elsewhere, as the said Board shall from Time to Time direct; and that the said Directors shall give Ten Days public Notice at the least of the Time and Place of every such Meeting in the Manner provided in the said first-mentioned Act, and also by Advertisements inserted in Two or more Newspapers published in the Town of *Manchester*, and also in Two or more Newspapers published in *Dublin* and *Drogheda*, and also, in case any such Meeting shall be held elsewhere than in *Dublin* or *Drogheda* or *Manchester*, in Two or more Newspapers published in or nearest to such Place of Meeting.

Provision  
regulating the  
Transfer of  
Shares in part  
repealed.

XIV. And whereas by the said second-recited Act certain Provisions contained in the said first-recited Act as to the Sale and Disposal of Shares were repealed, and a different Provision was enacted as to the Sale and Transfer of Shares of the said Stock; and it was enacted by the said secondly-recited Act that the Form of the Conveyance of such Shares should be in the Words or to the Effect therein mentioned: And whereas it is expedient that the said last-mentioned Provision contained in the said second-recited Act should be repealed; be it therefore enacted, That so much of the said second-recited Act as authorizes the Sale and Disposition of any Share or Shares of the said Stock, and directs the Form of Conveyance of such Share or Shares, shall be and the same is hereby repealed, except so far as the same repeals the Provision in the said first-recited Act authorizing the Sale and Transfer of Shares of the said Stock.

Shares may  
be sold or  
transferred.

XV. And be it further enacted, That, notwithstanding any thing in the said recited Acts or either of them to the contrary, it shall be lawful for the several Proprietors of Shares in the said Undertaking; and



and their respective Executors and Administrators and Successors, to sell and dispose of and transfer any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein and in the said first-recited Act mentioned; and the Conveyance of such Shares shall be by Writing, and may be in the following Words, or to the like Effect, varying the Names and Description of the contracting Parties, as the Case may require (that is to say):

‘ I *A.B.* of \_\_\_\_\_, in consideration of the Sum of \_\_\_\_\_ Form of  
 ‘ \_\_\_\_\_ paid to me by *C.D.* of \_\_\_\_\_ do hereby Conveyance.  
 ‘ assign and transfer to the said *C.D.* \_\_\_\_\_ Share, numbered  
 ‘ \_\_\_\_\_ of and in the Undertaking called the *Dublin* and  
 ‘ *Drogheda* Railway, to hold unto the said *C.D.*, his Executors, Ad-  
 ‘ ministrators, and Assigns [*or* Successors and Assigns], subject to the  
 ‘ several Conditions on which (I) held the same immediately before  
 ‘ the Execution hereof; and (I) the said (*C.D.*) hereby agree to  
 ‘ accept and take the said Shares, subject to the Conditions aforesaid.  
 ‘ As witness our Hands and Seals the \_\_\_\_\_ Day of  
 ‘ \_\_\_\_\_ ”

And on every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser, shall be kept by the said Company, or by some Secretary or Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and endorse the Entry of such Memorial on the Deed of Sale or Transfer, for which Entry and Endorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Company; and the said Company, or some Secretary or Clerk as aforesaid, is hereby required to make such Entry or Memorial accordingly, and, on Demand, to make an Endorsement of such Transfer on the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Endorsement no more than Two Shillings and Sixpence shall be paid; and such Endorsement, being signed by such Secretary or Clerk, shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed the Seller thereof shall remain and be held liable for all future Calls, and the Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking: Provided always, that the foregoing Provision shall apply, not only to all future Sales and Transfers of Shares in the said Undertaking, but also to every former Sale and Transfer of any Share or Shares a Memorial of the Deed of Transfer whereof has not been entered in the Manner provided by the said first-recited Act. Memorial of Transfers to be kept by the Clerk.

XVI. And be it enacted, That so much of the said first-recited Act as enacts that no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking, upon which any Call shall have been made, after the Day appointed for the Payment of the same, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of each Share, shall be and the same is hereby repealed After any Call no Share to be transferred until the Call is paid.



repealed; and no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking, after any Call shall have been made by the Directors for any Sum of Money in respect of such Share, unless he or they at the Time of such Sale or Transfer shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

Power to borrow from Commissioners of Public Works any Sum not exceeding 150,000l.

3 G. 4. c. 112.

XVII. And whereas by the said first-recited Act the said Company was authorized to borrow Money from the Commissioners of Public Works in *Ireland*, or from the Exchequer Loan Bill Commissioners, in aid of their Undertaking, and on giving Security as therein recited; but Doubts have arisen whether it is competent for the said Company, to obtain any such Loan under the Provisions of the said first-recited Act, or under the Provisions of the Act for authorizing the Advances of Money for Public Works in *Ireland*, until Half of the subscribed Capital of the said Company shall have been paid up, and it is desirable that such Doubts be removed; be it therefore enacted, That it shall and may be lawful to and for the said Company, at any Time, or from Time to Time, notwithstanding One Half of the subscribed Capital of the said Company shall not have been paid up, and notwithstanding any thing in the said recited Acts or either of them to the contrary, by Order of any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of Fisheries in Ireland*, or from the Commissioners for carrying into execution any Act or Acts for the Execution of Public Works in *England* or in *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, and by Deed under the Common Seal and at the Costs of the said Company to assign and issue to the Secretary for the Time being of the Commissioners, or to such other Persons as they shall appoint, and in such Manner as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to and for the Use of the said Company, under or by virtue of the said first-recited Act, or otherwise, for securing to the said Commissioners or any of them the Repayment of the Amount of Exchequer Bills or Money to be borrowed as aforesaid, any thing in either of the said recited Acts or this Act to the contrary notwithstanding: Provided always, that nothing in this Act contained shall be considered as obligatory on the said Commissioners to lend any Money or Exchequer Bills to the said Company: Provided also, that the said Company shall not borrow or owe at any one Time by Mortgage or Annuity, under the Provisions of this Act or the said recited Acts, any Sum or Sums of Money exceeding in the whole the Sum of One hundred and fifty thousand Pounds.

Securities to Commissioners to have Priority,

XVIII. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or Directors,



Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company, under the Authority of the said Acts or either of them, or of this Act.

XIX. And be it further enacted, That all Corporations and Persons by the said recited Acts or either of them, or this Act, capacitated to treat and agree with the said Company for the Sale and Conveyance of Lands required for the said Railway and Works, may and they are hereby empowered (if they shall be willing, but not otherwise,) to treat and agree with the said Company for the Sale and Conveyance of Lands required for the Purposes of the said Railway and Works, notwithstanding the Period by the said recited Acts or either of them, or by this Act, limited for the compulsory Purchase of Lands, may have expired, subject nevertheless to the Provisions and Restrictions in the said recited Acts and this Act contained.

Capacitated Persons may sell additional Lands to the Company.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Company, at any Time after they shall have made any such Purchases upon Chief Rent, under the Powers in that Behalf in the said second-recited Act and this Act contained, to purchase the same Rent from any Person who shall be willing and competent to sell the same, and thereupon to cause such Rent to be released and extinguished, or otherwise disposed of, as the said Company shall think fit, and upon any Purchase by the said Company upon Chief Rent the said Company may stipulate that such Rent should be repurchaseable at such Time and upon such Terms as shall be then agreed upon between the said Company and the Person from whom such Purchase shall be made.

Power for the Company so re-purchase Chief Rents from Persons willing to sell the same.

XXI. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which they lawfully might, and under the Provisions of the said recited Acts or this Act, or either of them, were authorized to purchase, and which shall be permanently required for the Purposes of the said Railway, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which Estate, Right, or Charge the said Company shall have failed or omitted duly to purchase or to pay Satisfaction or Compensation for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, then, and whether the Period granted for the Purchase of Lands shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands, and be entitled to have such Estate, Interest, or Charge conveyed, transferred, surrendered, or extinguished for their Benefit, provided the said Company shall, within Six Calendar Months after Notice of such Estate, Interest, or Charge, in case the same shall not be disputed by the said Company, or, in case the same shall be disputed, within Six Months after the Right to such Estate, Interest, or Charge shall have been established in favour of the Party claiming the same by a Court of competent Jurisdiction, purchase or pay Compensation or Satisfaction for the same, and shall also pay and satisfy to all Parties who, during the Interval between the Time of the said Company entering upon any such Lands, shall have been

Company empowered to purchase the Interests in Lands, the Purchase whereof may have been omitted by Mistake.



entitled thereto, the Rents, Profits, or Interests of or annual or other Payments due to such Parties respectively in respect of such Estate, Interest, or Charge, so far as the same may be recoverable in Law or Equity, as the Case may be, such Purchase Money, Compensation, or Satisfaction to be agreed on or awarded and paid in like Manner as according to the Provisions in the said first-recited Act contained the same respectively would have been agreed on or awarded and paid in case the said Company had purchased such Estate, Right, or Interest before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

XXII. And be it further enacted, That in estimating any Compensation to be given for any such Land, or any Estate or Interest in the same, the Jury shall assess the same at such Price as they shall find to be the Value of such Land, Estate, or Interest, without regard to any Improvements or Works made thereon by the said Company.

Company to pay Costs of such Proceedings.

XXIII. And be it further enacted, That, in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, the said Company shall, when the Right to any such Estate, Interest, or Charge shall be disputed and established against the said Company, pay the full Costs, Charges, and Expences of any Proceedings at Law or in Equity for the Recovery of the same, to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs, Charges, and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Repealing Clause as to Compensation to be made for temporary Damage.

XXIV. And whereas the said first-recited Act contains certain Provisions for enabling the said Company, after such Notice as thereby required, to enter upon and take temporary Possession of Lands adjoining or lying near to the said Railway and Works, for the Purposes therein particularly mentioned, without having previously made any Payment, Tender, or Investment of Money, as referred to by the said Act, provided the said Company should, if required, enter into such Bond as therein referred to, and agree for the Payment of a fixed annual Rent, and make Compensation and Satisfaction to the Owner of such Land for the permanent Damage and Injury (if any) which might be done to the same, and separate and set apart so much of the Lands so required to be used from the other Lands adjoining thereto as in the said Act particularly mentioned: And whereas it is expedient that the said several Provisions should be repealed, and others substituted in lieu thereof; be it therefore enacted, That the several Provisions in the said first-recited Act contained to the Effect herein-before mentioned or referred to shall be and they are hereby repealed.

Power to take temporary Possession of Land without

XXV. And be it further enacted, That, subject to the Provisions herein-after contained, the said Company may and they are hereby empowered, at any Time or Times before the Expiration of the Period by



by the said recited Act and this Act limited for the Completion of the said Railway, and without making any previous Payment, Tender, or Deposit, to enter or continue upon the Lands of any Person or Corporation, not being more than Two hundred and fifty Yards distant from the Centre of the said Railway, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer to any Mansion House belonging to the Owner of such Lands than Five hundred Yards, and upon any existing private Roads not being more than Five hundred Yards distant from the Centre of the said Railway, and to use the said Lands for the Purposes of permanently depositing Spoil thereon, or of taking Earth or Soil by Side Cuttings therefrom, or of obtaining Materials for the Formation of the Railway therefrom, or of forming Roads or Approaches thereon to and from or over or under the said Railway, or of occupying the said Lands during the Construction or Repair of the said Railway, and for these Purposes or any of them to lay or deposit on the said Lands, or to work or manufacture thereon, any Earth, Clay, Gravel, Sand, Stones, Bricks, Slates, Timber, Lime, or other Things, or to dig, cut, get, take, remove, and carry away, out of or from such Lands or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Thing which can or may be got or found thereon, and to manufacture the same, and to use the said existing private Roads, the said Company giving Notice to the Owners and Occupiers of such Lands, and making Compensation in manner after mentioned.

previous Payment of Price.

XXVI. And be it further enacted, That before entering on any Lands required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the said Railway, the said Company shall give Six Weeks Notice of their Intention to enter upon the same to the Owners and Occupiers thereof; and before entering upon any Lands required for any of the other Purposes herein-before mentioned the said Company shall give Ten Days Notice of such their Intention to the said Owners and Occupiers; and in either Case the said Company shall, if required, at any Time during their Occupation, separate and set apart the said Lands by sufficient Railings and Fencings from the other Lands adjoining thereto: Provided always, that if the said Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before provided, it shall be in the Power of the Owner of the Lands therein referred to, within Ten Days after Service of such Notice, to object to the said Company making use thereof, on the Ground that other Lands lying contiguous thereto might be more beneficially occupied for such Purpose by the said Company, or that such other Lands might equally answer the Objects of the said Company, and with less Injury to the Owner of such Lands than the Injury which would be caused to the Owner of the Lands originally proposed to be taken; and in such Case, if the said Company shall refuse to occupy such other Lands in lieu of the Lands referred to by them in the said Notice, it shall be lawful for any Two Justices of the District where the said Lands wholly or in part lie, on the Application of the said Owner, or of the said Company, to summon the said Company and the Owner of such other Lands, or the Owner of any other Lands which  
the

Company to give Notice previous to such temporary Possession.



the said Company may be authorized to use, and which may be suitable to be used for the Purposes referred to in the before-mentioned Notice, to appear before them at any Time, not being more than Fourteen Days nor less than Seven Days from the Service of such Summons on the said Company, and on such Owner or his Agent; and on hearing of the Parties or their Agents, *vivâ voce*, and their Witnesses (if any), but without reducing the Evidence of such Witnesses into Writing, or in case of the Non-appearance of any such Parties after such Summons, to determine summarily which of the said Lands shall be occupied by the said Company for such Purposes as aforesaid, and to authorize the said Company to occupy the same accordingly: Provided always, that if it shall appear to the said Justices, from such Inquiry before them, that the Lands of any other Person not summoned before them, and which the said Company may be authorized to take or use, would be more suitable to be occupied by the said Company than the Lands of any Person who may have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time, not being more than Fourteen Days nor less than Seven Days from the Service of such Summons on such Owner or his Agent, and on hearing such Person or his Agent and Witnesses, as before mentioned, to determine finally which Lands the said Company shall occupy, the Quantity thereof being fully adequate for the Purposes mentioned in their Notice; provided also, that for such Purposes, and to the Effect herein-before mentioned, special Power and Jurisdiction is hereby conferred on the said Justices.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

XXVII. And be it further enacted, That where the said Company shall, in virtue of the Powers herein-before conferred on them, enter upon or continue in the Possession of any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials for the Construction or Repair of the said Railway therefrom, it shall be in the Power of the Person or Corporation, by the said recited Acts or this Act capacitated to sell and convey the said Lands, and of any Person having any Interest in the same at any Time during the Possession of the same by the said Company, to require the said Company to purchase the said Lands, or his Rights and Interests therein, as the Case may be, by serving a Notice in Writing on their Agent or Secretary, setting forth the Particulars and Amount of their Claim in respect thereof, and the said Company shall thereupon be bound to purchase the said Lands, or the Rights and Interests therein, of such Person, as the Case may be, and also to pay Compensation for Severance or other Injury consequent on the Purchase by the said Company of such Lands or such Rights or Interests; and the Value of such Lands or of such Rights or Interests, as the Case may be, together with the Compensation payable in respect of the same, shall, in case of Difference, be settled and ascertained in like Manner as in the said recited Act is provided with respect to the Purchase of Lands required for the Purposes of the said Act: Provided always, that in case the Amount so claimed shall not exceed the Sum of One hundred Pounds, the same shall, in case of Dispute, be settled and ascertained by Two or more Justices of the Peace, in like



like Manner as Damages to a small Amount are by the said first-recited Act required to be ascertained and determined.

XXVIII. And be it further enacted, That where the said Company shall not be required to purchase the said Lands, and in all other Cases where they shall enter upon or continue in the temporary Possession of Lands in virtue of the Powers herein-before granted, they shall be obliged, within One Month after their Entry upon such Lands, if not already entered upon, and within One Month after the passing of this Act, if the same have been already entered upon, under a Notice served on the Owner or Occupier according to the said recited Act, upon being required so to do by a written Notice delivered to their Agent or Secretary, setting forth the Particulars and Amount of his Claim, to agree with the Occupier of the said Lands for the Payment of the Value of any Crop or Dressing that may be thereon, also to agree with the Owner and Occupier of such Land for the Payment of an annual Sum by way of Rent for and during their Occupation thereof, and shall also, within Six Calendar Months after they have ceased to occupy the said Lands, and not later than Six Calendar Months after the Expiration of the Time by the said recited Acts and this Act limited for the Completion of the said Railway, upon being required by the Owner and Occupier of the said Lands, by a written Notice delivered to the said Company, setting forth the Particulars and Amount of their Claim, agree with such Owner and Occupier for the Payment of any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted; and the Amount of such permanent Damage, or the Value of any Crop or Dressing that may be on the said Lands, and the Rent payable in respect thereof for and during the Company's Possession, shall, in case of Difference, be settled and ascertained in like Manner as herein-before provided with respect to Land which the said Company may be required to purchase, as herein-before mentioned.

Provision as to fixing Compensation for Ground temporarily occupied.

XXIX. And be it further enacted, That in all Cases where the Verdict of a Jury, summoned as by the said first-recited Act directed, shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the recited Acts or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to Counsel for attending the Inquiry before such Jury by the Party with whom the said Company may be in dispute shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff, Under-Sheriff, Coroner, or other Person presiding at the taking of such Inquiry, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the taxing Officers of Her Majesty's Courts of Record at *Dublin*.

Expences of Counsel to be allowed in the Taxation of Costs.



Expences of  
Taxation of  
Costs, by  
whom to be  
defrayed.

XXX. And be it further enacted, That in all Cases in which any Costs, Charges, and Expences payable, or which under the Acts herein-before referred to relating to the said Railway, or any of them, are directed to be paid by the said Company, shall be taxed by the Master or other proper Officer of the Court of Exchequer, under any Order of the said Court (and any such Order may, if necessary, be made on Petition or on Motion, or other summary Application), the Amount at which such Costs, Charges, and Expences shall be so taxed as aforesaid, together with the Costs and Expences attending the Taxation of the same, and of or occasioned by the Order or Orders referring the same for Taxation, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences, the Subject of any such Order, shall be disallowed or taxed off; and in every Case in which One Sixth Part of the said Costs, Charges, and Expences shall be disallowed or taxed off as aforesaid, all the Costs and Expences of obtaining such Order or Orders of Reference as aforesaid, or a proportionate Part of the Costs and Expences of obtaining the Order or Orders of Reference as aforesaid, so far as the same relates to the Payment of Costs, such Proportion to be settled by the Master, together with all the Costs and Expences of or attending the Taxation of the Costs, Charges, and Expences under such Order or Orders as aforesaid, shall be paid or borne by the Person or Persons claiming such Costs, Charges, and Expences, and the Amount to be paid by such Person or Persons as aforesaid shall be paid to the said Company, on Demand, or, if Circumstances will admit, shall be deducted by the Master of the said Court from the Amount of the Costs payable by the said Company, who shall certify the same accordingly, or otherwise may be retained by the said Company out of any Monies payable by them to or on account or on behalf of such Person or Persons as aforesaid.

Company  
empowered  
to purchase  
Lands in cer-  
tain Cases,  
in lieu of  
making  
Occupation  
Bridges.

XXXI. And whereas by the said first-recited Act the said Company are required to make and erect such and so many Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, as may be necessary for the commodious Use and Occupation of the Land cut through or divided by the said Railway; and it is expedient that, for the Purpose of avoiding unnecessary Expence, the said Company shall be empowered to enter into Agreements for and to effect the Purchase of such Lands, for the convenient Occupation whereof such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages may be required, but the Value of which Lands may be disproportionate to the Cost of constructing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages; be it therefore enacted, That where any Land shall be intersected or divided by the said Railway so as to cut off a Portion thereof, and the Proprietor thereof, or any Corporation or Person who would be capacitated to sell the same, if required for the Purposes of the Railway, shall be willing to sell such Portion to the said Company, it shall be lawful for such Proprietor, or Corporation, or Person, to enter into any Agreement with the said Company for  
the



the Sale and Conveyance to them, or according to their Direction, of the same Portion of Land, and to convey the same accordingly, subject to the same Provisions of the said recited Acts and of this Act with respect to the Sale and Conveyance of Lands, and the Disposal of the Purchase Monies for the same, as if such Portion of the Land were required as Part of the Line, and for the Purposes of the said Railway, and the said Company are hereby authorized and empowered to treat and agree with any Corporation or Person for the Purchase or Release of any such Portion of Land, and of any subsisting Lease, Term, Estate, Charge, or Interest therein or thereupon, accordingly: Provided always, that the Land to be purchased from any Corporation or Person as aforesaid shall not exceed Ten Acres in any one Place, and that the said Company shall and they are hereby required to sell and convey all such Lands as shall be so purchased by and assured to themselves, or such Part thereof as may not be necessary for the Purposes of the said Undertaking, within the Term of Eight Years from the passing of this Act, and in such Way and Manner as is directed by the said first-recited Act for the Sale of any superfluous Lands purchased by them, and not required for such Purposes.

XXXII. And be it further enacted, That in every Case in which the Owner in Fee Simple or Tenant in Tail of any Lands, or other Person or Corporation by the said recited Acts or this Act capacitated or empowered to sell and convey Lands, shall have received or agreed to receive Compensation for or in lieu of Gates, Bridges, Arches, Roads, Hollows, Culverts, Fences, Ditches, Drains, watering Places, Passages, or other Easements or Conveniences, instead of the same being erected, formed, or provided by the said Company, and in Manner in the said recited Acts or this Act expressed, or shall have made or shall make any other Arrangement with the said Company touching or concerning the same, every such Arrangement or Agreement shall be and is hereby declared to be lawful and binding, not only upon the Person or Corporation making the same, but also on all other Persons on whose Behalf the same Person or Corporation is by the said recited Act or this Act capacitated to sell and convey Lands.

As to the Compensation in lieu of Gates, Bridges, &c.

XXXIII. And whereas the said recited Acts contain several special Clauses and Provisions prescribing the specific Mode by which certain Turnpike or other Carriage Roads are to be crossed, and the Position and Mode of Construction of the Bridges over or under the same, and the Nature of the Approaches to be made thereto, or otherwise relating thereto, and the Works connected therewith; and it may be desirable and advantageous to the Public in some Instances to alter the Position and Form of the said Bridges, and the Nature of the Approaches to the same, or otherwise to vary such Provisions; be it therefore enacted, That it shall be lawful for the said Company, with the Consent of the Trustees or Commissioners of any such Roads, given at any Meeting to be specially convened for that Purpose, to alter the Position or the Form of Construction or Formation of any Bridge or Bridges over or under, or other Works connected with any such

Power to alter Bridges, &c. with Consent of the Trustees of Turnpike Roads.



such Turnpike Road, or any Approaches thereto, from the Position or Form of Construction or Formation thereof required by the said recited Acts, provided that such Alteration shall be equally or more convenient to the Public, and that the general Directions contained in the said recited Acts or in this Act, and applicable to the said Bridges to be made over or under Turnpike and public Carriage Roads respectively, and the Inclination of the Roads on either Side thereof, shall in all respects be duly complied with.

Sheriff  
authorized to  
deliver Possession of  
Lands re-  
quired for the  
Works.

XXXIV. And be it further enacted, That in all Cases where by the said recited Acts or either of them, or this Act, the said *Dublin* and *Drogheda* Railway Company are authorized and empowered to enter upon and take possession of any Lands required for the Purposes of the said Railway and Works, and the Owner or Occupier of the said Lands, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue their Precepts, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company for the Time being, to the Sheriff of the County in which any Lands may be situate, or in case such Sheriff shall be interested in the Matter in question then to the Coroner having Jurisdiction where such Lands shall be situate, to deliver Possession of the same Lands to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff or Coroner is hereby required to deliver Possession of such Lands accordingly, and levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to deliver Possession, by Distress and Sale of his Goods and Chattels.

Power to stop  
up useless  
Roads, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Company, by and with the Consent in Writing of any Two or more Justices of the Peace acting for the District where the same shall be situate, to stop up, use, enclose, and alter such Roads, Streets, Squares, Courts, Alleys, Yards, Ways, Passages, and other Places, or so much and such Parts thereof as may be taken or used under and by virtue of the said recited Acts or this Act, and which may in consequence become useless, or lead only to some other Lands, Houses, Buildings, or Erections which may be approached by some other Road, Street, Court, Alley, Way, Passage, or Place equally convenient.

Proceedings  
previous to  
stopping up  
useless  
Roads.

XXXVI. Provided also, and be it further enacted, That before any Road, Street, Square, Court, Alley, Yard, Way, Passage, or Place shall be stopped up, used, enclosed, or altered, the said Company shall cause to be affixed at each End of the Road, Street, Square, Court, Alley, Yard, Way, Passage, or Place so proposed to be stopped up, used, enclosed, or altered, a Notice to the Effect that the same is intended to be stopped up, used, enclosed, or altered (as the Case may be) by the said Company; and the said Company shall also cause the same Notice to be inserted in some One or more Newspaper or Newspapers published or generally circulated in the Counties of  
*Dublin*



*Dublin and Meath* for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Door of the Church of the Parish in which the said Road, Street, Square, Court, Alley, Yard, Way, Passage, or Place so proposed to be stopped up, used, enclosed, or altered is situate, on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said Road, Street, Square, Court, Alley, Yard, Way, Passage, or Place shall be and shall be deemed to be stopped up, used, enclosed, or altered, (as the Case may be,) subject however to such Appeal to the Court of General Quarter Sessions as herein is mentioned.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Road, Street, Court, Alley, Way, Passage, or Place should be stopped up, used, enclosed, or altered, to make his Complaint within Three Calendar Months next after the Cause of Complaint shall have arisen, by Appeal to the Justices of the Peace at the General Quarter Sessions for the County or Place within which such Road, Street, Court, Alley, Way, Passage, or Place shall be situate, upon giving to the said Company Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Power of Appeal against stopping up Roads, &c.

XXXVIII. And be it further enacted, That if any Person, having (personally or by some other Party) at any Time taken a Place or Seat, or paid the Fare, or been booked for, the Purpose of being carried in, upon, or by any Coaches or Carriages of the said Company, or of any other Company or Person using the said Railway, from one Place to another Place, shall knowingly or willingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he shall have paid his Fare or been booked, or taken his Place or Seat, or shall knowingly and wilfully ride and proceed, or attempt to ride or proceed, on the said Railway, in the same or in any other Coach or Carriage to a Place more distant from that to which he shall have so taken a Place or Seat or paid the Fare, or been booked, without previously paying or tendering to the said Company, or other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid or tendered to the said Company, or other Company or Person aforesaid, his Fare, or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Two Pounds, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Acts or either of them.

For preventing Frauds on the Carriers of the Railway.

[*Local.*]

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XXXIX. Pro-



Penalty on Owners not removing Goods after Notice.

XXXIX. Provided always, and be it further enacted, That if the Owner of any Chattels, Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things, or the Person having the Right of Possession thereof, shall permit the same to remain in or upon any Wharf or Warehouse belonging to the said Company beyond the Space of Two Days, and shall neglect or refuse to remove the same and every Part thereof after Twenty-four Hours Notice to do so, such Notice being given unto him or left at his usual Place of Abode or Business, or if such Place shall not be known to the said Company, inserted in some Newspaper circulated in the County in which such Wharf or Warehouse shall be situate, such Owner or other Person shall forfeit and pay to the said Company for each and every Day any such Chattels, Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things as shall be permitted to remain after the Expiration of such Notice, any Sum not exceeding Two Shillings and Sixpence *per* Ton, or for any less Portion than a Ton, if the whole of such Goods shall not amount to a Ton.

For Punishment of Persons obstructing the Railway, or guilty of Negligence or Misconduct thereon.

XL. And whereas by the said recited Acts certain Penalties are imposed on Persons obstructing the free Passage of the said Railway, and it is expedient that further and more effectual Provisions should be made for preventing Accidents upon the said Railway; be it therefore further enacted, That if by the wilful or malicious Act or Omission of any Person, or by the negligent Conduct of any Servant of the said Company in the Execution of his Duty, the Life or Limb of any Person passing along or who shall be otherwise upon the said Railway or the Works thereof respectively, shall be or might be injured or endangered, every Person who shall be guilty of such Act, Omission, or Neglect respectively, shall be deemed guilty of an Offence against the said recited Acts, and being convicted thereof upon the Oath of One or more Witness or Witnesses before any Two or more of Her Majesty's Justices of the Peace for the County or Place wherein the said Offence shall be committed, who are hereby authorized and required, upon Complaint to them made upon Oath, to take cognizance thereof, and to act summarily in the Premises, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, to be recovered and applied in like Manner as Penalties imposed by the said recited Acts are directed to be recovered and applied, and in default of Payment thereof shall, in the Discretion of Two Justices, be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, being indicted or convicted of any such Offence as aforesaid before any Court of Quarter Sessions or Court of Assizes, shall, at the Discretion of such Court, be imprisoned, with or without hard Labour, for any Period not exceeding Two Years.

Affirmation may be substituted for an Oath.

XLI. And be it further enacted, That every Juryman, Witness, or other Person now or for the Time being authorized by Law, instead of taking an Oath, to make his solemn Affirmation, shall make such Affirmation in every Case in which by the said recited Acts or this Act an Oath is required to be taken; and every Justice of the Peace, Sheriff, and other Person by the said recited Acts or this Act authorized and required to administer an Oath shall, in the Case of every



every Juryman, Witness, or other Person so authorized by Law as aforesaid, take his solemn Affirmation, instead of administering an Oath; and if any Person taking an Oath required by the said recited Acts or this Act, or making his solemn Affirmation instead of taking such Oath, shall wilfully swear or affirm falsely, such Person shall, on Conviction, be deemed guilty of Perjury, and be punished accordingly.

XLII. And be it further enacted, That it shall be lawful for the Directors of the said *Dublin and Drogheda* Railway Company and they are hereby empowered, when and so soon as the Sum of Thirty Pounds *per* Share shall have been called up in respect of the Shares of the said Undertaking, and from thenceforth until the said Railway shall be completed and opened to the Public, to pay Interest on the Amount called up at any Rate not exceeding Four Pounds *per Centum per Annum* from the Time at which the last Call constituting that Amount shall have become due, and on all further Sums to be from Time to Time called up in respect of the said Shares, from the respective Times at which such further Calls shall become payable, such Interest to accrue and be paid at such Times and Places as the said Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or any other Share to be holden by the said Proprietor, during the Period such Call shall remain unpaid.

After 30*l.* has been called up, Interest to be paid thereon until the Railway is completed.

XLIII. And be it further enacted, That it shall be lawful for the said Railway Company to pay Interest at such Rate not exceeding the Rate of Six Pounds for every One hundred Pounds by the Year, upon any Principal Monies which shall be paid in advance by Proprietors, on account of Sums subscribed for or towards the said Undertaking, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Interest on Monies paid in advance may be allowed at the rate of 6*l.* per Cent.

XLIV. And be it further enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.



neglect to prepare and transmit, or cause to be prepared and transmitted, such Accounts as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Company  
may buy up  
Shares.

XLV. And be it further enacted, That it shall be lawful for the Directors of the said Company, by the Order of any General or Special General Meeting of the said Company, from Time to Time, out of any surplus Monies or otherwise, to buy up any Share in the said Undertaking which shall be offered for Sale, and the Share so bought shall merge in the Undertaking.

Forfeited  
Shares which  
cannot be  
sold may  
merge in the  
Company.

XLVI. And whereas it is expedient that Provision should be made for the merging in the said Company of Shares forfeited under the Provisions of the said first-recited Act; be it therefore enacted, That in all Cases where any Share shall have been or shall hereafter be declared forfeited by the Directors of the said Company, and such Declaration of Forfeiture has been or shall hereafter be confirmed at a General or Special General Meeting of the said Company, in manner required by the said first-recited Act, and Notice shall be given by the said Company in the *Dublin Gazette*, and in One Newspaper of each County through which the said Railway is intended to be made, of such Forfeiture or intended Forfeiture, and that in case the Arrears of Calls and Interest due thereon shall not be paid within the Space of One Calendar Month from the Publication of such Notice that such Share will become merged in the said Company, then, in case such Arrears and Interest shall not be paid within such last-mentioned Period, and the Market Price of Shares in the said Company in the City of *Dublin* shall then or at any Time thereafter be less than the Arrears of Calls and Interest due in respect of such Share, the same Share shall absolutely merge in the said Undertaking, and a Declaration in Writing, made by some credible Person not interested, before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that a Sum of Money sufficient to pay the Arrears of Calls and the Interest due in respect of such Share could not be obtained for the same, according to the Market Price of Shares in the City of *Dublin*, shall be sufficient 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, Title, or Interest therein, but nevertheless such Forfeiture and Merger shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the said Company the Arrears of Calls and Interest due in respect of such Share, after deducting therefrom the Market Value of such Share according to the Market Price of Shares in the City of *Dublin* at the Time of such Merger as aforesaid.

New Shares  
may be  
created in  
lieu of Shares  
bought up or  
merged.

XLVII. And be it further enacted, That in lieu and instead of any Shares which shall be so bought up or forfeited and merged as aforesaid, it shall be lawful for the said 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 or Special General Meeting of the said Company, to create and issue new Shares, of such Amount, and to demand such Price for the same, in such



Manner as by the Order of any such Meeting shall be fixed and determined, and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferrable as such in the Manner provided and directed by the said first-mentioned Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares, and to such new Shares, and the Proprietors thereof, shall apply all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Acts or any of them, with reference to the original Shares in the said Undertaking, and the Proprietors thereof, except as to the Time of making Calls for the said new Shares, and the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered to appoint to be of such Amount and payable at such Times as they may think fit, and save so far as any other of such Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered, and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said *Dublin and Drogheda* Railway Company: Provided always, that the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing Seventy five Pounds at least of the Capital Stock of the said Company.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or affect any of the Powers and Authorities by the said recited Acts given to the said Company or the Directors thereof, for compelling Payment of the Calls due upon the Shares in the said Undertaking, or for the Forfeiture of such Shares, or for the Recovery of the Arrears of Calls and legal Interest thereon, except as is herein expressly enacted.

Power of Recovery and Forfeiture of Shares not to be prejudiced.

XLIX. And be it further enacted, so as to operate retrospectively as well prospectively, That any Clerk, Clergyman, or Ecclesiastical Person whatever is and has been and shall be legally competent to, and can or may purchase, hold, or enjoy, and dispose of, any Share or Shares already or hereafter to be created in the said Company, or the Capital Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Body or Person is by this or the said recited Acts authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof, and the said Company may sue and be sued, and enjoy the same Privileges and Immunities, as they are or would be entitled to if no such Clerk, Clergyman,

Authorizing Ecclesiastical Persons to hold Shares.

[*Local.*]

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man,



man, or Ecclesiastical Person was or had been a Shareholder in the said Undertaking, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Authentica-  
tion of  
Notices, &c.

L. And be it further enacted, That all Notices or Demands by or on behalf of the said Company, or the Directors thereof, which have been or may hereafter require to be given to any Person or Corporation, or to the Proprietors of the said Company, shall be and be deemed and taken to be good, valid, and effectual to all Intents and Purposes, if signed by the Chairman or Deputy Chairman, or any Secretary or Clerk for the Time being of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print, any thing in the said recited Acts or otherwise to the contrary notwithstanding.

Provision to  
be made for  
draining the  
North Lots  
of the City  
of Dublin,  
and as to the  
Construction  
of the Rail-  
way across  
the Estuary  
of Clontarf.

LI. And whereas it is necessary that in the constructing of that Part of the said intended Railway which is to cross the Ground called the North Lots of the City of *Dublin*, Provision shall be made for the Drainage of the said Ground so called the North Lots, and to prevent the same from being at any Time flooded, and also for preserving the free Communication in and through the said Lots as now enjoyed; and also that in the constructing of that Part of the said Railway which is to cross the Estuary of *Clontarf*, extending from the Wall called the North-east Quay Wall to the Road leading from *Dublin* to *Clontarf*, Provision shall be made for the Purpose of permitting the regular flowing and ebbing of the Tide, by constructing or building sufficient Arches, or by leaving sufficient Openings in, through, or under the said Railway, and that in the constructing of that Part of the said Railway which is to cross or pass over the said East Quay Wall, ample Room or Space shall be left for the passing and repassing of Cars and Carriages, according to the Provisions herein-after contained for those several Purposes respectively; be it therefore enacted, That in the building, making, or forming of the said Railway so intended to pass through or to cross the said Ground called the North Lots, there shall be formed therein or thereunder Three main Culverts, each to be of the Breadth of Six Feet at the least, and that one of the said Culverts shall be formed or made immediately at or near to the Back of the said North-east Quay Wall Road, and that the others of said Culverts shall be formed or made one on each Side of the Banks of the Royal Canal which now passes through the said Lots; and there shall be made or formed in or under the said Railway as many smaller Culverts, each to be of the Breadth of Two Feet Six Inches at the least, as there are Drains now existing or formed on the said Ground called the North Lots, over or through which the said Railway is intended to pass, and that one of such smaller Culverts shall be formed over each of the said Drains, and also that there shall be Arches or Openings left or made in or under the said intended Railway of equal Breadth in the clear with the present existing Roads or other Passages, including the full Breadth of the Footpaths on each Side, and that said Arches or Openings shall be of sufficient Height to preserve the free Communication in and through the said Ground or Lots; and that in the constructing of that Part of the said intended Railway which is to cross



the said *Clontarf* Estuary, Three or more Arches or Openings shall be left for the Purpose of permitting the regular flowing and ebbing of the Tide, and the passing to and fro of the Ballast Lighters and Floats belonging to the Corporation for preserving and improving the Port of *Dublin* at High Water, and that the total Breadth of all the Waterways of such Arches in crossing the said Estuary, shall be One hundred and twenty Feet at the least, and that each of such Arches or Openings shall contain in Breadth a clear Waterway or Space of Forty Feet at the least if only Three Arches or Openings be left, or a clear Waterway of Thirty Feet at the least if Four Arches or Openings be left in the Railway crossing said Estuary; and that one of the said Arches or Openings shall be made or left near to the Wall bounding the Road leading from *Dublin* to *Clontarf* on the Shore Side thereof, and not more than One hundred Feet distant from the same; and that One or more of such Arches or Openings shall be made or left at or near the Centre of the said Estuary, and that another of such Arches or Openings shall be made or left near to the said North-east Quay Wall, and not more than Fifty Feet distant from the same; and that the Bottoms or Beds of the Waterways of such Arches or Openings shall not be raised higher than the Level of the present Strand of the said Estuary, or of the Channels therein, at the several Points so to be passed; and that the said Arches or Openings shall be sufficiently high to allow free Passage at High Water for the Ballast Lighters and Floats of the said Corporatton for preserving and improving the Port of *Dublin*.

LII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Cost and Charges, to make such Arches, Openings, Culverts, or Drains over, under, or by the Side of the said Railway, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clearly from the Estuary, Lands, and Grounds adjoining or lying near to the said Railway, without Obstruction to the free Current of the said Water, or impounding of the same, to the Prejudice of any of the said Estuary, Lands, or Grounds, and that it shall be lawful for the said Company, and they are hereby required, from Time to Time to make such and so many Arches, Openings, Watercourses, and Drains by the Side of, along, or under the said Railway, of such Dimensions and in such Manner as any Two Justices of the Peace for the said City or County of *Dublin* (as the Case may require), shall, when required by the Corporation for preserving and improving the Port of *Dublin*, and upon sufficient Evidence of the Necessity for the same, from Time to Time direct and appoint; and all such Arches, Culverts, Watercourses, and Drains shall from Time to Time be supported, maintained, and cleansed and kept by the said Company in good and sufficient Repair, and if at any Time after Ten Days Notice in Writing shall have been given by or on behalf of the Corporation for preserving and improving the Port of *Dublin* that the said Arches, Openings, Culverts, Drains, or Watercourses, or any of them, are not and shall not be made, or are not and shall not be cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, that then and in such Case it shall and may be lawful to and for any Two Justices of the Peace for the said City or County of *Dublin*

Company to make sufficient Openings under or by the Side of the Railway.

(as



(as the Case may require), from Time to Time, as often as there may be Occasion ; and the said Justices are hereby authorized and required, upon Evidence of the Service of such Notice and Non-compliance therewith, to make and grant One or more Order or Orders authorizing the said Corporation to make and cleanse and repair such Arches, Openings, Culverts, Drains, or Watercourses accordingly, and, further, to order and direct that the Expences thereof; to be ascertained by Proof before any Two Justices of the Peace of said City or County, shall be paid by the said Company ; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days next after Demand thereof made upon the Secretary, Manager, or Directors of the said Company, that then and in such Case such Expences, so ascertained as aforesaid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may, by virtue of this Act or the said recited Acts, be levied and recovered upon and from the said Company.

Providing for Injury to the North-east Quay Wall.

LIII. And be it enacted, That if any Injury or Damage shall occur to the said North-east Quay Wall, owing to any increased Discharge of Water through such Arches or Openings as aforesaid, or any of them, or otherwise, in consequence of said Railway, or of any of the Works connected therewith, then and so often as such Injury or Damage shall be so sustained it shall and may be lawful for the said Company and they are hereby required to have, at their own proper Costs and Charges, such Injury or Damage repaired to the Satisfaction of the said Corporation for preserving and improving the Port of *Dublin* ; and in case the said Company shall refuse or neglect to have such Injury or Damage repaired within Fourteen Days after Notice of such Injury or Damage having occurred shall have been given to the Secretary, Manager, or Directors of the said Company as aforesaid, then and in such Case it shall and may be lawful for the said Corporation for preserving and improving the Port of *Dublin*, and they are hereby authorized and empowered, to cause such Injury or Damage to be repaired, and to recover the Expence of such Repairs (such Expence to be ascertained in manner aforesaid) of and from the said Company in manner aforesaid.

Opening to be left to a certain Extent and Height in crossing the North-east Quay Wall.

LIV. And be it enacted, That in the constructing of that Part of the said intended Railway or Road which is to cross or pass over the said North-east Quay Wall, an Arch or Opening shall be left of the full and clear Breadth or Extent of Thirty-six Feet on the said North-east Quay Wall, and that the Top of the said Archway or Opening under said Railway or Road shall be at the Height of Fifteen Feet at the least from the present Height or Level of the Road on said Quay Wall, it being the Intent, and being hereby declared, that the Level of the said last-mentioned Road shall not be in any Manner lowered or reduced.

Repeal of Clause as to Limitation of Actions.

LV. And whereas it is by the said first-recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, should be brought, commenced, or prosecuted against any



any Person for any thing done or omitted to be done in pursuance of the said Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under the said Act, unless Twenty Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding should be brought or commenced within Six Calendar Months next after the Act committed, or in case there should be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage should have ceased, nor unless such Action, Suit, or Information should be laid and brought in the County or Place where the Matter in Dispute or Cause of Action should arise; and the Defendant in such Action, Suit, Information, or other Proceeding might plead the General Issue, and give the said Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of the said Act; and if they should appear to have been so done, or to have been so omitted to be done, or if it should appear that such Action, Suit, Information, or other Proceeding should have been brought otherwise than as therein-before directed, then and in every such Case the Jury should find for the Defendant; upon which Verdict, or if the Plaintiff should become nonsuited, or should suffer Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases: And whereas it is expedient that the said recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now pending between the said Company and any other Company or Person or Persons whomsoever, or shall revive any Right which under the Provision lastly hereby repealed may have been barred prior to the passing of this Act.

LVI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of all Arrangements preparatory thereto, and all other Costs, Charges, and Expences in any way incident to making the said Railway and the passing of this Act, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised and received by virtue of the said recited Acts and this Act, or any of them, in preference to any other Payments whatsoever.

Expences of Act to be paid by the Company.

LVII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts or this Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Railway to be subject to Provisions of any general Act.

[*Local.*]

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LVIII. And



Public Act.

LVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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