



CHAP. cviii.

An Act for enabling the Dublin and Drogheda Railway Company to effect a communication between their railway and the works of the London and North-western Railway Company at the North Wall, Dublin ; and for other purposes. A.D. 1869.
[12th July 1869.]

WHEREAS it is expedient that the Dublin and Drogheda Railway Company (herein-after called the Company) be empowered to effect a communication between their railway and the works of the London and North-western Railway Company (herein-after called the North-western Company) at the North Wall, Dublin, and to acquire additional lands :

And whereas plans and sections, showing the line and levels of the railway authorized by this Act and the lands which may be taken under the powers of this Act, and a book of reference to those plans, have been deposited with the clerk of the peace for the county of the city of Dublin at his office in Dublin, and with the clerk of the peace for the county of Dublin at his office in Dublin, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference :

And whereas it is expedient that the North-western Railway Company should be empowered to subscribe towards carrying into effect the purposes of this Act :

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 :

1. This Act may be cited for all purposes as "The Dublin and Drogheda Railway (North Wall Extension) Act, 1869." Short title.

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Incorporation of general Acts herein named.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act, Ireland, 1851," "The Railways Act, Ireland, 1860," "The Railways Act, Ireland, 1864," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "the Company" shall mean the Dublin and Drogheda Railway Company :

The expression "the railway" or "the undertaking" shall mean the railway by this Act authorized :

The expression "the North-western Company" shall mean the London and North-western Railway Company :

The expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

As to deposit of plans with clerks of unions.

4. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that certificates of any omissions, mis-statements, or erroneous descriptions in certain plans and books of reference therein referred to, shall be deposited with the postmasters of the post towns in or nearest to the several parishes in Ireland in which the lands affected thereby shall be situate, and it is also provided that certain plans and sections of such alterations in the original plans and sections as shall have been approved of by Parliament shall also be deposited with such postmasters, and be retained and produced by them for inspection in manner therein mentioned : And whereas, in compliance with the present standing orders of both Houses of Parliament, the several plans, sections, and other documents heretofore required to be deposited with the postmasters of the post towns in Ireland are now deposited with the clerks of the unions instead of such postmasters : Therefore, with reference to this Act all the provisions of "The Railways Clauses Consolidation Act, 1845," relating to the matters aforesaid, shall be read and construed as if, instead of the expression "post-

masters of the post towns in or nearest to such parishes in Ireland," the expression "clerks of the unions within which such parishes are included in Ireland," and as if instead of the word "post-masters" the words "clerks of the union" had been used and inserted in that Act throughout those provisions.

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5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose:

Power to make railway according to deposited plans.

The railway herein-before referred to and authorized by this Act is—

A railway (six furlongs or thereabouts in length) to be situate wholly in the parish of Saint Thomas, Dublin, extending from the main line of the Company to the works of the North-western Company at the North Wall;

and the railway shall, for the purpose of tolls and charges, and for all other purposes, be part of the Dublin and Drogheda Railway: Provided always, that in respect of all traffic passing over the railway, or any part thereof, the Company may demand and recover tolls, rates, and charges as for three miles, during the first ten years after the completion and opening of the railway, and as for two miles subsequently.

6. Provided always, that notwithstanding anything in this Act the Company shall not, under the authority of this Act, enter upon, take, or use any portion of the property numbered on the deposited plans 201, in the parish of Saint Thomas, without the previous consent of Sir Arthur Edward Guinness, Baronet, and Edward Cecil Guinness, or other the owners or owner for the time being of that property.

Company not to take certain lands of Sir A. E. Guinness and E. C. Guinness without consent.

7. Provided also, that in constructing the railway and executing the works connected therewith the Company shall not so alter the levels of any part or parts of Upper Sheriff Street and Wapping Street respectively as to make the same of a greater inclination than one in thirty, or take or deal with any portion of the aforesaid streets for any other purpose than improving the approaches to the bridge over the proposed railway in Upper Sheriff Street.

Restricting alteration of levels of Upper Sheriff Street and Wapping Street.

8. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Lands for extraordinary purposes.

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Period for
completion
of works.

Imposing
penalty un-
less railway
is opened.

9. The railway shall be completed within five years from the passing of this Act.

10. If the Company fail within the period limited by this Act to complete the railway authorized to be made by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on thirty-four thousand four hundred and seventy-eight pounds, being the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Victoria, chapter 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act 17 & 18 Victoria, chapter 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in Ireland in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control; provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for appli-
cation of
penalty in
compensa-
tion to par-
ties, &c.
injured.

11. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and, after due notice in the "Dublin Gazette," shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to

satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company. A.D. 1869.

12. If the railway authorized by this Act shall not be completed within the period limited by this Act, then, on the expiration of such period, the powers by this Act granted to the Company for making and completing the said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. On expiration of time limited for completion of railway, powers to cease.

13. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorized to acquire, may from time to time enter upon, take, use, and appropriate to the purposes of their undertaking, including the railway by this Act authorized, all or any of the lands following delineated upon the deposited plans and described in the deposited books of reference; (that is to say,) Power to acquire additional lands.

Certain lands in the townland of Townparks, in the parish of Holmpatrick, in the county of Dublin, adjoining their railway, and near to their station at Skerries :

Certain lands in the townland of Killester South, in the parish of Killester, in the said county of Dublin, adjoining the Company's railway.

14. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

15. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required. Notice to be given of taking houses of labouring classes.

16. The Company may apply to the purposes of this Act any of the monies which they now have in their hands, or which they have power to raise by shares or mortgage, by virtue of any Acts relating to the Company, and which may not be required for the Power to apply corporate funds to purposes of this Act.

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Power to
North-west-
ern Com-
pany to sub-
scribe and
apply funds
for that
purpose.

17. The North-western Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the purposes of this Act, not exceeding two thirds of the estimated cost of the works, and may become shareholders in the Company to the extent of their subscription; and the North-western Company may, with the like authority, contribute and apply in payment of their said subscription any monies which they have in their hands, or which they have power to raise by shares, or stock, or mortgage, and which are not by any Act relating to that Company made applicable to any special purpose, or which being so made applicable are not required for the special purpose; and that Company shall in respect of the sums to be subscribed, and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges, (except in regard to voting at general meetings, and as regards the payments of dividend which respectively shall be as herein-after provided,) and be subject to all the obligations and liabilities of proprietors of shares in the Company; provided always, that the North-western Company shall not sell, dispose of, or transfer any of their shares in the Company.

How sub-
scription of
North-west-
ern Com-
pany to be
paid.

18. The money to be subscribed by the North-western Company, as herein-before provided, shall be paid as follows; (that is to say,) upon demand of the Company such sum or sums of money as shall from time to time be certified by the engineer of the Company as then required for the purposes of this Act.

Separate
accounts of
receipts and
disburse-
ments under
this Act to
be kept.

19. The Company shall keep separate and distinct capital accounts and revenue accounts of all sums of money received and expended under the provisions or for the purposes of this Act; those accounts, and all vouchers and other documents necessary to verify the same, shall at all reasonable times be open to the inspection of any director of the North-western Company, or any person duly appointed by the secretary of that Company in writing to inspect the same, and such copies of or extracts from those accounts, or such other particulars in relation thereto, shall be sent by the Company to the North-western Company as and when that Company reasonably require.

Apportion-
ment of
dividend.

20. The sum or sums of money which shall from half year to half year be applicable upon the capital and revenue accounts so

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kept to the payment of dividend shall be paid and applied in manner following; (that is to say,) A.D. 1869.

First. The Company shall forthwith, after the adjustment and audit of each half yearly account, pay to the North-western Company so much and such part of the money so applicable as shall bear the same proportion to the total amount thereof as the aggregate amount of the monies from time to time subscribed and paid by the North-western Company bears to the aggregate amount of the monies at the same time and from time to time expended for the purposes of this Act:

Second. The residue of the money so applicable to the payment of dividend shall be applied by the Company in the same way as but for this enactment it would have been applicable.

21. If any difference of opinion arise between the Company and the North-western Company under or in respect of the provisions of this Act, every such difference shall be settled and determined by arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

Differences between Company and the North-western Company to be settled by arbitration.

22. The North-western Company, while shareholders in the undertaking of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to other shareholders at such meetings, and may vote thereat in respect of the capital held by them in that undertaking.

North-western Company while shareholders may vote at meetings of Company.

23. Every such appointment by the North-western Company of any person to vote on their behalf shall be evidenced by an instrument in writing under the hand of the chairman for the time being of the directors of the North-western Company, which shall be delivered to the Company and kept with their records, and shall be at all reasonable times open to the inspection and transcription of all parties interested, and every such instrument shall, as between the North-western Company and the Company as aforesaid, be sufficient evidence of the facts therein stated.

Instruments of nomination, &c.

24. The Company and the North-western Company respectively shall not, out of any money by any Act relating to them respectively authorized to be raised for the purposes of such Act, pay or deposit any sum of money which, by any standing order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorizing those Companies respectively

Deposits for future bills not to be paid out of capital.

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Railways
not exempt
from present
and future
general
Acts.

25. Nothing herein contained shall be deemed or construed to exempt the railways of the Company, or the North-western Company, or those Companies from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized by this Act or of the rates for small parcels.

Expenses of
Act.

26. All the costs, charges, and expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company and the North-western Company in such proportions as shall be agreed upon.

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