



## CHAPTER ccxiv.

An Act for making Railways in the County and County of the City of Dublin and for other purposes. A.D. 1894.

[25th August 1894.]

**W**HEREAS the making and maintaining of the railways herein-after described would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct the said railways and are desirous of being incorporated into a Company for that purpose (in this Act called "the Company") :

And whereas it is expedient that certain powers should be given to limited owners as herein-after provided :

And whereas it is expedient that the Company and the Dublin Wicklow and Wexford Railway Company should be empowered to enter into working agreements as herein-after provided :

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of shares in their capital as by this Act provided :

And whereas an estimate has been prepared on behalf of the Company of the amount which will be required for the purpose of such payment of interest and such estimate amounts to twenty thousand pounds :

And whereas plans and sections showing the lines and levels of the railways by this Act authorised 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 or under the powers of this Act were duly deposited with the clerk of the peace of the county of Dublin and with the clerk of the peace of the county of the city of Dublin and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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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:—

Short title.

1. This Act may be cited as the Drumcondra and North Dublin Link Railway Act 1894.

Incorporation of general Acts.

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 as amended by the Companies Clauses Act 1869 the Railways Clauses Consolidation Act 1845 the Lands Clauses Acts and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act.

Interpretation.

3. 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 and in this Act unless otherwise explained or unless the context otherwise requires—

The expression "the Company" means the Company incorporated by this Act;

The expression "the Undertaking" means the undertaking by this Act authorised;

The expression "the railway" means the railways and works by this Act authorised.

As to deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of Sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions within which 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 in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

Company incorporated.

5. Lieutenant-Colonel Henry Gore Lindsay Maurice Butterly and Alfred Killingley and all other persons and corporations who have already subscribed to 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 Drumcondra and North Dublin Link 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. A.D. 1894.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings 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— Power to  
make rail-  
way.

(1.) A railway two miles one furlong three chains and seven yards in length or thereabouts (herein-after called "Railway No. 1") commencing at a point on the North Wall Extension No. 1 Railway of the Great Southern and Western Railway Company in the parish of Glasnevin and terminating by a junction with the City of Dublin Junction Railways of the Dublin Wicklow and Wexford Railway Company near the south-west abutment of the bridge carrying the Great Northern Railway over the street known as Seville Place in the city of Dublin.

(2.) A railway two furlongs nine chains and two yards in length or thereabouts (herein-after called "Railway No. 2") commencing by a junction with Railway No. 1 in the parish of St. Thomas and running in a southerly direction and terminating by a junction with the North Wall Extension Railway of the Great Southern and Western Railway Company in the parish of St. Thomas and county of the city of Dublin.

7. In constructing Railway No. 2 by this Act authorised the following provisions for the protection of the Great Northern Railway Company (Ireland) (herein-after called "the Great Northern Company") shall unless otherwise agreed on in writing between the Great Northern Company and the Company apply to and be obligatory upon the Company :— For the pro-  
tection of the  
Great  
Northern  
Railway  
Company of  
Ireland.

(1.) The Company shall construct Railway No. 2 where it passes under the railway of the Great Northern Company at such point or points between the limits of deviation shown on the deposited plans thereof as may be agreed upon between the chief engineer of the Great Northern Company (in this section called "the chief engineer") and the engineer of the Company

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and so as to leave undisturbed at all times the rails and permanent way of the Great Northern Company :

- (2.) In constructing and maintaining Railway No. 2 where the same affects the railway or works of the Great Northern Company the Company their agents or contractors or their respective servants or workmen shall in no way obstruct impede or interfere with the free and uninterrupted and safe user of the said railway or other works of the Great Northern Company or with the traffic thereon and if any obstruction or interference shall be caused or take place the Company shall pay to the Great Northern Company full compensation in respect thereof such compensation to be recovered with full costs in any court of competent jurisdiction :
- (3.) The Company where Railway No. 2 is intended to be carried under the railway of the Great Northern Company shall construct a bridge of not less width than thirty feet between the parapets and of such design strength and materials as shall be approved by the chief engineer and the said bridge shall be so constructed that the railway of the Great Northern Company may hereafter be conveniently widened :
- (4.) The Company shall construct the said bridge and Railway No. 2 where it passes under the railway of the Great Northern Company and all works both temporary and permanent in any way affecting the railway of the Great Northern Company in all respects according to plans sections and specifications to be previously submitted to and approved in writing by the chief engineer and the Company shall not commence the construction of Railway No. 2 where it will pass under the railway of the Great Northern Company or enter on the lands of the Great Northern Company or interfere with their railway works or property until such plans sections and specifications have been so submitted and approved Provided always that if the chief engineer shall for a period of two months neglect to approve such plans sections or specifications he shall be deemed to have approved thereof but if he shall disapprove the same then there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after provided :
- (5.) During the construction of Railway No. 2 under the railway of the Great Northern Company the Company shall bear and on demand pay to the Great Northern Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said

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railway with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :

- (6.) The Company shall at all times maintain the said bridge and other works by which Railway No. 2 shall be so carried under the railway of the Great Northern Company in substantial repair and good order to the reasonable satisfaction in all respects of the chief engineer and if and whenever the Company fail so to do the Great Northern Company may make or do such repairs in and upon as well the lands of the Company as their own lands and the sum from time to time certified by the chief engineer to be the reasonable amount expended shall be repaid to the Great Northern Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction :
- (7.) The Company shall be responsible for and make good to the Great Northern Company all costs losses damages and expenses which may be occasioned to the Great Northern Company or to their railway or to any of their works or property or to the traffic on their railway or to any company or person using the same by reason of the execution or failure of the said bridge or any of the works by this Act authorised or of any act or omission of the Company or of their contractors or agents or of any of the persons in the employment of the Company or their contractors and the Company shall effectually indemnify and hold harmless the Great Northern Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission as aforesaid :
- (8.) The Company shall not in any case without the previous consent in writing and under the common seal of the Great Northern Company acquire any lands or property of the Great Northern Company but the Company may purchase and take and the Great Northern Company shall sell and grant accordingly an easement or right of using so much of the land of the Great Northern Company as may be necessary for the construction of the Railway No. 2 and the works connected therewith in accordance with the provisions of this section :
- (9.) If any difference shall arise with respect to any matter under this section between the Company and the Great Northern Company or their respective engineers or concerning any plans

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sections or specifications to be delivered to the Great Northern Company under this section the matter in difference shall be referred to and be settled by an umpire to be appointed by the Great Northern Company and the Company or if they cannot agree on an umpire then by an umpire to be appointed by the President for the time being of the Institution of Civil Engineers Ireland on the application of either party Provided always that if the chief engineer or engineer of the Company shall happen to be President of the Institution of Civil Engineers Ireland at the time of reference to such President for the appointment of an umpire then the reference for the appointment of an umpire shall be to the President for the time being of the Institution of Civil Engineers London.

For the protection of the Great Southern and Western Railway Company.

8. The following provisions for the protection of the Great Southern and Western Railway Company (herein-after called "the Great Southern Company") shall unless otherwise agreed in writing between the Great Southern Company and the Company apply and have effect (that is to say) :—

- (1.) The Company shall construct Railways Nos. 1 and 2 as double line junctions where they join the railway of the Great Southern Company at such point or points between the limits of deviation shown on the deposited plans as may be agreed upon between the chief engineer of the Great Southern Company (in this section called "the chief engineer") and the engineer of the Company :
- (2.) In constructing the said junctions the Company their agents or contractors or their respective servants or workmen shall as far as may be avoid any obstruction impediment or interference with the free and uninterrupted and safe user of the railway and works of the Great Southern Company or with the traffic thereon and if any obstruction or interference shall be occasioned to the traffic of or upon the railway of the Great Southern Company the Company shall pay to the Great Southern Company full compensation in respect thereof such compensation to be recovered with full costs from the Company in any court of competent jurisdiction :
- (3.) The Company shall construct the said junctions of such design and material and in all respects according to plans and specifications to be previously submitted to and approved in writing by the chief engineer and the Company shall not commence the construction of the said junctions or enter on the lands of the Great Southern Company or in any manner interfere with their railway works or property until such plans

and specifications have been so submitted and approved as aforesaid. Provided always that if the chief engineer shall for a period of two months neglect to approve or disapprove such plans and specifications he shall be deemed to have approved thereof but if he shall disapprove the same then there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after provided :

- (4.) During the construction of the said junctions the Company shall bear and on demand pay to the Great Southern Company the reasonable expense of the employment by the Great Southern Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :
- (5.) The Company shall not in any case without the previous consent in writing and under the common seal of the Great Southern Company acquire any lands or property of the Great Southern Company but the Company may purchase and take and the Great Southern Company shall sell and grant accordingly an easement or right of using so much of the land of the Great Southern Company as may be necessary for the construction of the said junctions :
- (6.) In case any difference shall arise between the Great Southern Company and the Company or between the chief engineer and the engineer of the Company as to any matter under this section the same shall from time to time be referred to an arbitrator to be mutually agreed upon or failing agreement to be appointed by the Board of Trade and the decision of such arbitrator shall be final.

9. In constructing Railways Nos. 1 and 2 by this Act authorised the following provisions for the protection of the Midland Great Western Railway of Ireland Company (herein-after called "the Midland Company") shall unless otherwise agreed on in writing between the Midland Company and the Company apply to and be obligatory upon the Company :—

For the protection of the Midland Great Western Railway of Ireland Company.

- (1.) The Company shall construct Railway No. 1 where it passes over the railways or dock or canal or sidings or works (within the limits of the bridge after-mentioned) or any of them of the Midland Company by means of a wrought iron or steel girder

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bridge of two clear spans of ninety-five feet each more or less namely No. 1 span from the pier in Ossory Road on the north-east boundary of the Midland Company's property to a pier in the dock or canal and No. 2 span from the said last-mentioned pier to an abutment on the south-west side adjacent to the Midland Company's storekeeper's office The position of the pier which is to be erected in the canal or dock shall be fixed to the satisfaction of the Midland Company's engineer and the measurements of the same shall not exceed forty feet in length by eight feet in width above the level of the bottom of the dock or canal with a clear headway throughout of not less than thirteen feet six inches above the upper surface of the existing stone coping of the north-east bank of the Royal Canal at the point where the centre line of Railway No. 1 crosses that coping and the Company shall for ever maintain such headway and the piers or abutments of such bridge shall be erected at such point or points between the limits of deviation shown on the deposited plans thereof as may be agreed upon between the engineer of the Midland Company and the engineer of the Company and so as to leave undisturbed and unobstructed at all times the rails and permanent way and waterway (save as is herein-before sanctioned) of the Midland Company Provided always that in the construction of that railway the Company shall not deviate from the centre line of that railway as shown on the deposited plans so far as that railway passes over the lands and property of the Midland Company :

(2.) In constructing and maintaining Railways No. 1 and No. 2 where the same pass over or interfere with the permanent way or works of the railways or dock or canal or works of the Midland Company the Company their agents or contractors or their respective servants or workmen shall so far as may be possible avoid any obstruction impediment or interference with the free and uninterrupted and safe user of the said railways or dock or canal or water mains sidings signals or properties or other works of the Midland Company or with the traffic thereon and if any obstruction or interference shall be caused or take place the Company shall pay to the Midland Company full compensation in respect thereof such compensation to be recovered with full costs in any court of competent jurisdiction :

(3.) The Company where Railway No. 1 is intended to be carried over the railways or dock or canal or sidings or works of the Midland Company (within the limits of the said bridge) shall construct a bridge of such design strength and materials as



shall be reasonably approved by the engineer of the Midland Company and the said bridge shall be so constructed that the railways or dock or canal or works of the Midland Company may hereafter be conveniently altered. Provided always that in no case shall the Company be required to alter or vary the position or construction of the piers or abutments of the said bridges after construction :

- (4.) The Company shall construct the said bridges and Railway No. 1 where it passes over the railways or dock or canal or works of the Midland Company and all works both temporary and permanent in connexion with the construction thereof in all respects according to plans sections and specifications to be previously submitted to and approved in writing by the engineer of the Midland Company and the Company shall not commence the construction of Railway No. 1 where it will pass over the railways or dock or canal or works of the Midland Company or enter on the lands of the Midland Company or interfere with their railways or dock or canal or works or property save for the purpose of surveying or taking levels or laying out the works until such plans sections and specifications have been so submitted and approved. Provided always that if the engineer of the Midland Company shall for a period of two months neglect to approve or disapprove such plans sections or specifications he shall be deemed to have approved thereof but if he shall disapprove the same then there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after provided :
- (5.) During the construction of Railway No. 1 over the railways of the Midland Company the Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railways or dock or canal and works with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :
- (6.) The Company shall at all times maintain the bridges and other works by which Railway No. 1 shall be so carried over the railways or dock or canal or works of the Midland Company in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the Midland

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Company and if and whenever the Company fail upon being given reasonable notice in writing so to do the Midland Company may make or do such repairs in and upon as well the lands of the Company as their own lands and the sum from time to time certified by the engineer of the Midland Company to be the reasonable amount expended shall be repaid to the Midland Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction :

(7.) The Company shall be responsible for and make good to the Midland Company all costs losses damages and expenses which may be occasioned to the Midland Company or to their railways or dock or canal or to any of their works or property or servants or employes or to the traffic on their railways or dock or canal or works or to any company or person using the same by reason of any obstruction to traffic or otherwise caused by the execution or failure of the said bridges or any of the works by this Act authorised so far as the same shall be constructed upon or over the railways or dock or canal or works of the Midland Company or of any act or omission of the Company or of their contractors or agents or of any of the persons in the employment of the Company or their contractors and the Company shall effectually indemnify and hold harmless the Midland Company from all claims and demands upon or or against them by reason of such execution or failure and of any such act or omission as aforesaid :

(8.) The Company shall not in any case without the previous consent in writing and under the common seal of the Midland Company acquire any lands or property of the Midland Company but the Company may purchase and take and the Midland Company shall sell and grant accordingly an easement or right of using so much of the land of the Midland Company as may be necessary for the construction of Railway No. 1 and the works connected therewith in accordance with the provisions of this section :

(9.) No drainage shall be taken from any portion of the bridges or railway line into the Midland Company's railways or dock or canal or works or properties or sewers without the consent in writing of the engineer of the Midland Company :

(10.) The Company shall not under the powers of this Act have or exercise any control or right over any portion of the thoroughfare under any of the bridges over the Midland Company's railways or dock or canal or sidings or properties or

works or passages or any of them Provided always that nothing in this section contained shall prevent the Company their contractors servants or agents from entering in and upon such thoroughfare at all reasonable times for the purpose of inspecting renewing or repairing any or any part of such bridges :

(11.) The Company shall so construct Railway No. 1 where it passes over the property of the Midland Company as to leave a space of not less than thirteen feet between the south-eastern face of the viaduct or retaining wall of the railway and the face of the existing viaduct of the Great Northern Railway (Ireland) and shall provide access from the north-west side to the property of the Midland Company which shall lie between the railway and the railway of the Great Northern Railway (Ireland) Company :

(12.) If by reason of the construction of the railways hereby authorised it shall become necessary to add to or alter the signal or signals upon the railways of the Midland Company the same shall be so added to or altered by the Midland Company and the reasonable expense thereof shall be repaid to that company by the Company or in default of payment the Midland Company may recover the same with full costs in any court of competent jurisdiction :

(13.) No piers or abutments of bridges above the level of two feet underneath the upper surface of the Midland Company's rails shall be constructed nearer to the nearest rail of any existing line of the Midland Company than eight feet nor shall any temporary structure be erected nearer thereto than five feet.

(14.) The Company shall not interfere with the existing supply of water by the Midland Company to the Great Southern and Western Railway Company and in case any injury or damage is caused to such supply or the appliances connected therewith the Company shall be responsible for and make good to the Midland Company all reasonable costs losses damage and expenses which may be occasioned thereby :

(15.) In case the Company by their railway or works shall in the opinion of the Midland Company's engineer interfere with or injuriously affect in any way the storekeeper's office of the Midland Company (No. 12a on the deposited plans) the Company shall if so required by the Midland Company construct and provide a similar office equal in all respects to the said storekeeper's office such provision and construction to be made upon ground which shall be provided for the purpose by the

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Midland Company and to be subject to the approval of their engineer :

(16.) If any difference shall arise between the Company and the Midland Company or their respective engineers as to any matter under this section or concerning any plans sections or specifications to be delivered to the Midland Company under this section the same shall from time to time be referred to an arbitrator to be mutually agreed upon or failing agreement to be appointed by the Board of Trade and the decision of such arbitrator shall be final :

(17.) Nothing in this section contained shall in any way interfere with or prejudice the existing rights of the Lord Lieutenant or other chief governor or governors of Ireland or the board of control for the time being or any of them.

For the protection of the Corporation of Dublin.

**10.** For the protection of the Right Honourable the Lord Mayor Aldermen and Burgesses of Dublin (in this Act called "the Corporation") the following provisions shall unless otherwise agreed upon between the Corporation and the Company be binding on the Company (that is to say) :—

In constructing the railways by this Act authorised within the limits of the city of Dublin the Company shall construct the following works and do the following things (that is to say) :—

The Company shall carry Stoney Road in the parish of St. Thomas over Railway No. 2 by means of a bridge with approaches thereto having gradients not steeper than one foot in twenty feet and for such purpose shall raise the level of Stoney Road and such bridge shall be constructed and screened to the reasonable satisfaction of the engineer to the Corporation :

For the purpose of providing public access from the south-eastern end of Strandville Avenue to Stoney Road proposed to be raised as aforesaid the Company shall make a new road of a width of not less than twenty-five feet from the said avenue between the points marked AA to Stoney Road at the point marked B upon the plan signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords one copy of which has been deposited in the Parliament Office of the House of Lords and the other with the town clerk in the City Hall Dublin :

The Company shall also construct a road of a width of not less than twenty-five feet on the north-western side of Railway No. 1 between Bessborough Avenue and Ossory Road at the

points marked C and D upon the signed plan aforesaid such road passing through the properties numbered respectively 18c 18a 16 15 15a 15b 15c 15d 15e 15f 15g 15h 17a and 14a on the deposited plans :

The Company shall also construct a road of not less than twenty-five feet in width between Ossory Road at the point marked C and Stoney Road at the point marked E upon the signed plan aforesaid :

The construction of the new roads aforesaid shall include fencing (by means of rubble masonry walls built in mortar at least five feet high and eighteen inches thick at base battering to fourteen inches at coping) screening metalling paving curbing lighting sewerage and draining by the Company and the maintenance for a period of twelve months thereafter of the same to the satisfaction of the Corporation :

After the expiration of twelve months from completion of construction such roads shall be vested in the Corporation as the road authority :

The Company shall also alter and divert the lines and levels of West Road in accordance with plans and sections signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and deposited as aforesaid and the provisions herein-before made with respect to fencing screening metalling paving curbing lighting sewerage and draining by the Company shall apply to works at West Road :

Notwithstanding anything shown upon the deposited plans the Company shall carry Railways Nos. 1 and 2 over Xavier Avenue in the parish of St. Thomas by means of a bridge having a span the full width of the thoroughfare :

The Corporation shall afford every facility for the carrying out by the Company of the works in accordance with the signed plan and provisions in this section contained :

Provided always that nothing herein contained shall be deemed to imply any consent or authority from the Corporation to such alterations or diversions to the injury and prejudice of owners lessees and occupiers of property affected thereby :

Notwithstanding anything shown upon the deposited plans the bridges for carrying the railways by this Act authorized over Jones Road St. Joseph's Avenue St. James's Avenue Fingall Avenue Ballybough Road Courtenay Lane Spring Garden Lane Annesley Avenue Spring Garden Street North Strand Road Northbrook Avenue Xavier Avenue Strandville Avenue Bessborough Avenue Stoney Road and Ossory Road shall be

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constructed to the satisfaction of the engineer to the Corporation and according to plans which shall be mutually agreed upon between the Corporation and the Company No piers or columns shall be built on any of the roadways or carriageways Provided always that the Company may erect piers or columns on the footways or paths of Jones Road Ballybough Road and North Strand Road on sites to be agreed on between the Company and the Corporation and the said several bridges shall be made and maintained perfectly watertight and so constructed as to deaden as far as possible the sound of engines carriages and traffic passing over them and the railways so far as the same are situate within the city of Dublin shall not be opened for public traffic unless and until the Company have erected proper and suitable screens to all the bridges to the reasonable satisfaction of the engineer to the Corporation :

The Company shall erect maintain and light and keep lighted at their own expense during the same hours that street lamps are kept lighted in the city two gas lamps under Ballybough Road Bridge and two under North Strand Road Bridge and one under each of the other bridges both for Railways Nos. 1 and 2. The burner in each of these lamps shall be such as to give the same light and be capable of consuming the same quantity of gas per hour as is consumed in the ordinary street lamps in the city :

The Company shall not erect or commence to erect any of the bridges herein-before mentioned until plans have been approved of by the Corporation and one month's notice in writing of their intention to construct and erect any of such bridges shall be given by the Company to the town clerk by leaving the same at his office in the City Hall :

The Company shall not commence the erection of any bridge or diversion or alteration of the level or section of any road without giving one week's notice in writing to the engineer to the Corporation and without first taking out the usual licence issued by the Corporation for works to be carried out in the public highways and the Company shall take all proper precautions for the protection of the public and shall properly fence light and watch all works in connexion with the public streets and highways during construction to the reasonable satisfaction of the engineer to the Corporation No drainage shall be taken from any portion of the bridges or railway line into the Corporation sewers without the knowledge and consent in writing of the engineer to the Corporation :

The Company shall not under the powers of this Act have or exercise any control or right over any portion of the thoroughfare under any of the bridges or over altered raised or diverted streets and roadways when vested in the Corporation :

Before the Company proceed to make or temporarily stop up alter or divert any street lane or passage vested in or the property of the Corporation they shall give to the engineer to the Corporation not less than three clear days' notice in writing of such their intention and no such road street lane or passage shall be made stopped up altered or diverted except under the superintendence and in accordance with such regulations as to temporary accommodation and otherwise or according to such plan as shall be reasonably approved of in writing by such engineer Provided always that if such engineer or other officer of the Corporation duly authorised by them for the purpose shall fail to attend at the time fixed by such notice as aforesaid for commencing the temporary stopping up alteration or diversion of such street lane or passage or shall not propose any plan for the same or make any regulations in relation thereto or shall refuse or neglect to superintend the proposed works the Company may forthwith proceed to execute and may execute the works specified in such notice without the superintendence of such engineer or other officer :

When the Company shall commence to make or temporarily stop up alter or divert any such road street lane or passage as aforesaid they shall with as little detriment and inconvenience to the public as the circumstances will permit and with all convenient speed complete the work and fill in the ground and reinstate and make good the road or pavement so made stopped up altered or diverted and carry away the rubbish occasioned thereby and the Company shall at all times whilst any such street lane or passage shall be so stopped up or interfered with cause the same to be fenced and guarded and shall provide lights sufficient for the warning of passengers and traffic to be set up and maintained in or about such street lane or passage where the same shall be stopped up or interfered with every night during which the same shall be stopped up or interfered with and shall keep any road or pavement which may have been made altered or broken up in good repair for twelve months after making replacing and making good the same :

If the Company make default in complying with any of the provisions of the two immediately preceding sub-sections they shall forfeit to the Corporation a penalty of three pounds for

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each day during which any such default as aforesaid shall continue after they shall have received one week's notice in writing thereof :

If any such default as last aforesaid be made the Corporation or their engineer having the control or management of the street lane or passage in respect of which such default shall be made may cause such default to be remedied and any work rendered necessary thereby to be executed and the reasonable expense of remedying such default or executing such work shall be repaid by the Company to the Corporation and such expense and any penalty as aforesaid may in case of default in payment be recovered in the same manner as damages are recoverable under any Act incorporated with this Act :

In case it shall be necessary for the Company for the purpose of constructing any of the works by this Act authorised to raise sink or otherwise alter the position of any water mains pipes or other works belonging to the Corporation or any of the sewers or drains in the city of Dublin the same shall be done with as little detriment and inconvenience to the public and to any houses or persons supplied with water by means of such mains pipes or other works or accommodated by such sewers or drains as the circumstances will permit and all works relating to or involving interference with such mains pipes sewers drains or other works as aforesaid or necessary for the protection of the same shall be executed at the cost of the Company and to the reasonable satisfaction in all things of the engineer to the Corporation :

The Company shall not in executing any of the works within the city of Dublin by this Act authorised remove or displace any of the water mains pipes or other distributory works or the sewers or drains belonging to or vested in the Corporation nor do anything to interrupt or impede the supply of water into or through such mains pipes or other distributory works or the flow of sewage through such sewers or drains nor alter the position of any gas lamp or bracket until good and sufficient arrangements shall first have been made at the expense of the Company for carrying on the supply of water and the flow of sewage or the lighting of the streets to the reasonable satisfaction of the engineer to the Corporation :

If it shall be necessary to construct any of the works by this Act authorised over any water main or pipe or sewer of the Corporation the Company shall at their own expense and to the reasonable satisfaction of the engineer to the Corporation construct and maintain a good and sufficient culvert over such



main or pipe or sewer so as to cover the same and make it accessible for the purpose of repairs together with all such other works as may be necessary for protecting from injury such main or pipe or sewer : A.D. 1894.

If the Company or any of their contractors agents officers workmen or servants or any person in their employment shall in the execution of any of the works by this Act authorised interrupt the supply of water supplied by the Corporation or cause or do any other damage or injury whatsoever in relation thereto or to any sewers or other property of the Corporation the Company shall make good and be responsible for any loss occasioned thereby to the Corporation :

In case any difference shall arise between the Corporation and the Company or their respective engineers as to any matter under this section the same shall from time to time be referred to an arbitrator to be mutually agreed upon or failing agreement to be appointed by the Board of Trade and the decision of such arbitrator shall be final.

**11.** The capital of the Company shall be two hundred thousand pounds in twenty thousand shares of ten pounds each. Capital.

**12.** The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of such share is paid in respect thereof. Shares not to be issued until one fifth paid.

**13.** One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

**14.** If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons non sui juris.

**15.** The Company may from time to time in respect of the capital of two hundred thousand pounds by this Act authorised to be raised borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one hundred thousand pounds The Company may borrow the said sum of one hundred thousand pounds in manner following (that is to say) They may borrow the said sum of one hundred thousand pounds when the said share capital of two hundred thousand pounds is issued and accepted and paid as herein-after provided or alternatively they may borrow the said Power to borrow.

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A.D. 1894. — sum of one hundred thousand pounds in the following proportions that is to say eighty-three thousand pounds when one hundred and sixty-six thousand pounds of the share capital by this Act authorised shall have been issued and accepted and Railway No. 1 has been completed to formation level and the further sum of seventeen thousand pounds when the remainder of such share capital shall have been issued and accepted and Railway No. 2 has been completed to formation level Provided that no part of the said sum of one hundred thousand pounds or of the said alternative sums of eighty-three thousand pounds and seventeen thousand pounds respectively shall be borrowed until shares for the whole of the said share capital or the whole of the portion of share capital as the case may be in respect of which the borrowing powers are sought to be exercised are issued and accepted and 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 the share capital or the whole of the portion of share capital as the case may be in respect of which it is proposed to borrow has been issued and accepted and that not less than one fifth part of the amount of each separate share in such share capital or portion of share capital as the case may be has been paid on account thereof before or at the time of the issue or acceptance thereof and that such share capital or portion of share capital as the case may be was issued and accepted 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 or certificates as the case may be that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

**16.** The mortgagees of the undertaking 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 five thousand pounds in the whole.

Debenture stock.

**17.** 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 and of all mortgages at any time created and issued

or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

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**18.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application of moneys.

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

First ordinary meeting.

**20.** The quorum of a meeting of the Company shall be not less than seven proprietors holding in the aggregate not less than a fiftieth part of the capital of the Company.

Quorum of general meetings.

**21.** The number of directors shall be three but the Company may from time to time vary the number provided that the number be not greater than seven nor less than three.

Number of directors.

**22.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Qualification of directors.

**23.** The quorum of a meeting of directors shall be three.

Quorum of directors' meeting.

**24.** Lieutenant-Colonel Henry Gore Lindsay Maurice Butterly and Alfred Killingley shall be the first directors of the Company and shall continue in office until the first ordinary meeting of the Company held after the passing of this Act.

First directors.

At that meeting the shareholders present in person or by proxy may either continue in office the said directors appointed by this Act 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 being (if they continue 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 varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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Lands for  
extra-  
ordinary  
purposes.

**25.** The quantity of land to be taken by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so taken.

Period for  
compulsory  
purchase of  
lands.

**26.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Inclination  
of roads.

**27.** In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY NO. 2.			
232 - -	Saint Thomas - -	Public road - -	1 in 30.
246 - -	Saint Thomas - -	Public road - -	1 in 20.
258 - -	Saint Thomas - -	Public road - -	1 in 20.

Height and  
span of  
bridges.

**28.** The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
RAILWAY NO. 1.				
172 - -	St. George's - -	Public road - -	15 feet -	25 feet.
179 - -	St. George's - -	Public road - -	15 feet -	25 feet.

Power to  
divert road.

**29.** The Company may divert the public highway referred to in the next following table in the manner shown upon the said plan signed by the said Earl of Morley and deposited as aforesaid and when the new portion of road is made to the satisfaction of two

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justices and the Corporation and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

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Railway.	Parish.	No. of Road on Plan.
No. 1 - - -	Saint Thomas - - -	17b.

And when and so soon as the said road is so stopped up all rights of way over so much thereof as shall be so stopped up shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road so stopped up as far as the same is bounded on both sides by lands of the Company.

**30.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) 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 rent-charges 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.

Power to take easements &c. by agreement.

**31.** The Company may with the consent of any limited owner pay any purchase money payable to such limited owner in respect of any lands purchased or taken under the authority of this Act by the issue to such limited owner of as many shares as shall be equal in nominal amount to such purchase money and such shares shall be deemed to be shares fully paid up. Such shares shall be held upon the like uses trusts and for the same purposes and in the same manner as the lands in respect of the purchase money for which such shares were issued stood settled. The Company shall with respect to such shares make an entry or memorial in their register of shareholders of the uses trusts and purposes aforesaid and subject to the uses trusts and purposes affecting such shares the limited owner for the time being in respect thereof shall have all the other rights and powers of a shareholder in the Company. Provided that the Company shall not be bound to see to the application of any dividend received by such limited owner. The term "limited

Payment of purchase money to limited owners in shares in certain cases.

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owner" in this section shall mean any person or persons by whom the powers of sale conferred by Section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised. Provided also that no such payment by shares to a limited owner under this section shall be made until a certificate approving thereof and stating that the estate in which the lands so purchased or taken are comprised will in the opinion of the person or persons granting such certificate be permanently benefited by the construction of the railway shall have been granted by an inspecting engineer or engineers or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland who are hereby authorised on the application of any such owner or of the Company to make such appointment and the costs relating to such nomination and appointment inspection and certificate shall be paid by the Company as the Commissioners shall direct and they may require the Company to deposit in the Bank of Ireland to the credit of the said Commissioners any sum or sums of money or to give such other security for the payment of such costs as to the said Commissioners shall seem fit.

Restrictions  
on displacing  
persons of  
labouring  
class.

**32.**—(1.) The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A.) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2.) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved

of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provision of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the said Local Government Board out of the High Court of Justice in Ireland.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as

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Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Local Government Board may from time to time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the said Local Government Board have for the purposes of inquiries directed by the said Local Government Board under the Public Health (Ireland) Act 1878.

(10.) The Company shall pay to the said Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act shall for the purposes of this section be



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deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

**33.** Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of seven thousand two hundred and sixty-five pounds five shillings and one penny two and three quarters per centum consolidated stock equal to five per centum upon the amount of the estimate in respect of the railways authorised by this Act has been transferred into the name of the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund. Be it enacted that notwithstanding anything contained in the said recited Act the said deposit fund 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the said railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the said railways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open either of the said railways or any portion of the said railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the particular railway or the length of the portion of the particular

Deposit money not to be repaid except so far as portions of railway opened.

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— railway so opened as aforesaid and the portion of the deposit fund which bears to the whole of that part of the deposit fund which relates to the particular railway so opened the same proportion as the length of the particular railway or any portion thereof respectively so opened bears to the entire length of the particular railway the High Court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by the assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application  
of deposit.

34. If the Company do not previously to the expiration of the period limited by this Act for the completion of the said railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 either of the said railways or any portion thereof respectively in respect of which the said deposit was made or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund shall have been repaid or re-transferred to the depositors or shall have 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 depositors. A.D. 1894.

**35.** If the railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

**36.** The Company may demand and take in respect of the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit. Tolls.

**37.** The classification of merchandise traffic including perishable merchandise exceeding fifty-six pounds in weight by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 which Order is scheduled to and confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act Provided always that for all purposes of rates and charges for the conveyance of merchandise as defined by the last-mentioned Act the length of the railway shall be deemed to be six miles. Rates for merchandise.

**38.** With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger train (other than small parcels exceeding fifty-six pounds in weight of perishable merchandise as enumerated in Part V. of the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892) the Company may demand and take any charges not exceeding the following (that is to say) :— Charges for small parcels.

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

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

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

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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.

Maximum rates for passengers.

**39.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway or any part thereof including every 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 or any fraction of a mile beyond an integral number of miles ;

For every passenger conveyed in a second class carriage the sum of twopence per mile or any fraction of a mile beyond an integral number of miles ;

For every passenger conveyed in a third class carriage the sum of one penny per mile or any fraction of a mile beyond an integral number of miles :

Provided always that in calculating the distance over which any passenger is conveyed on the railway or any part thereof the rates may be charged as for four miles.

Passengers' luggage.

**40.** 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.

Foregoing charges not to apply to special trains.

**41.** 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 upon the railway.

Working agreements between the Company and the Dublin Wicklow and Wexford Railway Company.

**42.** The Company on the one hand and the Dublin Wicklow and Wexford Railway Company (herein-after called "the Wicklow Company.") on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say) :—

The working use maintenance and management of the railway of the Company or any part thereof respectively by the Wicklow Company ;

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The management regulation and delivery of traffic upon or coming from or destined for the railway of the Wicklow Company and the railway of the Company ;

The supply and maintenance under any agreement for the working of the railway of the Company or any part thereof by the Wicklow Company of engines rolling stock and plant necessary for the purposes of such agreement and of officers and servants for the conduct of such traffic ;

The fixing collection payment appropriation and division of the tolls rates income and profits arising from traffic on the railway of the Wicklow Company and the railway of the Company or of any part thereof and the payments and allowances to be made and allowed in respect of any such traffic.

**43.** During the continuance of any agreement to be entered into under the provisions of this Act for the working of the railway of the Company by the Wicklow Company the railways of the two companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the Wicklow Company rates and charges may be charged as for four miles and for every mile or fraction of a mile beyond four miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic including perishable merchandise exceeding fifty-six pounds in weight by passenger train conveyed partly on the railway of the Company and partly on the railway of the Wicklow Company the Company shall be deemed to be a company connected with the Wicklow Company and specified in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892.

Rates on traffic conveyed partly on the railway and partly on the railway of the Dublin Wicklow and Wexford Railway Company.

**44.** Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

Power to pay interest out of capital during construction.

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- (A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same ;
- (B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (C.) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-half of the amount paid for interest as aforesaid ;
- (D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares ;
- (E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividends shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

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

45. 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.

Provision as  
to general  
Railway  
Acts.

46. Nothing in this Act contained shall exempt the Company or the Wicklow Company or the undertaking of either Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway

[57 & 58 VICT.] *Drumcondra and North Dublin Link* [Ch. CCXIV.]  
*Railway Act, 1894.*

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. A.D. 1894.

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

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