CHAPTER cxxvii.

An Act to extend the time limited by the Clonakilty Extension Railway Act 1881 for the purchase of Lands and the completion of the Railway by that Act authorised; to authorise the Cork and Bandon Railway Company to subscribe towards the construction of such Railway and to convert certain debenture shares into debenture stock; and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS by the Clonakilty Extension Railway Act 1881 (in this Act called "the Act of 1881") the Clonakilty Extension Railway Company (in this Act called "the Clonakilty Company") were incorporated and were authorised to construct the railway in the said Act mentioned being a railway commencing by a junction with the West Cork section of the Cork and Bandon Railway Company (in this Act called "the Bandon Company") and terminating at the town of Clonakilty:

And whereas it is expedient that the respective periods limited by the Act of 1881 for the compulsory purchase of lands and the completion of the railway should be extended:

And whereas by the Act of 1881 the Clonakilty Company were authorised to enter into working and traffic agreements with the Bandon Company in the manner in that Act provided:

And whereas it is expedient that the Bandon Company should be authorised to subscribe to and hold shares in the undertaking of the Clonakilty Company:

And whereas by the Cork and Bandon Railway Amendment Act 1852 (in this Act called "the Act of 1852") the Bandon Company were authorised if they thought fit to raise all or any part of the sum of eighty thousand pounds which they were authorised to borrow by the Cork and Bandon Railway Act 1845 by creating new shares instead of borrowing the same or having borrowed the same or any

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part thereof they might pay off any loan or any part of such loan by the creation of new shares to be called "Cork and Bandon Railway Debenture Shares" (in this Act called "debenture shares") and they were authorised to attach to or guarantee any rate of interest or dividend on the shares which they might so create not exceeding five pounds per centum per annum to be paid in preference to and before any other dividend upon or in respect of any other class of shares in the Company:

And whereas by the Cork and Bandon Railway Act 1853 (hereinafter called "the Act of 1853") the Act of 1852 was amended and in part repealed and it was thereby provided that the debenture shares created under the Act of 1852 should bear a guaranteed interest at the rate of four pounds per centum per annum to be paid in preference to and before any other dividend upon or in respect of the original shares and the Cork and Bandon Preference Shares referred to in the said Act and that such debenture shares should be deemed to be fully paid up and that all moneys raised thereby so far as the same would extend should be appropriated and applied exclusively for the purpose of satisfying the mortgage and bond debt of the Bandon Company contracted previously to the commencement of the Act of 1853:

And whereas the Bandon Company have in pursuance of the Act of 1852 and the Act of 1853 created and issued debenture shares to the amount of eight thousand three hundred and ten pounds and it is expedient that they should be authorised to convert such shares into debenture stock:

And whereas the objects of this Act 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:—

Short title.

1. This Act may be cited as the Cork and Bandon and Clonakilty Extension Railway Companies Act 1884.

Incorporation of portion of Railways Clauses Act 1863.

2. Part II (relating to extension of time) of the Railways Clauses Act 1863 is except where expressly varied by this Act incorporated with and forms part of this Act.

Interpretation of general Acts.

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

The expression "the authorised railway" means the railway authorised by the Act of 1881.

Extension of time for compulsory purchase of lands.

4. The powers conferred upon the Clonakilty Company by the Act of 1881 for the compulsory purchase of land for the purposes of the railway by that Act authorised may be exercised at any time up to the twenty-second day of August one thousand eight hundred and eighty-six.

Period for completion of railway.

5. The period granted by the Act of 1881 for the completion of the railway by that Act authorised is extended until the twenty-second day of August one thousand eight hundred and eighty-seven and the Act of 1881 shall be read and have effect accordingly.

Power to Bandon Company to subscribe to undertaking of Clonakilty Company.

6. The Bandon Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting specially convened for the purpose from time to time subscribe any sum they think fit towards the undertaking of the Clonakilty Company not exceeding in the whole the sum of seven thousand five hundred pounds and the said Company may with a like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the said Company shall in respect of the sums to be subscribed and the corresponding shares in the Clonakilty Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided always that the Bandon Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Votes of Bandon Company at general meeting.

7. The Bandon Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Clonakilty Company and such person shall have all the privileges and powers attaching to a shareholder of the Clonakilty Company at such meetings and may vote thereat in respect of the capital held by the Bandon Company.

Trustees under will of William Bence Jones may accept shares in lieu of purchase money.

8. The trustees under the settlement dated the fourth day of July one thousand eight hundred and forty-three made upon the marriage of William Bence Jones late of Lisselan in the county of Cork may in respect of any lands taken by the Company for the purposes of the Act of 1881 accept in lieu of purchase money shares

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in the capital of the Company equal in nominal amount to such purchase money and the Company may issue such shares to the said trustees and such shares shall be deemed to be fully paid up and shall be held by the said trustees 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.

Power to convert Cork and Bandon Debenture Shares into debenture stock.

9. The Company shall within six months after the passing of this Act issue to the several persons who at the time of issue are registered in the books of the Bandon Company as holders of four per centum debenture shares in that Company such an amount of four per centum debenture stock as shall have been agreed upon in exchange for every such share and thereupon that share shall be deemed to be cancelled and the Bandon Company may subject to the provisions of Part III of the Companies Clauses Act 1863 for the purposes of this section create and issue debenture stock to any extent not exceeding eight thousand three hundred and ten pounds and the interest on the said debenture stock shall rank pari passu with the interest on all debenture stock created and issued by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act.

Classification table to be open to inspection and copies to be sold.

10. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Bandon Company or the Clonakilty Company as the case may be shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling:

Terminal charges (if any) to be specified on application.

The Bandon Company or the Clonakilty Company as the case may be shall within one week after application in writing made to the secretary of the Bandon Company or the Clonakilty Company as the case may be by any person interested in the carriage of any goods which have been or are intended to be carried over the railways of either of such companies render an account to the person so applying in which the charge made or claimed by the Bandon Company or the Clonakilty Company as the case may be for the carriage of such goods shall be divided and the charge for conveyance over the railways of either of the said companies shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail

of the terminal expenses in respect of which it is made shall be specified :

If the Bandon Company or the Clonakilty Company as the case may be fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section fourteen of the Regulation of Railways Act 1873. Penalty.

11. No interest or dividend shall be paid out of any share or loan capital authorised to be raised by the Bandon Company or by the Clonakilty Company 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 Bandon Company or the Clonakilty 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.

12. The Bandon Company or the Clonakilty Company shall not out of any money by any Act relating to either company authorised to be raised by calls or by borrowing pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force is required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Bandon Company or the Clonakilty Company to construct any other railway or to execute any other work or undertaking. Deposit for future Bills not to be paid out of capital.

13. Nothing in this Act contained shall exempt the Bandon Company or the Clonakilty Company or the railways of such companies from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now or hereafter in force or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges or of the rates for small parcels authorised to be taken by the Bandon Company or the Clonakilty Company. Provision as to general Railway Acts.

14. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Clonakilty Company. Costs of Act.

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