



CHAPTER ccxiii.

An Act for making a Railway to connect the Railways on the south side of Dublin ; and for other purposes.

A.D. 1875.

[13th August 1875.]

WHEREAS the making of the railways herein-after described would be of great local and public advantage :

And whereas the persons in this Act named, with others (herein-after referred to as the Company), are willing at their own expense to carry out the undertaking, if authorised by Parliament to do so, and it is expedient that powers should be conferred on them for the purpose :

And whereas it is expedient that the Company and the Companies herein-after named should be authorised to enter into agreements as herein-after provided :

And whereas plans and sections showing the lines, situation, and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes thereof, were duly deposited with the clerks of the peace for the county of the city of Dublin and county of Dublin, and are herein-after referred to as "the deposited plans, sections, and book of reference:"

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. This Act may be cited for all purposes as "The South Dublin Railway Act, 1875." Short title.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Amendment Act, 1860," as amended by "The

Provisions of certain general Acts incorporated.

[Ch. ccxiii.] *The South Dublin Railway Act, 1875.* [38 & 39 VICT.]

A.D. 1875. Railways Acts (Ireland), 1851, 1860, and 1864," "The Railways Traverse Act," "The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Part I. of "The Railways Clauses Act, 1863," (relating to construction of a railway), are (except where expressly varied by this Act) incorporated with and form part of this Act.

As to deposit of plans with clerks of unions.

3. With reference to this Act all the provisions of sections seven, eight, and nine of "The Railways Clauses Consolidation Act, 1845," shall be read and construed as if the expression "clerks of the unions within such parishes are included in Ireland," or the words "clerks of the unions" (as the case may be), had been used and inserted in such sections instead of the expression "the postmaster of the post towns in or nearest such parishes in Ireland," or instead of the word "postmasters" (as the case may be).

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railways by this Act authorised; and "the undertaking" means the railway and undertaking by this Act authorised.

Company incorporated.

5. Frederick Barry, Frederick George Fuller, and all other persons and corporations who have already subscribed or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the South Dublin Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "the South Dublin Railway."

Power to make railways according to deposited plans.

6. 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 railways herein-after described, with all other 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. The railways herein-before referred to and authorised by this Act are,—

A railway, No. 1, five miles five furlongs in length, commencing by a junction with the Great Southern and Western Railway

at or near the eastern end of the engine-house at the Inchicore railway works, in the townland of Inchicore South, parish of St. Jude and county of Dublin, and terminating by a double junction with the Dublin and Kingstown Railway, the two junctions commencing from the same point in the Ball's Bridge Nursery ground, one terminating at the eastern abutment of the bridge which carries the Dublin and Kingstown Railway over the River Dodder, in the townland of Ball's Bridge, and the other where that railway crosses Serpentine Avenue, in the townland of Smotscourt, in the parish of Donnybrook and county of Dublin :

A railway, No. 2, three furlongs and seven chains in length, commencing by a junction with railway No. 1 at the eastern side of Palmerston Road, 130 yards from Belgrave Road, in the townland of Cullenswood, and terminating by a junction with the Dublin, Wicklow, and Wexford Railway, 600 yards north of Milltown station-house, in the townland of Milltown, the whole being in the parish of St. Peter's and county of Dublin :

A railway, No. 3, six furlongs and five chains in length, commencing by a junction with railway No. 1, in the townland of Ball's Bridge, at a point 30 yards or thereabouts east of Keegan's Lane, and 200 yards from Merrion Road, measured parallel to Keegan's Lane, in the parish of Donnybrook and county of Dublin, and terminating in the townland of Beggars' Bush, in the parish of Donnybrook, on the east side of the River Dodder, at or near the western abutment of Ringsend Bridge over that river, in the county of Dublin.

7. The capital of the Company shall be two hundred and twenty-five thousand pounds, in twenty-two thousand five hundred shares of ten pounds each. Capital.

8. The Company shall not issue any shares created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one fifth part paid up.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at the least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present Power to divide shares.

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in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until a sum not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

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14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificates.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeitures of preferred shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled, &c.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

18. The Company may from time to time in manner herein-after provided borrow on mortgage any sums not exceeding in the whole seventy-five thousand pounds; that is to say, when and so soon as the sum of thirty thousand pounds, part of the capital of two hundred and twenty-five thousand pounds, shall have been issued and accepted, and one half thereof paid up, the Company may borrow on mortgage any sum not exceeding ten thousand pounds, and so often as any further and additional sum of thirty thousand pounds shall in like manner have been issued and accepted, and one half thereof paid up, the Company may borrow a further sum of ten thousand pounds until they shall have borrowed the total sum hereby authorised to be borrowed; but no part of the said several sums hereby authorised to be borrowed shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted, and that one half thereof

Power to borrow on mortgage.

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has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than eight thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the "Companies Clauses Act, 1863;" but notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than five.

Qualification of directors.

24. The qualifications of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

25. The quorum of a meeting of directors shall be five, and if the number of directors be reduced to five the quorum shall be three.

First directors.

26. Frederick George Fuller, Henry Barry, Marcus Staunton Lynch-Staunton, and four other persons to be named by them or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that

meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or named as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act, or named as aforesaid, being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.^a

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Election of directors.

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

Lands for extraordinary purposes.

28. Except as by this Act otherwise expressly provided, 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.

Powers for compulsory purchases limited.

29. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next hereinafter mentioned; that is to say,

Certain roads may be crossed on the level.

No. on deposited Plan.	Townland.	Parish.	Description of Road.
RAILWAY No. 3.			
2	Sandymount - -	Donnybrook - -	Public.
6	Beggars' Bush - -	Donnybrook - -	Public.

30. In altering for the purpose of this Act the road numbered on the deposited plans 1, in the townland of Kilmainham and parish of St. Jude, the Company may make the same of any inclination not steeper than one foot in thirty feet.

Inclination of roads.

31. Persons empowered by the "Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think

Power to take easements, &c.

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by agree-
ment.

fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts (Amendment Act), 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

As to junc-
tion with
Great
Southern
and Western
Railway.

32. The Company shall not, in constructing railway No. 1, proceed to make the junction with the railway of the Great Southern and Western Railway Company by this Act authorised, or enter upon any lands belonging to the said Company for that purpose, until the construction of the said railway No. 1 has so far advanced that the said railway and junction may be completed within one month from the day on which the Company shall first enter upon the lands of the Great Southern and Western Railway Company for the purpose of forming the said junction; and the Company shall complete the said junction to the satisfaction of the engineer for the time being of the Great Southern and Western Railway Company within the said period of one month; and if the Company fail to complete the said railway within such period, they shall, for every day during which the railway may not be completed beyond such period, forfeit and pay to the Great Southern and Western Railway Company a sum of twenty pounds.

Company
not to take
certain
lands shown
on deposited
plans, or
interfere
with Great
Southern
and Western
Railway.

33. Notwithstanding anything herein contained, it shall not be lawful for the Company, or any person acting under or in execution of this Act, to enter upon, take, or use any of the lands in the townland of Inchicore South and parish of St. Jude, shown on the deposited plans, and numbered thereon 36 to 42, both numbers inclusive; neither shall it be lawful for the Company in any manner to alter, vary, or interfere with the railway of the Great Southern and Western Railway Company, save only for the purpose of effecting the junction by this Act authorised.

For the pro-
tection of the
Earl of Pem-
broke and
Mont-
gomery and
the Pem-
broke Town-
ship Com-
missioners.

34. For the protection of the Right Honourable the Earl of Pembroke and Montgomery and the Pembroke Township Commissioners, the following provisions shall have effect; that is to say,

(A.) The powers of the Company for the compulsory purchase of any lands belonging to the Earl of Pembroke and Montgomery shall not be exercised after the expiration of two years from the passing of this Act:

(B.) Notwithstanding anything in this Act contained, it shall not be lawful for the Company, without the consent of the Earl of Pembroke and Montgomery, to enter upon, take, use, or otherwise interfere with, either temporarily or permanently,

the lands and property belonging or reputed to belong to the Earl of Pembroke and Montgomery, numbered respectively on the deposited plans 3 to 14, both inclusive, in the townland of Irishtown and parish of Donnybrook :

- (C.) The railway No. 3 by this Act authorised shall be constructed so that a passage or roadway of the clear width of at least forty feet shall be left between the fence on the eastern side of the railway and the western fence or boundary of the garden attached to the house in the New Bridge or Herbert Road, demised to John Brereton :
- (D.) The Company shall at their own cost erect and at all times maintain a station on the railway No. 1, on the north side of and adjoining the public road at Ball's Bridge, and at or near the point on the deposited plans of railway No. 1, indicating five miles two furlongs and five chains from the commencement of the said railway, at which station all suburban trains shall stop :
- (E.) The railway shall be made so as to cross on the level the private road now in course of formation belonging or reputed to belong to the Earl of Pembroke and Montgomery, in the townland of Baggotrath, at or about the point marked on the deposited plans five miles, and the Company shall erect and at all times maintain at the level crossing good and sufficient roadway gates, thirty feet in width, and footway gates for both footways of at least eight feet in width respectively ; and the Company shall also at their own expense erect and permanently maintain a lodge or cottage of at least three rooms at the point of crossing, and appoint and keep a proper person to watch and superintend the said crossing :
- (F.) The Company shall at their own costs erect and at all times maintain a station on the north-east side of the Morehampton or Donnybrook Road, and shall also make and maintain a roadway, not less than twenty-five feet in width, on the north side of the railway, between the Morehampton or Donnybrook Road and the said private road in Baggotrath herein-before (E.) referred to :
- (G.) The Company shall entirely cover over the railway for at least sixty-six feet on each side of the bridges carrying the roads shown on the deposited plans at the points four miles three furlongs and three chains, four miles six furlongs, and five miles two furlongs and three chains respectively, over the railway :
- (H.) All works to be made and executed by the Company under the provisions of this section shall be made and executed

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to the reasonable satisfaction of the Earl of Pembroke and Montgomery and the Pembroke Township Commissioners :

(I.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, prejudice, diminish, or alter any of the estates, rights, powers, privileges, or authorities of the Pembroke Township Commissioners.

Providing
for continu-
ance of
water supply
to the inhabi-
tants of
Rathmines
and
Rathgar.

35. And whereas the water supply to the inhabitants of the township of Rathmines and Rathgar is vested in the commissioners acting under the Rathmines Improvement Act, 1847, and subsequent Acts amending the said Act, herein referred to as the commissioners ; and in the execution of the works by this Act authorised the mains, pipes, syphons, plugs, and other works belonging to them, will be intersected or otherwise interfered with, and it is expedient that the commissioners should have full control over the execution of all works in any way affecting such supply, so as effectually to provide against the same being impeded ; therefore all works, matters, and things which under the provisions of this Act the Company may be empowered or required to do or execute with reference to the said mains, pipes, syphons, plugs, or other works, shall be done and executed by the commissioners under the sole direction of their engineer for the time being, at the cost of the Company ; and in every case the Company shall give to the commissioners three clear days notice in writing before they require to execute any works that may interfere with the said mains, in order that the commissioners shall make such arrangements from time to time for the supply of water to the inhabitants of the township as may be necessary under the circumstances of the case, and the Company shall pay all the expenses necessarily attendant thereon or incidental thereto.

For protec-
tion of
sewers, &c.
under
control of
Commis-
sioners of
Rathmines
and
Rathgar.

36. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any, sewer, drain, watercourse, defence, or works under the jurisdiction or control of the commissioners, and vested in them by and under the provisions of "The Rathmines Improvement Act, 1847," and "The Rathmines and Rathgar Improvement Act, 1862," and "The St. Catherine's Improvement Act, 1866," or with any sewers or works to be made or executed by the commissioners, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Company shall not commence such work until they shall have given to the commissioners fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the office of the commissioners for the time being, with a plan and section showing the course and inclination thereof, and other

necessary particulars relating thereto, and until the commissioners shall have signified their approval of the same, unless the commissioners do not signify their approval, disapproval, or other directions within fourteen days after service of the said plan, sections, and particulars as aforesaid; and the Company shall comply with and conform to all orders, directions, and regulations of the commissioners in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as the commissioners may deem necessary, for the proper protection of, and for preventing injury or impediment to, the sewers and works hereinbefore referred to, by or by reason of the said intended works, or any part thereof; and whenever any difference or dispute in reference to the works shall arise between the engineer of the Company and the engineer of the commissioners, all matters in dispute shall be referred to an arbitrator to be appointed by the Board of Public Works in Ireland.

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37. And whereas it is proposed by the deposited plans and sections that the intended railways shall be made by cutting through and under or across the streets and public places within the township of Rathmines and Rathgar, destroying or seriously interfering with the sewerage of the said streets and those in connexion with same: Therefore the Company shall construct the new sewers in place of those destroyed or interfered with in the manner laid down on a plan to be agreed upon by the engineer of the commissioners and the engineer to the Company, or failing them, by an engineer to be appointed by the Board of Works in Ireland, and, when so agreed on or decided on, to be deposited with the clerk of the peace for the county of the city of Dublin; and the Company shall save harmless the commissioners against all and every the expense to be occasioned by the said works, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the commissioners, at the costs, charges, and expenses in all respects of the Company; and all costs, charges, and expenses which the commissioners may be put to by reason of the works of the Company, whether in the execution of the works, the preparation or examination of plans or designs, or the superintendence of the said works, or otherwise, shall be paid to the said commissioners by the Company on demand; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said commissioners, as the case may be, as any sewers or works now are or hereafter may be; and

Sewers interfered with within townships of Rathmines and Rathgar to be made good.

A.D. 1875. nothing in this Act shall extend to prejudice, diminish, or alter or take away any of the rights, powers, or authorities vested or to be vested in the said commissioners or their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Plan to be deposited with the clerk of the peace for the county of the city of Dublin.

38. The plan mentioned in the preceding section shall be deposited with the clerk of the peace for the county of the city of Dublin, who is hereby required to receive the same; and such deposit shall be deemed to have been made in pursuance of an Act passed in the first year of the reign of Her present Majesty, intituled "An Act to compel the clerks of the peace for the counties, and other persons, to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament," and the several provisions of that Act shall apply to the plan so deposited.

Company to erect stations in townships of Rathmines and Rathgar.

39. The Company shall make and erect, and open simultaneously with the opening of the railway for public traffic, and for ever maintain, two suitable stations in the townships of Rathmines and Rathgar; and the Company shall also erect and for ever maintain a third suitable station in the said townships, at such point as may be agreed upon between the Company and the commissioners, whenever the traffic of the railway may reasonably require such third station for the accommodation of the public; and in case of difference as to the point where the said third station shall be erected, or as to whether the traffic of the railway requires such station for the accommodation of the public, the same shall be determined by arbitration, in manner provided by "The Regulation of Railways Act, 1873."

For protection of water mains of Corporation of Dublin.

40. In constructing the railways and works by this Act authorised, the Company shall conform to and observe the following regulations and restrictions for the protection of the water mains of the corporation of the city of Dublin (herein-after referred to as "the Corporation"):

1. Where the railway crosses over the Grand Canal, in the townland of Golden Bridge South, an arch or culvert five feet wide and five feet high shall be constructed over the water main which is laid in the back drain on the south side of the canal, in order to afford access at all times to such watermain:
2. The nine-inch water main in the Rathgar Road to be carried over the railway and sufficiently supported by proper iron girders:
3. Where the railway passes under the Donnybrook Road the two twenty-seven-inch water mains are not to be disturbed

by being either lowered or raised, or otherwise interfered with, but such mains are to be firmly and securely supported across the railway by proper iron girders :

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4. The before-mentioned works shall be executed so as not to injure the water mains or interrupt the supply of water, and the works are to be executed at the expense of the Company, under the supervision and to the satisfaction of the engineer of the Corporation :
5. The Company shall give the said engineer seven days previous notice before they commence to execute any works over or under either of the before-mentioned water mains, in order that he may superintend the execution of such works :
6. In all other respects the provisions contained in sections 18 to 23, inclusive, of the Railways Clauses Consolidation Act, 1845, shall apply to the water mains and pipes of the Corporation ; and wherever in those sections the word " Company " or " Society " is used the same shall be held to extend and include the Corporation.

41. For the protection of the rights and interests of the Grand Canal Company (herein-after in this section called " the Canal Company ") in relation to their canal (herein-after in this section called " the canal ") the following provisions shall take effect :

Provision for protection of the Grand Canal Company.

1. In carrying railway No. 1 by this Act authorised across the canal near the first lock thereof, the Company shall not take or in any way interfere with such lock or any of its appurtenances, and the width of the bridge for carrying the railway over the canal shall be sufficient to span the entire canal and towing-paths, and the height of such bridge shall be not less than eleven feet of clear headway from the ordinary water level of the canal to the under part of the bridge, and the position of the said bridge shall be such as shall be agreed upon between the engineer of the Company and the engineer of the Canal Company, or as shall be settled by arbitration in manner herein-after mentioned :
2. Before the Company shall carry railway No. 1 across the canal, or before they commence to execute any works in connexion therewith, or within twenty-one feet at either side thereof, they shall give to the Canal Company notice in writing of their intention to execute such works not less than fourteen clear days before beginning the same, by leaving such notice, together with plans, elevations, sections, and other necessary particulars, at the office of the Canal Company :
3. No such crossing or other work as last herein-before mentioned or referred to shall be constructed except under the superin-

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tendance of the Canal Company's engineer or other authorised officer, and according to such plan as shall be approved of by the Canal Company or their engineer or other officer, or, in case of any difference or disagreement respecting such plan, or the position or span of the said bridge, as shall be settled or determined by an engineer to be appointed for that purpose by the Board of Public Works in Ireland upon the requisition of the Canal Company and the Company, or either of them, (and which engineer, as referee, the said Board of Public Works are hereby authorised and directed in such case to appoint,) and when so appointed the said engineer as such referee may, on the application of the Canal Company or their said officer, determine the position and span of the said bridge, and may modify such plan according to his judgment and discretion, and may require the Company, if he sees fit so to do, to make such temporary or other works for guarding against any interruption of the traffic on the canal during the execution of the said works for crossing the canal, or other operation in immediate connexion with the canal :

4. Provided always, that if the Canal Company or their officer fail to signify their approval or disapproval of said plan of the Company, and of the mode of carrying the same into operation or effect, within fourteen days next after the service on them or their said officer of the said notice, and of the delivery to them or him of the said plan, sections, and other particulars as aforesaid, or if after said plan shall have been approved of, settled, and determined, either by the Canal Company or by the engineer appointed as referee by the Board of Works as aforesaid, the Canal Company or their said officer fail to attend at the time, to be fixed by notice in writing, for the commencement or execution of the said works (such notice not being less than fourteen clear days from the time of such commencement), or shall refuse or neglect to superintend the execution of the said works, then and in any or either of such cases the Company may execute the same without the superintendance of the Canal Company or their engineer or other officer.
5. The Company shall comply with and conform to all reasonable directions and regulations of the Canal Company in the execution and maintenance of the said works, whether temporary or permanent, and shall save harmless the Canal Company against all and every the expenses occasioned thereby, and subject to the provisions of this Act, all such works shall be done and executed at the proper costs, charges, and

expenses of the Company, and all the reasonable costs, charges, and expenses which the Canal Company may be put to for or by reason of the said proposed works, or of the superintendence of their said officer, or otherwise in relation to the same, shall be borne and paid by the Company on demand, and may be recovered from them by the Canal Company in the same manner as damages not specially provided for may be recovered under the "Railways Clauses Consolidation Act, 1845 :"

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6. If the traffic of the said canal be interfered with by the works of the Company (whether temporary or permanent), or by the acts of any of the contractors employed by them, so as to cause any damage, loss, or injury to the Canal Company, the Company shall make good and pay to the Canal Company the amount of such damage, loss, or injury when ascertained, and the same may be recovered from the Company by the Canal Company in manner by the last preceding sub-section provided with respect to the costs, charges, and expenses of the Canal Company, and such amount in case of disagreement between the Canal Company and the Company shall, together with all other matters in controversy between said parties, and not herein-before provided for, stand referred to arbitration under and according to the "Railway Companies Arbitration Act, 1859," as if the Canal Company were a railway company, and for such purpose the clauses of that Act which relate to proceedings by arbitration are incorporated with this Act.

42. In case it shall be necessary for the Company for the purpose of constructing the works by this Act authorised to raise, sink, or otherwise alter in any road or street the position of any mains, pipes, or other works belonging to the Alliance and Dublin Consumers Gas Company (herein referred to as the "Alliance Company") and used for supplying gas, the same shall be done with as little detriment and inconvenience to the Alliance Company, and to any houses or persons supplied with gas by means of such mains, pipes, or other works, as the circumstances will permit; and all works relating to or involving interference with such mains, pipes, or other works as aforesaid shall be executed at the cost of the Company, and to the reasonable satisfaction in all things of the Alliance Company or their engineer, if they or he think fit to attend, after receiving not less than forty-eight hours notice from the Company or their proper officer.

Alteration of
gas pipes,
&c.

43. It shall not be lawful for the Company in executing any of the works by this Act authorised to remove or displace any of the

As to dis-
turbance of

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pipes by
Company.

mains, pipes, or other distributory works belonging to the Alliance Company, or to do anything to interrupt or impede the supply of gas into or through such mains, pipes, or other distributory works, until good and sufficient arrangements be made at the expense of the Company for carrying on the supply of gas, to the reasonable satisfaction of the engineer of the Alliance Company.

Company to
make good
all damage.

44. The Company shall repair and make good all damage done to the property of the Alliance Company by the disturbance thereof occasioned by the construction of the works authorised by this Act, to the reasonable satisfaction of the engineer of the Alliance Company.

When works
cross the
mains,
protection to
be made.

45. If it shall be necessary to construct any of the works by this Act authorised over any mains of the Alliance Company, the Company shall at their own expense construct and maintain reasonable protection from injury to the mains of the Alliance Company, to the reasonable satisfaction of their engineer.

Indemnity
for obstruct-
ing supply
of gas.

46. If the Company or any of their contractors, agents, officers, workmen, or servants, or any person in the employment of them, or that of any of them, shall, in the execution of any of the works by this Act authorised, interrupt the supply of gas supplied by the Alliance Company, the Company shall make good any loss occasioned thereby to the Alliance Company, the amount to be determined by arbitration.

As to arbi-
tration of
disputes with
Alliance
Company.

47. If any dispute or controversy shall arise or happen between the Alliance Company and the Company touching or concerning the true meaning or construction of this Act, or any of the provisions thereof, the same shall stand and be referred to arbitration, pursuant to and in accordance with the provisions of the "Railway Companies Arbitration Act, 1859," as if the Alliance Company and the Company were two railway companies.

Saving of
rights of
Alliance
Company.

48. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, and privileges hitherto vested in and possessed by the Alliance and Dublin Consumers Gas Company, herein called the Alliance Company.

Interference
with grand
jury roads,
to be ap-
proved by
surveyor.

49. Before the Company interfere with or alter any road belonging to or under the jurisdiction of the grand jury of the county of Dublin, they shall give at least seven days previous notice to the surveyor for the time being of the grand jury, in order that he may, if he thinks fit, superintend the interference with or alteration of the road referred to in the notice, and every such interference or alteration shall be carried out at the expense of the Company

to the reasonable satisfaction of the said surveyor in all respects ; and in case of difference between him and the engineer of the Company, the matter in difference shall be decided on the application of either party by the engineer of the Board of Public Works in Ireland. A.D. 1875.

50. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of eight thousand nine hundred and fifty-four pounds ten shillings new three per cent. bank annuities, being equal to five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been transferred into the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said recited Act, the said sum of eight thousand nine hundred and fifty-four pounds ten shillings of stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital ; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified ; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

51. The said sum of stock transferred 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

Application of deposit.

A.D. 1875.

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 said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of stock has been paid or transferred, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

52. The railway shall be completed within four years from the passing of this Act, and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls for passengers.

53. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway or any part thereof:

For every person conveyed in or upon any carriage on the railway, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny halfpenny:

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle, conveyed in or upon

any such carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny : A.D. 1875.

For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

54. In respect of goods conveyed on the railway, or any part thereof : Tolls for Goods.

For all coals, cinders, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile, not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

For all coke, culm, and charcoal, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile fourpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile, not exceeding sixpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

And for every carriage of whatever description, and not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, sixpence per mile; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh; and if conveyed on a truck or platform belonging to the Company, an additional sum per mile not exceeding twopence.

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Tolls for
propelling
power.

55. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one third of the sum herein-before allowed for the user of the railway for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Maximum
rates for
passengers.

56. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum
rates for
animals and
goods.

57. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as herein-after mentioned) on the railway, including the tolls for the use of the railway and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For all coals, cinders, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, per ton one penny halfpenny per mile :

For all coke, culm, and charcoal, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile twopence :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence :

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence :

For every carriage of whatever description, and not being adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, sixpence per mile :

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For every horse, mule, ass, or other beast of draught or burden, fourpence per mile :

For every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, threepence per mile :

And for every calf or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, one penny halfpenny per mile.

58. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,) Regulations as to tolls.

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals for such fraction in proportion to the number of quarters of a mile contained therein; and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

59. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,) Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight, threepence :

For any parcel exceeding seven pounds in weight and not exceeding fourteen pounds in weight, fivepence :

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For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence ; and for any parcel exceeding fifty-six pounds in weight the Company may demand any sum which they may think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding two shillings per ton per mile :

For the carriage of any single piece of stone, timber, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Passengers
luggage.

60. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal
station.

61. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply
to special
trains.

62. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company
may take
increased
charges by
agreement.

63. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company

in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains. A.D. 1875.

64. Nothing herein contained shall render it compulsory on the Company to carry on the railway any nightsoil, dung, manure, compost, or other offensive matter. Company not bound to carry manure, &c.

65. The Company on the one hand, and the Dublin, Wicklow, and Wexford Railway Company and the Great Southern and Western Railway Company, or one of those Companies, on the other hand, may from time to time enter into arrangements with respect to the use of the railway, or of any part or parts thereof. Power to enter into arrangements with certain Companies.

66. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway, the railways of the Company, and of the Dublin, Wicklow, and Wexford, and Great Southern and Western Railway Companies respectively, shall, for the purposes of short-distance tolls and charges, be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the said other companies for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the said other companies. Tolls on traffic conveyed partly on the Railway and partly on Dublin and Kingstown, Dublin, Wicklow, and Wexford, and Great Southern and Western Railways.

67. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845." Interest not to be paid on calls paid up.

68. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

[Ch. ccxiii.] *The South Dublin Railway Act, 1875.* [38 & 39 VICT.]

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Railway not
exempt from
provisions of
present and
future
general Acts.

69. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made 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, or of the rates for small parcels, authorised by this Act.

Expenses of
Act.

70. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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