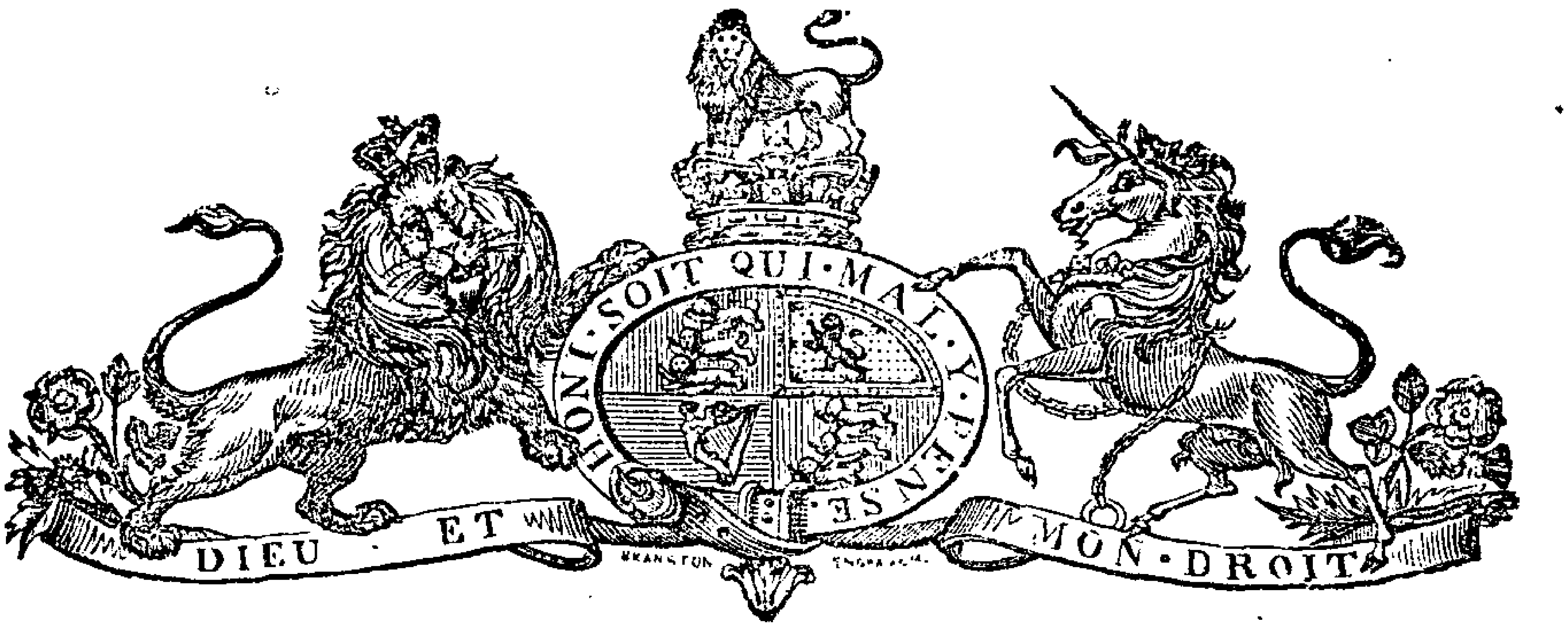


ANNO DECIMO SEXTO & DECIMO SEPTIMO

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Cap. ccii.

An Act to consolidate the Acts relating to the *Cork and Bandon* Railway Company, to authorize the Company to construct Extension and Branch Railways; and for other Purposes.

[15th *August* 1853.]

WHEREAS by "The *Cork and Bandon* Railway Act, 1845," the *Cork and Bandon* Railway Company were incorporated for the Purpose of making and maintaining a Railway from the City of *Cork* to *Bandon* in the County of *Cork*, with proper Works and Conveniences connected therewith, and were authorized to raise a Capital of Two hundred and forty thousand Pounds in Four thousand eight hundred Shares of Fifty Pounds each, and to borrow on Mortgage or Bond any Sum not exceeding in the whole Eighty thousand Pounds: And whereas by the said Act the Company were empowered to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of Fisheries, in* Ireland, or from the Commissioners for carrying into execution any Act or Acts for the Execution of Public Works in *England* or in *Ireland* (herein-after referred to as the Public Works

8 & 9 Vict. c. cxxii.

3 G. 4. c. 112.

Commissioners), any Sums not exceeding in the whole Eighty thousand Pounds, and to secure the Repayment thereof in the Manner therein mentioned, provided that the said Company should not borrow or owe at any One Time, by Mortgage under the Provisions of that Act, any Sum or Sums of Money exceeding in the whole Eighty thousand Pounds; and it was thereby also enacted, that every Security to be given to the said Commissioners as aforesaid should have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of that Act: And whereas it was by the said Act also enacted, that the Number of the Directors should be Eighteen; that it should be lawful for the Company to reduce the Number of Directors, provided that the reduced Number were not less than Twelve; and that the Quorum of a Meeting of Directors should be Five: And whereas by "The *Cork and Bandon* Railway Extension, Deviation, and Amendment Act, 1847," the said Company were authorized to make a Deviation from the Line of Railway authorized by the firstly herein-before recited Act, in the Townland of *Goggan's Hill* in the Parish of *Ballinaboy* in the County of *Cork*, and also an Extension of the said Line of Railway into the Borough or City of *Cork*, in substitution for certain Portions of the said Line which it was thereby enacted should not be formed, and were empowered to apply the Money raised or which might be raised by the said Company, under the Provisions of the firstly-recited Act, in carrying the Purposes of the Act now in recital into execution: And whereas the said Company have constructed the whole Line of Railway and the greater Portion of the Works by the recited Acts authorized, and the said Line from the City of *Cork* to *Bandon* is now open for public Use: And whereas the said Company have created the whole of the Four thousand eight hundred Shares in the firstly-recited Act mentioned, and have expended for the Purposes of the said Company the whole of the Monies raised by such Shares, leaving a Part of their Capital not raised, which consists of Shares not issued, and the Amount of unpaid Calls on certain forfeited Shares: And whereas the said Company have borrowed at Interest the whole Sum of Eighty thousand Pounds by the firstly-recited Act authorized to be borrowed, and have expended it for the Purposes of the said Acts; and Seventy-seven thousand three hundred Pounds, Part of that Sum, now remains, secured partly by Mortgages and Bonds granted by the said Company, and partly by *Cork and Bandon* Railway Debenture Shares, herein-after mentioned, of which last-mentioned Sum Thirty-five thousand Pounds is due to the Public Works Commissioners: And whereas by "The *Cork and Bandon* Railway Amendment Act, 1852," the Sections of the firstly-recited Act as to the Number of Directors, the Power to reduce the Number of Directors, and the Quorum of the Directors, were repealed; and it was enacted, that the Number of the Directors should be Twelve; that it should be lawful for

10 & 11 Vict. c. cxciv.

15 & 16 Vict. c. xxxv.

for the said Company to reduce the Number of Directors, provided that the reduced Number were not less that Six; and that the Quorum of a Meeting of Directors should be Three: And whereas by the said "*Cork and Bandon* Railway Amendment Act, 1852," the said Company were empowered to raise, by the Creation of new Shares of such Amount as they might think fit, any Sum or Sums not exceeding in the whole the Sum of Forty-eight thousand Pounds, in addition to the Sums authorized to be raised by the firstly-recited Act, and to cancel or accept Transfers or Surrenders of Shares, and to issue new Shares in lieu thereof, and to guarantee the Payment upon all or any of such new Shares of any Dividend not exceeding the Sum of Six Pounds *per Centum per Annum*, in preference to the Payment thereof upon any other Shares of the said Company (except as therein otherwise provided for securing any Preference or Priority of Interest or Dividend (if any) which should have been granted by the said Company by or in pursuance of, or which might have been confirmed by, any Act of Parliament passed prior to the passing of that Act, or which might be otherwise lawfully subsisting): And whereas by the said "*Cork and Bandon* Railway Amendment Act, 1852," the said Company were also authorized to pay off all or any Part of the Sums by the firstly-recited Act authorized to be borrowed by creating new Shares, as fully paid up Shares, of such Amount as they should think fit, to be called "*Cork and Bandon* Railway Debenture Shares," and to attach to and guarantee any Rate of Interest or Dividend upon all or any of the Shares so created as last aforesaid, 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 said Company, whether created under the Provisions of the firstly-recited Act or of the Act now in recital: And whereas no Priority or Preference in Payment of Interest or Dividend on any Shares, Stock, or other like Interest in the said Company had previously to the passing of the *Cork and Bandon* Railway Amendment Act, 1852, been granted by the said Company by or in pursuance of, or been confirmed by, any Act of Parliament passed prior to the passing of that Act, nor was any such Priority or Preference then otherwise lawfully subsisting: And whereas under the Powers of the lastly-recited Act the said Company have created and issued Seven thousand six hundred and eighty additional Shares of the Amount of Six Pounds Five Shillings each, with a Preferential Dividend or Interest after the Rate of Five and a Half *per Centum per Annum*, and have called up Part of that Amount, and have also created Eight thousand *Cork and Bandon* Railway Debenture Shares of the Amount of Ten Pounds each, bearing Interest at the Rate of Four Pounds *per Centum per Annum*, and have issued certain of those Shares in substitution for Mortgages and Bonds granted by the said Company: And whereas it is expedient and would be for the public Advantage that the said Company should

be

be authorized to extend their Line of Railway from *Bandon* to *Bantry*, and to construct a Branch Railway to the Town of *Clonakilty* in the County of *Cork*, and to raise further Monies for that Purpose by the Creation of new Shares in their Undertaking: And whereas the Construction of such Extension Railway and Branch to *Clonakilty* will contribute to the Advantage and Improvement of the Baronies and Portions of Baronies upon and adjoining to the Line of such Extension and Branch Railway, and will tend to lessen the Amount of Poor's Rate therein by affording increased Employment, and it is therefore expedient that the said Baronies and Portions of Baronies should, to the Extent herein-after mentioned, pay or guarantee the Payment of Interest or Dividend on the Monies to be expended in making such Extension and Branch Railway: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Undertaking being in force at the same Time, it is expedient that the recited Acts be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas the Purposes 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,)

Short Title.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Cork and Bandon* Railway Act, 1853."

8 & 9 Vict. cc. 16. & 20. and 14 & 15 Vict. c. 70. incorporated with this Act.

II. That "The Companies Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with this Act; and in construing those Acts in connexion with this Act, and also in construing this Act, the following Words and Expressions shall have the Meanings hereby assigned to them unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Special Act" shall mean this Act:

The Expression "The Company" shall mean the *Cork and Bandon* Railway Company:

The Expression "The Undertaking" and the Expression "The Railway respectively shall include as well the Railway and Works by the recited Acts authorized as the Railways and Works by this Act authorized:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations:

The

The Word "Baronies" shall include Half Baronies and Portions of Baronies:

The Expression "Barony Contributions" shall mean the Payments to be made by the Baronies under this Act.

Same Meanings to Words, &c. in incorporated Acts and this Act.

III. That (except as regards Words and Expressions to which Meanings are in this Act specifically assigned) the several Words and Expressions to which by the Acts incorporated with this Act Meanings are respectively assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Name of existing Line.

IV. That the Railway constructed under the Powers of the said recited Acts shall be known and distinguished and is herein-after referred to as "The *Cork and Bandon* Railway," and (unless there be something in the Subject or Context repugnant to such Construction) that Expression shall include the Works and Conveniences connected with the *Cork and Bandon* Railway other than and except the Extension to *Bantry*, and Branch Railway to *Clonakilty*, and the Works connected therewith herein-after authorized to be made.

Repeal of recited Acts.

V. That from and after the passing of this Act, but subject to the Provisions thereof, "The *Cork and Bandon* Railway Act, 1845," "The *Cork and Bandon* Railway Extension Deviation and Amendment Act, 1847," and "The *Cork and Bandon* Railway Amendment Act, 1852," shall be and are hereby repealed.

Company to continue incorporated.

VI. That notwithstanding the Repeal of the recited Acts the Company shall, for the Purposes of this Act, remain as from the passing of the first-recited Act and continue incorporated by the Name of the "*Cork and Bandon* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to complete and maintain the *Cork and Bandon* Railway, and to purchase and hold Lands and other Property for the Purposes and within the Restrictions of this Act: Provided always, that nothing in this Act contained shall authorize the Company to purchase, take, or use any Lands for the Purposes of the *Cork and Bandon* Railway, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof (except in case of Accidents requiring immediate Reparation): Provided also, that the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the *Cork and Bandon* Railway shall not exceed Six Acres.

Company to remain entitled to their Property.

VII. That notwithstanding the Repeal of the recited Acts the Company shall remain and be seised and possessed of and entitled to the *Cork and Bandon* Railway, and all other Lands, Estates, and Interests,

Interests, and all Monies, Property, Effects, Claims, and Demands whatsoever of or to which the Company shall by virtue of the recited Acts, or howsoever otherwise, be immediately before the passing of this Act seised, possessed, or in any way entitled at Law or in Equity or otherwise howsoever, with the Appurtenances, as if this Act had not passed.

Company to continue entitled to Powers under other Acts.

VIII. That notwithstanding the Repeal of the recited Acts the several Clauses and Provisions whatsoever in favour of the Company or the Directors or Servants of the Company contained in any other Act or Acts besides the recited Acts, and which immediately before the passing of this Act were in force, shall from and after the passing of this Act continue and be in force; and the Company and their Directors, Officers, and Servants may and shall accordingly and for the Purposes of this Act be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Powers, Authorities, and Privileges whatsoever as they respectively if this Act had not passed might be entitled to or might have, exercise, or enjoy.

Conveyances, &c. to remain valid.

IX. That notwithstanding the Repeal of the recited Acts all Conveyances, Leases, Appointments, Contracts, Agreements, Mortgages, Bonds, Deeds, Covenants, and Securities made or entered into before the passing of this Act to, with, in favour of, or by, for, or on behalf of the Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Company as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

X. That notwithstanding the Repeal of the recited Acts any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of and against the Company in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Acts, or any of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed.

Debts due to and by the Company to be paid.

XI. That notwithstanding the Repeal of the recited Acts all Persons who did immediately before the passing of this Act owe any Call or Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due thereon, to the Company; and all Debts, Dividends, and

Sums

Sums of Money which were immediately before the passing of this Act be due or owing by or recoverable from the Company, or for the Payment whereof the Company shall or but for this Act would be liable, shall be paid, with all the Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Books to be Evidence.

XII. That notwithstanding the Repeal of the recited Acts all Books and other Documents by those Acts or either of them directed or authorized to be kept, and which if those Acts had not been repealed would have been receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Byelaws, &c. to continue in force.

XIII. That notwithstanding the Repeal of the recited Acts all Byelaws, Rules, and Regulations of the Company or the Directors which may be in force immediately before the passing of this Act shall continue in force until the same shall be rescinded or repealed under the Powers of this Act.

Shares in Capital to subsist.

XIV. That notwithstanding the Repeal of the recited Acts the Shares in the Capital of the Company not forfeited nor surrendered nor transferred to the Company before the passing of this Act shall, for the Purposes of this Act, continue to subsist; and, subject to the Provisions of this Act, the Company and the Directors and Shareholders thereof respectively may from Time to Time exercise all the Powers with reference to such Shares which they respectively might exercise if those Shares were created under this Act.

Directors to remain in Office.

XV. That notwithstanding the Repeal of the recited Acts, but subject to the Provisions of this Act, the several Persons who at the passing of this Act shall be the Directors of the Company shall remain in Office until they respectively cease, according to the Provisions of "The Companies Clauses Consolidation Act, 1845," to be Directors.

Officers to continue.

XVI. That notwithstanding the Repeal of the recited Acts every Officer and Servant appointed by virtue of or acting under the Authority of those Acts or either of them shall hold and enjoy his Office and Employment with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he were appointed under this Act.

Capital.

XVII. That whereas the Capital which the Company were by the repealed Acts authorized to raise amounts to the Sum of Two hundred

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dred and eighty-eight thousand Pounds, and the estimated Expense of constructing the Railways and Works by this Act authorized to be made amounts to the Sum of Two hundred and twenty-one thousand five hundred and fifty-four Pounds One Shilling and Sixpence: Therefore the Capital of the Company shall be Five hundred and eighty-eight thousand Pounds.

Existing Shares.

XVIII. That the Shares of the Amount of Fifty Pounds each created under the Powers of the "*Cork and Bandon* Railway Act, 1845," shall be known and distinguished and are herein-after referred to as "The Original Shares;" and the Shares of the Amount of Six Pounds Five Shillings each created under the Powers of the "*Cork and Bandon* Railway Amendment Act, 1852," shall be known and distinguished and are herein-after referred to as "*Cork and Bandon* Preference Shares;" and the Original Shares, and *Cork and Bandon* Preference Shares, existing immediately before the passing of this Act, shall represent such Part of the Capital as shall be equal to the aggregate nominal Amount of such existing Original Shares and *Cork and Bandon* Preference Shares; and all Monies raised by the Original Shares and the *Cork and Bandon* Preference Shares shall be applied only to the Purposes by this Act authorized.

As to guaranteed Shares.

XIX. That all the Holders of the "*Cork and Bandon* Preference Shares" shall be entitled to Dividends thereon, at the Rate of Five Pounds Ten Shillings *per Centum per Annum*, before any Dividend or Interest whatever shall be paid to the Holders of any of the Original Shares.

Cork and Bandon Debenture Shares to be deemed fully paid up.

XX. That the existing *Cork and Bandon* Railway Debenture Shares created under the Powers of the last-recited Act shall continue to 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, and shall be deemed to be fully paid up, and shall continue to be known and referred to as "*Cork and Bandon* Railway Debenture Shares."

Debenture Shares created may be issued.

XXI. That the Directors may from Time to Time issue such of the *Cork and Bandon* Railway Debenture Shares as may be for the Time being created and not issued, and shall give the first Option of taking the same to Holders of the Mortgages and Bonds granted by the Company previously to the Commencement of this Act; and no such Debenture Share shall be issued to any Person (other than the Holders of such Mortgages and Bonds) except on immediate Payment by him to the Company of the full nominal Amount of such Share.

XXII. That

Debenture Shareholders not to vote, &c.

XXII. That the Holders of *Cork and Bandon* Railway Debenture Shares, or of the Stock into which the same may be converted, shall not, in respect of such Shares or Stock, be entitled to vote in the Affairs of the Company, or to be appointed or act as Directors thereof.

Satisfaction of Mortgage Debt by Debenture Shares.

XXIII. That the Directors may allot any of the *Cork and Bandon* Railway Debenture Shares to any Holder of any Mortgage or Bond of the Company granted previously to the Commencement of this Act who may be willing to accept the same in full Satisfaction of all or any Part (not being less than the aggregate nominal Amount of the Shares so allotted) of the Principal Sum secured by such Mortgage or Bond; and on his Acceptance of the Shares so allotted so much of the Amount secured by such Mortgage or Bond as shall be equal to the aggregate nominal Amount of such Shares shall be deemed fully paid and satisfied.

Application of Debenture Shares and their Proceeds.

XXIV. That the *Cork and Bandon* Railway Debenture Shares and all Monies to be raised thereby shall, so far as the same shall extend, be appropriated and applied exclusively for the Purpose of satisfying the Mortgage and Bond Debt of the Company contracted previously to the Commencement of this Act.

Limiting Amount of Debenture Shares.

XXV. That the aggregate nominal Amount of the *Cork and Bandon* Railway Debenture Shares created and to be created, and of the Stock into which the same may be converted, shall in no Case exceed the Sum of Eighty thousand Pounds; and to the Extent of the nominal Amount of the said Debenture Shares from Time to Time issued the Power of the Company to reborrow shall thenceforth cease; but, except to that Extent, it shall be lawful for the Company to borrow again any Parts of the said Sum of Eighty thousand Pounds which may be paid off.

Existing Shares to vest in Shareholders.

XXVI. That every existing Share already issued shall continue vested in the Shareholders entitled thereto, with the same Priority, Preference, Guarantee, or other Privileges (if any) attached thereto, and subject to the same Trusts, Provisions, and Liabilities, as those which immediately before the passing of this Act shall affect the Share in the existing Capital corresponding thereto, and so as to give effect to and not revoke any Will or testamentary Disposition of or affecting it.

Power to issue unissued Original Shares.

XXVII. That, subject to the Provisions in this Act and the incorporated Acts contained, the Company may from Time to Time issue the Original Shares now remaining unissued.

Certain Shares to attach upon Cork and Bandon Railway.

XXVIII. That the Holders of Original Shares, *Cork and Bandon* Preference Shares, and *Cork and Bandon* Railway Debenture Shares shall in respect thereof be entitled to Interest or Dividend out of the Income and Profits of the *Cork and Bandon* Railway only, and shall not in respect thereof receive or be entitled to Interest or Dividend out of the Income and Profits of the *Bantry* Extension herein-after authorized to be constructed, or the Barony Contributions, or have any Claim thereon, or be entitled to vote, either as Shareholders or Directors, on any Question affecting the *Bantry* Extension exclusively of the *Cork and Bandon* Railway.

Priority of Mortgages granted to Commissioners.

XXIX. That all Mortgages and Securities granted by the Company to the Public Works Commissioners before the Commencement of this Act shall have Priority over all other Mortgages and Securities granted by the Company before the Commencement of this Act, and all Renewals thereof; and no Mortgage or Security granted by the Company to the Public Works Commissioners before the Commencement of this Act shall be affected by any Informality in any Meeting or Proceeding of the Company or Directors.

Rights of existing Mortgages, &c.

XXX. That all Mortgages and Securities granted by the Company before the Commencement of this Act, and all Renewals thereof, shall be and remain charged and secured upon the *Cork and Bandon* Railway only; and no Holder of any such Mortgage, Security, or Renewal shall in respect thereof be entitled to or receive any Interest or Principal out of or from the Income and Profits of the *Bantry* Extension, the Calls to be made upon the *Bantry* Extension Shares, or the *Bantry* Extension Preference Shares, or the Barony Contributions, or have any Claim thereon.

Mortgages and Securities of same Class to rank equally.

XXXI. That (except as in this Act otherwise expressly provided) the respective Holders of any Mortgages granted by the Company shall not be entitled, as regards other Mortgages of the same Class, to any Preference one above another by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or otherwise howsoever, but shall rank *pari passu* with one another; and for the Purposes of this Provision the *Cork and Bandon* Railway Debenture Shares shall rank as Mortgages.

As to Renewals of Securities.

XXXII. That all Mortgages given for the Repayment of Money borrowed to pay off other Mortgages shall comprise and attach upon the same Property, Tolls, Rates, Contributions, Matters, and Things, afford the same Rights, and enjoy the same Priority, as the Mortgages for which the same shall be substituted, and no other.

XXXIII. That

Arrears may be enforced by Appointment of a Receiver.

XXXIII. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any of their Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall be not less than Ten thousand Pounds in the whole.

Power to raise Money by Creation of new Shares.

XXXIV. That the Company may from Time to Time raise any Sums not exceeding Three hundred thousand Pounds for the Purposes of their Undertaking by creating new Shares according to the Provisions of this Act, and those Sums shall be applied only for the Purposes of the *Bantry* Extension and the Purposes of this Act in connexion with that Extension, and the Construction of the said *Bantry* Extension shall not be commenced until the whole of the said Share Capital is subscribed for.

Power to guarantee preferential Dividends on new Shares.

XXXV. That the Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any Extraordinary Meeting, guarantee either permanently or for any limited Period the Payment upon any new Shares created under this Act (whether in substitution for Shares cancelled, transferred, or surrendered, or as Part of the said Three hundred thousand Pounds hereby authorized to be raised by the Creation of new Shares), and upon the Original Shares to be issued under this Act, of any Dividend not exceeding the Rate of Five Pounds *per Centum per Annum*, to be payable (as regards any new Shares) in preference to Dividends payable on all or any of the other new Shares created under the Powers of this Act, and to be payable (as regards the said Original Shares) in preference to the Dividends payable on the other Original Shares; and such preferential Dividend shall be payable by such Instalments, upon such Conditions, and in such Manner as such Extraordinary Meeting shall determine.

Saving existing Preference Shares.

XXXVI. That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares or Stock in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company by or in pursuance of, or which may have been confirmed by, any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Name of Shares created under Powers of this Act.

XXXVII. That all new Shares created under the Powers of this Act, and upon which any guaranteed or preferential Dividend shall be payable, shall be distinguished and registered and are in this Act referred to as "*Bantry* Extension Preference Shares;" and all other new

new Shares created under the Powers of this Act (except Shares created in lieu of forfeited, cancelled, or surrendered Shares of other Classes) shall be distinguished and registered and are in this Act referred to as "*Bantry* Extension Shares."

Certificates to be marked.

XXXVIII. That the Certificates issued by the Company of any preferential Shares shall be marked with the Name in this Act given to the Shares to which the same respectively refer; and the Rate of the preferential Dividend payable on such Shares, and any Conditions specially attached thereto, shall also be marked and stated on such Certificate.

As to Rights of Bantry Extension Shareholders.

XXXIX. That the Holders of *Bantry* Extension Shares and *Bantry* Extension Preference Shares shall in respect thereof be entitled to Interest or Dividend out of the Income and Profits of the *Bantry* Extension (exclusive of the *Cork and Bandon* Railway), and shall not in respect thereof receive or be entitled to Interest or Dividend out of the Income and Profits of the *Cork and Bandon* Railway, or have any Claim thereon, or be entitled to vote either as Shareholders or Directors on any Question affecting the *Cork and Bandon* Railway exclusive of the *Bantry* Extension.

Disposal of new Shares.

XL. That all new Shares created under the Powers of this Act may be disposed of to such Persons and in such Manner as the Meeting creating the same shall direct.

Provision for cancelling of forfeited Shares.

XLI. That in all Cases where any Shares shall have been or shall hereafter be declared forfeited, and such Declaration of Forfeiture has been or shall hereafter be confirmed in manner required by "The Companies Clauses Consolidation Act, 1845," and Notice shall be given by the Company (by Order of an Extraordinary Meeting of the Company specially convened for considering the Mode of dealing with Shares forfeited and in arrear) in the *Dublin Gazette*, and in a Newspaper of the County in which their principal Office shall be situate, of such Forfeiture or intended Forfeiture, and that such Shares will become cancelled if the Arrears of Calls and Interest due thereon and any Expenses incurred by the Company by reason of the Nonpayment thereof be not paid within the Space of One Calendar Month from the Publication of such Notices, then if such Arrears, Interest, and Expenses be not paid within such last-mentioned Period, and the Market Price of Shares of the same Class in the Company in the City of *London* shall at the Expiration of such Period be less than the aggregate Amount of the Arrears, Interest, and Expenses due and incurred in respect of such Shares, or if there shall be no Market Price for such Shares in the City of *London* at the Expiration of such Period, such Shares shall thereupon be and be deemed to be absolutely cancelled; and the Proprietor thereof shall thenceforth be precluded from all

Right

Right or Interest therein; and a Declaration in Writing made by some credible Person not interested before any Justice of the Peace, stating the Market Price of such Shares in the City of *London* at any Period mentioned in such Declaration, or that there was no Market Price for such Shares in the City of *London* at the Period so mentioned, shall be sufficient Evidence of the Facts stated therein.

Power to accept Surrenders of Shares upon Terms authorized by General Meeting.

XLII. That the Directors, with the Authority of a Special General Meeting, may from Time to Time accept a Transfer or Surrender of any new Share from the Holder thereof upon any Terms and Conditions authorized by such Meeting, and every such Transfer and Surrender shall be by Deed Poll under the Hand and Seal of such Holder, setting forth truly the Terms of such Transfer or Surrender, and duly stamped, and may be in the Form given in the Schedule to this Act, or as near thereto as Circumstances will admit; and the Directors may affix the Common Seal of the Company to any such Surrenders which shall contain any Terms or Agreement on the Part of the Company only or of both Parties thereto.

Shares cancelled, &c. to merge in Capital.

XLIII. That all Shares so cancelled or surrendered shall merge in the Capital of the Company, and thereupon all Right and Interest of the former Proprietors of such Shares therein shall cease and be absolutely extinguished.

Cancelling Shares or Surrenders not to release Holders, &c.

XLIV. Provided always, that the cancelling of any such Shares, or the Acceptance of any such Transfer or Surrender, shall not operate to release the Person whose Shares are so cancelled, transferred, or surrendered from his Liability to pay the Arrears and Interest due thereon, and any Expenses incurred by the Company in respect thereof, but the same shall be paid by him after deducting therefrom as regards cancelled Shares the Market Value thereof ascertained as aforesaid, unless the contrary be expressly determined by such Meeting as last aforesaid and agreed to by him, in which latter Case such Person shall be discharged from Liability in respect of the Shares so cancelled or surrendered to the Extent so determined and agreed upon.

Power to create new Shares instead of forfeited Shares.

XLV. That the Company may from Time to Time, by the Order of any General Meeting of the Company, create new Shares in lieu of any Shares forfeited, cancelled, or surrendered as aforesaid, of such Amount, and in such Manner, and upon such Terms as the Company may think fit; provided that the aggregate nominal Value of the Shares so issued shall not exceed the total Amount remaining unpaid upon the Shares so forfeited, cancelled, or surrendered; and the new Shares so created shall be entitled to and confer the same Rights and Privileges as the Shares for which the same shall be substituted would (if in existence) be entitled to and confer, and no others.

Directors may issue Shares when created.

XLVI. That, subject to the Provisions of this Act and the Conditions attached thereto by the Meeting creating the same, the Directors may from Time to Time issue any Shares created under the Powers of this Act and for the Time being unissued.

How new Shares are to be issued.

XLVII. That, subject to the Power herein-before given to any Meeting at which any new Shares shall be created to direct to what Persons and in what Manner such new Shares shall be disposed of, all Shares from Time to Time created or issued under this Act shall, in the first instance, be offered to the Holders for the Time being of the then existing Shares in the Company (other than *Cork and Bandon* Railway Debenture Shares) in proportion to the Number of Shares held by them respectively.

Offers of new Shares how to be made.

XLVIII. That all Offers of Shares to Holders of existing Shares may be made by Letter under the Hand of the Secretary of the Company, delivered to each Shareholder, or addressed to him according to his Address as entered in the Shareholders Address Book, and forwarded through the Post Office, or left for him at his usual or last known Place of Abode in *England* or *Ireland*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it is addressed.

Shares to vest in Shareholders accepting same.

XLIX. That all such Shares respectively so offered to the Holders of existing Shares shall vest in and belong to the Shareholders who accept the same, and pay the Amount thereof to the Company at the Times and by the Instalments fixed by the Company; and if any Shareholder shall fail for One Month after the Offer to him of any such Shares to accept the same, or to pay the Instalments called for in respect thereof, the Company may dispose of such Shares to any Party willing to become the Purchaser thereof for such Sums as the Company can obtain for the same.

Dividend to be payable pro ratâ unless Preference Shares.

L. That any Person who becomes entitled to any Shares created or issued under this Act shall, in respect of every such Share, be a Shareholder of the Company, and shall (unless the same be a Preference Share) be entitled to a Share of the Dividends of the Company out of that Portion of the Income and Profits which shall be applicable to the Payment of Dividends on the Class of Shares to which the Share to which he shall so become entitled shall belong, in the Proportion which the Amount paid up upon such Share bears to the whole Capital for the Time being paid up upon all Shares entitled to Dividend out of the same Portion of the said Income and Profits (other than *Cork and Bandon* Railway Debenture Shares); and all Shares created or issued under this Act respectively, in proportion to the Capital represented thereby, shall (except as in this

Act

Act otherwise expressly provided) confer on the respective Holders thereof Rights of voting and Qualifications in like Manner as the Original Shares, and also such other Rights and Privileges as may be conferred on them by the Meeting creating such new Shares.

Calls.

LI. That One Fifth Part of the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company shall make on any Shareholder in respect of any Share created or issued under the Powers of this Act, and Two Months at least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year: Provided, that no Call shall be made on or in respect of any of the *Cork and Bandon* Railway Debenture Shares, or on or in respect of any Share on which a Sum equal to the nominal Value of such Share shall have been fully paid up.

Separate Accounts of Expenditure on Extension to be kept.

LII. That the Company shall keep separate Accounts of all Calls made and Monies paid upon the *Bantry* Extension Shares and *Bantry* Extension Preference Shares, and of the Expenditure thereof, and of the Income and Profits arising from the *Bantry* Extension, such Accounts to be at all reasonable Times open to the Inspection of the Arbitrators to be appointed as herein-after mentioned.

Number and Qualification of Directors.

LIII. That the Number of the Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Shares or Stock in the Undertaking (other than Debenture Shares) of One thousand Pounds or upwards.

Quorum of Directors.

LIV. That the Quorum of a Meeting of Directors shall be Three.

Power to reduce the Number of Directors.

LV. That the Company may from Time to Time reduce the Number of the Directors, provided that the reduced Number be not less than Six.

Committees of Directors.

LVI. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Seven; and the Quorum of every such Committee shall be Three.

Company may maintain existing Works.

LVII. That the Company may from Time to Time repair, maintain, and regulate the Railway and Works constructed under the Powers of the repealed Acts or any of them.

Power to make Extension Railway.

LVIII. That inasmuch as Plans and Sections of the proposed Extension Railway and Branch Railway herein-after described showing the intended Lines and Levels thereof, and also a Book of Reference to such Plans containing the Names of the Owners or reputed Owners,

Owners, Lessees or reputed Lessees, and Occupiers of the Lands to be taken for the Purposes of the proposed Extension Railway, have been deposited for public Inspection with the Clerk of the Peace of the County of *Cork;* therefore, subject to the Provisions in this and the said incorporated Acts contained, the Company may make and maintain the said Extension Railway, Branch Railway, and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference and according to the Levels defined on the said Sections, and may enter upon, take, and use such of the said Lands as shall be necessary for that Purpose.

As to Deposit of Plans, &c. with Clerks of Unions.

LIX. That inasmuch as by the "Railways Clauses Consolidation Act, 1845," it was provided that Certificates of any Omission, Mis-statement, or erroneous Description on certain Plans and Books of Reference therein referred to should be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate, and that certain Plans and Sections of such Alterations in the original Plans and Sections as should have been approved of by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned; and inasmuch as, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with Postmasters of Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters; therefore with reference to this Act all the Provisions of the "Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if the Expression "Clerks of the Union within such Parishes are situated in *Ireland*" were substituted for the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and as if the Words "Clerks of the Unions" were substituted for the Word "Postmasters," wherever the same respectively occur in the said Provisions.

New Railways.

LX. That the Railways by this Act authorized to be constructed are as follows:

First. An Extension Railway commencing by a Junction with the *Cork and Bandon* Railway near the Gasworks in the Parliamentary Borough of *Bandon* in the Parish of *Ballymodan* in the County of *Cork*, and terminating about Three Miles to the South of *Bantry* near the Bridge of *Dromourneen* in the Parish of *Caheragh* in the same County:

Secondly. A Branch Railway diverging from the said Extension Railway near *Gaggan Bridge* in the Parish of *Ballymodan* in the County of *Cork*, and terminating near the New Poor Law Union Workhouse at or near the Town of *Clonakilty* in the Parish of *Kilgariff* and County of *Cork*.

LXI. That

New Works to be Part of Company's Undertaking.

LXI. That the said Extension and Branch Railway and the Works connected therewith shall be Part of the Undertaking of the Company.

Name of Extension.

LXII. That the said Extension Railway and Branch Railway to *Clonakilty*, and the Branch Railway to *Skibberreen*, if Parliament shall in any future Session grant Powers to the Company to make such Branch, shall be known and distinguished and are in this Act referred to as "The *Bantry* Extension;" and that Expression shall (unless there be something in the Subject or Context repugnant to such Construction) include the Works and Conveniences connected with the said Extension Railway and Branch Railway to *Clonakilty* other than the *Cork and Bandon* Railway.

Lands for extraordinary Purposes.

LXIII. That the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the *Bantry* Extension shall not exceed in the whole Twenty Acres.

Certain Roads to be crossed on the Level.

LXIV. That subject to the Provisions in the "Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on the Level, the Company may, in the Construction of the *Bantry* Extension, carry the same on the Level across the several Roads numbered in the said Plans as follows; (that is to say,)

Townland.	Parish.	Number on Plan.	Description of Road.
Gully - -	Ballymodan -	73	Stanton's Lane.
Cloghmacsimon -	Ballymodan -	127	Public Road.
Clancoolmore -	Ballymodan -	17	Public Road.
Roundhill - -	Ballymodan -	45	Public Road.
Knocknagarrane -	Ballymodan -	55	Public Road.
Knockaveale -	Ballymodan -	8	Public Road.
Gaggan - -	Ballymodan -	27	Public Road.
Cappacknockane -	Desertserges -	2	Public Road.
Farrannasheshery -	Desertserges -	28	Public Road.
Derrigra - -	Ballymoney -	36	Water Lane & Public Road.
Manch West -	Fanlobbus - -	7	Public Road.
Nedinagh West -	Fanlobbus - -	32	Public Road.
Tonafora - -	Fanlobbus - -	31	Public Road.
Tonafora - -	Fanlobbus - -	44	Public Road.
Cloonties West -	Fanlobbus - -	32	Public Road.
Derrynagree East -	Dromdaleague -	14	Public Road.
Dromdaleague -	Dromdaleague -	11	Public Road.
Dromdaleague -	Dromdaleague -	69	Public Road.
Baurnahulla -	Dromdaleague -	7	Public Road.
Knockgorm - -	Caheragh - -	15	Public Road.
Aghavilla - -	Caheragh - -	35	Public Road.
Cullomane East -	Caheragh - -	10	Public Road.
Cashelmore - -	Desertserges -	14	Public Road.
Carrigroe - -	Desertserges -	11	Public Road.
Ahalisky - -	Kilmaloda - -	10	Public Road.
Madame - -	Kilmaloda - -	9	Public Road.
Bally Macowen -	Kilnagross - -	5	Public Road.
Bally Macowen -	Kilnagross - -	22	Public Road.
Grillagh - -	Kilnagross - -	2	Public Road.

The Cork and Bandon Railway Act, 1853.

Provisions as to the Road called Stanton's Lane.

LXV. That inasmuch as all the Lands to which the Road hereinbefore mentioned called *Stanton's Lane* now leads, beyond the Point where the same will be crossed as aforesaid, are intended to be purchased by the Company, therefore if previously to any Interference with *Stanton's Lane* the Company shall have purchased all the Lands on the South Side of the *Bantry* Extension to which the same now leads beyond the Point where the same will be crossed as aforesaid, then and in that Case it shall not be necessary for the Company to make or maintain any substituted Road in lieu thereof; and the Clauses of the "Railways Clauses Consolidation Act, 1845," numbered from LII. to LVII., inclusive of both those Numbers, shall not extend or apply to that Road.

Stations or Lodges to be erected at Points of Crossing.

LXVI. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads (except *Stanton's Lane* in the Case aforesaid) on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, and with regard to the Speed at which Trains shall pass such Roads (except *Stanton's Lane* in the Case aforesaid), as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges in lieu of level crossings.

LXVII. That the Board of Trade may, if it shall appear to them to be necessary for the public Safety, at any Time hereafter require the Company within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the said Roads either over or under the said Railways by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

Period for Purchase of Lands.

LXVIII. That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of the *Bantry* Extension shall not be exercised after the Expiration of Three Years from the passing of this Act.

LXIX. That

Period for Completion of Works.

LXIX. That upon the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and maintaining the *Bantry* Extension, or otherwise in relation thereto, shall cease to be exercised, except as to so much of those Works as shall then be completed.

For Protection of the Property of the Commissioners of National Education in Ireland.

LXX. That inasmuch as it is expedient that the *Dunmanway* and other Schools and Property vested in the Commissioners of National Education in *Ireland* by virtue of their Act of Incorporation or otherwise howsoever should be preserved as far as practicable from Injury by reason of the Formation of the said Railway, therefore nothing in this Act or in any of the Acts incorporated with and forming Part of this Act, or in any of them, shall authorize the said Company to construct or carry the said Line of Railway through, over, under, or across the said Schoolhouses or Buildings vested in the said Commissioners of National Education in *Ireland*, or to enter upon, possess, or occupy the same, or any of them, or any Part thereof, for the Purposes of the said Railway, or to purchase or take any of the Lands belonging to the said Commissioners of National Education in *Ireland*, except those Lands which on the Plans deposited as aforesaid are numbered 44 in the Townland of *Dunmanway South*, 4 and 14 in the Townland of *Tonafora*, both in the Parish of *Fanlobbus*, and 35 in the Townland of *Dromdaleague* in the Parish of *Dromdaleague*, all in the County of *Cork*, without the Consent of the said Commissioners of National Education in *Ireland* for that Purpose first obtained under the Seal of the said Commissioners; nor shall it be lawful for the said Company to construct the said Railway in such Manner as that the same, or any Part thereof, in passing through the said Lands of the said Commissioners of National Education in *Ireland* shall be nearer than Fifty Yards to the said Schoolhouses and Buildings, or any of them, being the Property of the said Commissioners, without such Consent as aforesaid; and the said Company shall and they are hereby required to purchase from the said Commissioners, if required by them so to do, so much of the said Lands of the said Commissioners defined on the said Plans as may be severed from their said Schoolhouses and Buildings by the Construction of the said Railway; and the said Company shall also afford such convenient Access under, over, or across the said Railway to the School Premises as may be necessary.

Tolls.

LXXI. That the Company may demand any Tolls for the Use of the Railways not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railways or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Sea Sand, and all undressed Materials for the Repair of public

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 Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Brick, Tiles, Slates, Clay, Sand other than Sea Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, and for all Copper Ore, Lead Ore, Antimony, Manganese, and all other Ores, Minerals, Metals, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandises, Fish, Articles, Matters, or Things, *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 Halfpenny:

And for every Carriage of whatever Description, 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, *per* Mile not exceeding Fourpence, and a Sum of Twopence *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:

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows:

For every Person conveyed in or upon any such Carriage, not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding O n Penny:

For every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if

conveyed

conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Tolls for propelling Power.

LXXII. That the Tolls which the Company may demand for the Use of Engines or other Power for propelling Carriages on the Railway shall not exceed One Halfpenny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to Tolls.

LXXIII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of stopping, loading, and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise 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 to 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 Toll 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.

Tolls for small Parcels and Articles of great Weight.

LXXIV. And with respect to the Carriage of small Packages and great Weights the Company may lawfully demand and receive Tolls as follows; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, for any Distance not exceeding Twenty Miles Fourpence, and for any Distance exceeding Twenty Miles Sixpence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, for any Distance not exceeding Twenty Miles Eightpence, and for any Distance exceeding Twenty Miles One Shilling:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, for any Distance not exceeding Twenty Miles One Shilling and Fourpence, and for any Distance exceeding Twenty Miles Two Shillings:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, for any Distance not exceeding Twenty Miles Two Shillings, and where the Distance shall exceed Twenty Miles Three Shillings:

For any Parcels exceeding Fifty-six Pounds and not exceeding Five hundred Pounds Weight the Company may demand any reasonable Sum which they 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 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 such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, 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.

LXXV. That every Passenger travelling upon the said Railways may take with him his ordinary Luggage not exceeding One hundred and fifty 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.

Maximum Tolls for Passengers, &c.

LXXVI. Provided always, That the maximum Charges to be made by the Company for the Conveyance of Passengers and Animals in respect of all the Tolls and Charges shall be as follows; (that is to say,)

For Passengers conveyed in a First-class Carriage, Threepence *per* Mile; for Passengers conveyed in a Second-class Carriage, Twopence *per* Mile; for Passengers conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile:

For Beasts of Draught or Burden, Fourpence *per* Mile; for Cattle, Threepence Halfpenny *per* Mile; and for Sheep and such like small Animals, Twopence *per* Mile.

Maximum Tolls for Goods.

LXXVII. Provided also, That the maximum Charges to be made by the Company for the Conveyance of Goods in respect of all the Tolls and Charges shall be as follows; that is to say,

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Sea Sand, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Twopence:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand (other than Sea Sand), Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, and for all Copper Ore, Lead Ore, Antimony, Manganese, and all other Ores, Minerals, and Metals, *per* Ton *per* Mile Twopence Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence:

For all Cotton and other Wools, Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence:

For every Carriage of whatever Description, 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, *per* Mile Sixpence Halfpenny:

And for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh, an additional Sum *per* Mile of Twopence.

Restriction as to Charges not to apply to special Trains.

LXXVIII. Provided also, That the Restriction in this Act as to the Charges to be made for Passengers shall not extend to any special or extra Trains, but shall apply only to the ordinary Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Company may take increased Charges by Agreement.

LXXIX. Provided also, That anything in this Act contained shall not prevent the Company from taking any increased Charge over and above the Charges by this Act limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof other than small Parcels by Passenger Trains, or by reason of any other special Services performed by the Company in relation thereto.

LXXX. That

Tolls on Cork and Bandon Line to be uniform with Bantry Extension.

LXXX. That the Tolls from Time to Time taken on the *Bantry* Extension shall be uniform with those taken on the *Cork and Bandon* Line, but so that the same shall not at any Time exceed the Amounts by this Act authorized to be taken.

Two Trains to be run daily on the Bantry Extension.

LXXXI. That from and after the opening of the *Bantry* Extension for full Traffic the Company shall run thereon at the least Two ordinary Trains daily each Way to and from *Cork* to the *Dromourneen* Terminus, and to *Clonakilty*.

If on the opening of the Bantry Extension Receipts are notsufficient, certain Baronies to contribute.

LXXXII. That if and whenever after the opening of the *Bantry* Extension for full Traffic as herein-after provided a Moiety of the gross Receipts on and from the said *Bantry* Extension, to be ascertained in manner herein-after provided for, shall not amount to a Sum equal to Interest or Dividend at the Rate of Three Pounds *per Centum per Annum* on the total Outlay thereon (not exceeding however Five thousand Pounds *per* Mile of the *Bantry* Extension), then the Sum or Amount required to make up, with the said Moiety of the gross Receipts, the Interest or Dividend at the Rate last aforesaid on such Outlay, not exceeding the said Five thousand Pounds *per* Mile, shall become payable Halfyearly by such Part of the Barony of *Kinalmeaky* as is situate in the Parish of *Desertserges* (excepting out of the said Parish of *Desertserges* the Townlands of *Moneen*, *Knocknagallough*, and *Danganmore*), and by such other Part of the Barony of *Kinalmeaky* as comprises the Townlands of *Gurteen* and *Gaggin* in the Parish of *Ballymodan*, by the Barony of *East Carbery* East Division (excepting out of the said last-mentioned Barony the Parishes or Parts of Parishes of *Ballinadee*, *Ballymodan*, *Brinny*, *Innishannon*, *Kilbrittain*, *Rathclarin*, *Ringrone*, and *Templetrine*), and by the Baronies of *East Carbery* West Division, *West Carbery* East Division, *West Carbery* West Division, *Bantry*, *Bere*, *Ibane*, and *Barryroe*, all in the County of *Cork*, rateably and in the Proportions herein-after provided for: Provided always, that a Moiety of the gross Receipts and Proceeds of the said *Bantry* Extension, without any Deduction whatsoever therefrom, shall in every Half Year be applied in Payment and Liquidation of the Interest or Dividend at the Rate of Three Pounds *per Centum per Annum* on such Outlay as aforesaid; and that it shall not be lawful for the said Company to ask, demand, or receive any other or greater Sum on account of Interest or Dividend at the Rate aforesaid from the said several contributing Baronies than may be ascertained to be due and owing after such Application of a Moiety of the gross Receipts and Proceeds as aforesaid arising in any Half Year from the said *Bantry* Extension.

For ascertaining

LXXXIII. That for the Purpose of ascertaining the Proportions in which the Baronies shall pay the said halfyearly Sums, and during such

such Time as the same shall be payable, and for other the Purposes to be executed by the Arbitrators as herein-after mentioned, the Board of Trade, upon the Request of the Company, may from Time to Time, by Warrant under the Hand of their Secretary for the Time being, appoint as Arbitrators the County Surveyor for the Time being of that Riding of the County of *Cork* in which the *Bantry* Extension or the major Part thereof is situate, and Two other Persons to be selected by the Board of Trade, and may supply the Place of any Arbitrator dying, resigning, or refusing to act, or becoming incapacitated, and such Persons shall by their Award in Writing assess and determine the relative Proportions in which such halfyearly Sums shall be paid and made up by the said several Baronies, such Arbitrators taking into consideration the Benefit or supposed Benefit (immediate or prospective) which such Baronies may respectively in their Opinion have derived or be likely to derive from the Formation and Opening of the *Bantry* Extension; and the Award of such Arbitrators under their Hands, or (in case all the said Arbitrators shall be unable to agree) under the Hands of any Two of them, shall, when allowed by the Board of Trade by Writing under the Hand of their Secretary and endorsed on the said Award, be in all respects final and binding on the said Baronies, and from and immediately after the Allowance of such Award by the Board of Trade the said several Baronies, and all Lands, Tenements, and Hereditaments therein respectively, shall be and are hereby charged and made chargeable with the Payment of such halfyearly Sums in the several Proportions specified and set forth in such Award, and after such Award shall have been allowed in manner aforesaid the same and a Duplicate thereof, if required, shall be delivered to the Company upon their Request, and upon Payment by them to such Arbitrators of such Remuneration (if any) for their Trouble in regard to such Award as the Board of Trade shall determine: Provided always, that no greater Sum than One Shilling in the Pound shall be assessed on any Townland within any such Barony in any One Year, nor shall any Occupier thereof be subject or liable to the Payment of any greater Sum in respect of his Occupation than One Shilling in the Pound upon the Valuation of his Tenements according to the Valuation thereon made pursuant to an Act to amend the Law relating to the Valuation of rateable Property in *Ireland*.

Amount to be paid by each Barony, &c.

LXXXIV. That for the Purpose of ascertaining the Receipts and Proceeds on the *Bantry* Extension and the Expenditure thereof the Company shall, from Time to Time, on or before the First Day of *May* and First Day of *November* in every Year, make out or cause to be made out and render to the Arbitrators a full, true, and distinct Account of all the Receipts of every Nature and Kind for the then preceding Half Year ending the Thirty-first Day of *December* and Thirtieth Day of *June* in each

Accounts of Bantry Extension Receipts to be rendered.

each Year, arising in any Manner from the *Bantry* Extension, and of the Expenditure thereof, which Account the said Arbitrators shall and they are hereby authorized and empowered to examine with the Documents and Vouchers evidencing the same, and all Books, Papers, and Accounts in the Custody and Control of the Company relating to the Business of the Company in reference to the *Bantry* Extension; and all such Accounts, Documents, Vouchers, Books, and Papers shall be kept by the Company, who shall, upon the Request of the said Arbitrators, from Time to Time produce the same to such Arbitrators for Examination; and such Arbitrators shall and may and are hereby authorized to employ (if they think fit) One Actuary or Accountant to assist them in such Examination, from Time to Time, at the Cost and Expense of the Company; and that the Company shall, so long as the said Barony Contributions may continue, keep proper and correct Books of Account in the City of *Cork*, to show the Receipts on the said *Bantry* Extension and the Expenditure thereof, to which Books of Account the said Arbitrators shall have at all reasonable Times Access, and from which they may at all Times take Abstracts; and that the Company shall during the said Period send Duplicate Returns each Half Year to the said Arbitrators of the Accounts which they are bound by any Act of Parliament now in force or that may hereafter be in force to transmit to the Board of Trade.

Period at which Barony Contributions are to become due.

LXXXV. That no Monies shall become due from the said Baronies or be payable until the *Bantry* Extension shall have been Six Months open and worked for Traffic, nor until the said Arbitrators shall certify every Half Year to the Secretary of the Grand Jury of the County of *Cork* the Amount payable in any Half Year by the said Baronies towards the Interest or Dividend as aforesaid, and which Certificate the said Arbitrators or any Two of them are hereby required and empowered to give under their Hands to the said Company: Provided, however, that such Certificate shall not be delivered to the said Company until after the First Day of *February* and First Day of *August* in every Year.

Sums mentioned in Certificates to be presented by Grand Jury and paid by Treasurer.

LXXXVI. That the Company shall from Time to Time deliver such Certificate or a Duplicate thereof to the Secretary of the Grand Jury of the County of *Cork*, and the said Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of that County at the Assizes next after he shall have received the same; and it shall be lawful for such Grand Jury and they are hereby required from Time to Time, and without Application to Presentment Sessions, to present the Sum mentioned in every such Certificate relating to such Baronies to be raised and levied off such Baronies, and the same shall be assessed, raised, and levied accordingly; and the Treasurer of such County, out of the first Monies collected

lected and remaining in his Hands, after Repayment of Government Advances, Gaol Expenses, and Salaries of public Officers payable by him, shall pay the Sum so presented by the Grand Jury unto the Treasurer of the Company, or in such other Manner as the Company shall direct; and if the Grand Jury of the said County shall fail to present the Sum or any Part thereof contained in any such Certificate relating to such Baronies, the Treasurer of the said County shall and he is hereby required to insert such Sum or such omitted Part thereof in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-before mentioned off such Baronies as aforesaid, and the same shall be raised and levied off such Baronies accordingly as if the same had been so presented, and the said Treasurer shall pay over the Amount, when by him received as herein-before provided, as if such Money had been presented by such Grand Jury.

Conditions of Bond by Collectors of Grand Jury Cess.

LXXXVII. That the Defeasance of every Bond of a Collector of Grand Jury Cess within any or either of the Baronies liable to the Barony Contributions to be hereafter given or executed by way of Security for duly collecting and paying Public Money shall contain a Condition for his duly collecting and paying to the Treasurer of the said County, on or before each next succeeding Assizes, all such Money as he shall from Time to Time be authorized to levy under this Act, and such Bond shall be subject to all Provisions now applicable to Bonds given or executed by Collectors of Grand Jury Cess.

Remuneration to Collectors.

LXXXVIII. That the Grand Jury of the said County of *Cork* shall also present such Sum of Money to be levied off every such Barony as aforesaid and to be paid to any such Collector as aforesaid as his Remuneration for collecting such Assessment, as is payable in the Case of the Collection of Grand Jury Cess.

As to Cessation of Barony Contributions.

LXXXIX. That after the Expiration of Twenty Years from the opening and working of the said *Bantry* Extension for full Traffic, or from and after the Company, by Deed under their Common Seal, shall have released the contributing Baronies from all further or future Liability (whichever shall first happen), and which the said Company are hereby empowered to do and notify the same to the Treasurer of the said County, the Barony Contributions shall cease; and from and after the Expiration of that Period, or the Delivery of such Deed, as the Case may be, all the Provisions of this Act which relate to the Payments to be made by and to the Rates to be levied upon the said Baronies shall for ever cease and determine.

Rates to be paid by Occupier.

XC. That every Rate made under the Powers of this Act shall be paid by the Person in the actual Occupation of the Hereditaments

ments rated at the Time of the Rate being made, and in his Default then by the Person or Persons subsequently in the Occupation of the same Hereditaments from whom such Rate shall be demanded.

Tenants to deduct Half the Rate from the Rent.

XCI. That when the Person occupying such Hereditaments shall be liable to pay a Rent in respect of the same he may deduct from such Rent for each Pound of the Rent which he shall be liable so to pay One Half of the Sum which he shall have paid as Rate in respect of each Pound of the net annual Value, whether such Rent shall be greater or less than such net annual Value, and so in proportion for any less Sum than a Pound not exceeding the aforesaid Poundage Rate payable by him: Provided always, that no Deduction be made from Tithe Rentcharge or other Composition in lieu of Tithes for or on account of any such Rate or Payment.

Sublessors to make proportionate Reduction from superior Landlord's Rent.

XCII. That where any Person to whom Rent shall be payable in respect of any rateable Hereditaments shall also pay a Rent in respect of the same he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to the Amount of Rate deducted from the Rent payable to him as the Rent paid by him bears to the Rent payable to him not exceeding the Half of the said Poundage Rate payable by him: Provided always, that no Lessee or other Person paying any Rate or Contribution under this Act in respect of any Hereditaments held by him for Lives renewable for ever, or for the Residue of any Term of Years which when originally created shall not have been less than Nine hundred Years, shall deduct any Portion of such Rate or Contribution from the Rent payable by him in respect of such Hereditaments.

Receipt for Rate to be taken in discharge.

XCIII. That in all Cases a Receipt for the Rates to be levied under the Authority of this Act in respect of any Hereditaments shall be accepted by every Person entitled to receive Rent in respect of the same Hereditaments in lieu of such a Portion of Rent as the Person tendering such Receipt is hereby entitled to deduct from such Rent by reason of his Payment of the Rate for which such Receipt shall be given: Provided always, that no Deduction on account of any Payment of Rate under this Act shall be held to be a Discharge of any Portion of any Gale or quarterly or other Payment of Rent due from the Person entitled to make such Deduction, so as to prejudice the Right of any Landlord to recover the Possession of any Hereditaments by Ejectment for Nonpayment of Rent thereof in any Case where the remaining Portion of such Gale shall be unpaid, but it shall be lawful for such Landlord to proceed for the Recovery of such Hereditaments by Ejectment as effectually as if the entire Gale or quarterly or other Payment of Rent out of which such Deduction is hereby allowed had remained wholly due and unpaid: Provided also, that no Deduction shall

shall be made from any Rentcharge granted by way of Jointure, or any other Rentcharge or Annuity granted, limited, or devised for a Life or Lives in being only, or for Years determinable on a Life or Lives in being.

Company to make good One Third of Barony Contributions.

XCIV. That the Company shall in every Half Year, out of the gross Sums received or receivable by the Company in such Half Year in respect of the *Cork and Bandon* Railway for Traffic passing to or from the *Bantry* Extension or any Part thereof over the *Cork and Bandon* Railway or any Part thereof, to be ascertained by the Accounts to be kept as herein-after provided, and in preference to any other Application of those gross Sums, and also out of the Income of the Company in each Half Year, in preference to the Payment out of such Income of Dividend on the Original Shares, repay and reimburse to the Treasurer for the Time being of the said County of *Cork* One Third Part of all Sums paid by the Baronies under the Provisions of this Act; and in case any Sum payable by the Company to the said Treasurer as aforesaid shall not be so paid within Three Calendar Months after Demand thereof in Writing the said Treasurer may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction.

Separate Accounts to be kept of Traffic passing on both Lines.

XCV. That for the Space of Twenty Years from the opening for public Traffic of the *Bantry* Extension, if and so long as the Company shall be and continue liable to make any Payments to the Baronies under the Provisions of this Act, they shall keep full and true Accounts distinct from the other Accounts of the Company, and in such Manner as may from Time to Time be required by the Arbitrators, of the gross Sums received or receivable by the Company in respect of the *Cork and Bandon* Railway for Traffic passing to or from the *Bantry* Extension or any Part thereof over the *Cork and Bandon* Railway or any Part thereof, which Accounts, with the Documents and Vouchers evidencing the same, shall be open to the Examination of the said Arbitrators; and Copies of such Accounts, and also of the halfyearly Statements of Accounts of the Company, shall be forwarded halfyearly by the Company to such Treasurer, under a Penalty of Twenty Pounds for each Default.

Surplus Profits of Extension applicable to Repayment of Baronies for 20 Years after its opening.

XCVI. That if at any Time before the Expiration of Twenty Years from the opening of the *Bantry* Extension for full Traffic it shall appear to the said Arbitrators that the net Profits arising from the *Bantry* Extension shall, in any Year ending on the Thirty-first Day of *December* within Five Years from any Period at which any Payment shall have been made by the Baronies under the Provisions of this Act, have amounted to such a Sum as to leave a Surplus after deducting any Sums then due in respect of Repayment by the Company

pany of One Third of the Barony Contributions as herein-before provided, and also Sums sufficient to pay Interest or Dividend for that Year upon the aggregate Amount then paid up upon *Bantry* Extension Preference Shares at the Rate then payable thereon, and also to pay Interest or Dividend for that Year at the Rate of Four Pounds *per Centum* on the aggregate Amount then paid up upon *Bantry* Extension Shares, the said Arbitrators shall and they are hereby required forthwith to certify such Fact by Writing under their Hands stating the Amount of any such Surplus to the Treasurer for the Time being of the County of *Cork*, and thereupon the said Treasurer shall be entitled to receive from the Company the said Surplus to an Extent not exceeding the aggregate Amount of the Payments theretofore made by the Baronies under the Provisions of this Act, and not previously repaid by the Company.

As to Payments by the Company after the 20 Years.

XCVII. That if at any Time hereafter previously to the Expiration of Twenty Years from the opening for full Traffic of the *Bantry* Extension any Payment shall have been made by the Baronies under the Provisions of this Act (but not otherwise), then, after the Expiration of the said Period of Twenty Years, whenever it shall appear to the said Arbitrators that the net Profits of the Company arising from the *Bantry* Extension in any Year ending on the Thirty-first Day of *December* shall have amounted to such a Sum as to leave a Surplus after deducting Five thousand Pounds for Dividend on the *Bantry* Extension Shares, the said Arbitrators shall and they are hereby required to certify the same by Writing under their Hands stating the Amount of such last-mentioned Surplus (if any) to the Treasurer for the Time being of the said County, who shall thereupon be entitled to receive from the Company such last-mentioned Surplus to an Extent not exceeding Five hundred Pounds as a Rentcharge upon the *Bantry* Extension, and also on the *Cork and Bandon* Railway, subject however to the Mortgages and Debenture Shares and also to the Preference Shares at present existing and then chargeable on the said *Cork and Bandon* Railway, and shall apply the Sums so received by him in aid of the County Cess upon the Baronies which shall have made any Payments under the Provisions of this Act in proportion to the Amount paid by each Barony respectively.

Saving Rights of the Corporation of Cork.

XCVIII. That this Act or anything therein contained shall not interfere with or in anywise affect any existing Right of the Body Corporate of the Borough of *Cork*, or of the Trustees for Markets for the Sale of Corn and other Articles in the City of *Cork* and Suburbs thereof, to such Tolls and Dues as they respectively are entitled to receive and have been accustomed to collect at the Time of the passing of this Act, but the same shall be enjoyed with as full and extensive

Means

Means of collecting and recovering as they were before the Time of the passing of this Act.

For ascertaining Quantity of Goods liable to Toll brought within the Limits of the Borough of Cork.

XCIX. And whereas it is expedient to continue to the Body Corporate of the Borough of *Cork* the Means of ascertaining what Articles are brought from Time to Time by the Railway within the Limits of that Borough liable to the Payment of Toll: Be it therefore enacted, That that Body Corporate may, if they so think fit, continue or erect an Office or Toll House convenient to and outside the Terminus of the Railway nearest to the Borough, and may place therein a Collector or Person who shall at all reasonable Times have full and free Access to the Terminus of the Railway for those Purposes, and may inspect the Bills of Lading of or Carriages conveying any such Goods; and any Officer or Servant employed by the Company who impedes or obstructs any Collector or Person employed by that Body Corporate in so inspecting the Bills of Lading, or in ascertaining the Number and Quantity of any such Articles brought by the Railway within the Limits of the Borough, shall for every such Offence forfeit to that Body Corporate a Sum not exceeding Forty Shillings to be sued for and recovered in the same Manner as other Penalties imposed by this Act: Provided, that anything in this Act contained shall not give to that Body Corporate any such Right of Access or Inspection or any other Right or Privilege whatever, except for the Purpose of collecting such Tolls as that Body Corporate are at the Time of the passing of this Act legally entitled to.

Future Application for Branch to Skibbereen.

C. And whereas it would be of considerable Advantage to a great Portion of the West Riding of the County of *Cork* and it is expedient that a further Extension of the Railway hereby authorized to be constructed should be made to the Town of *Skibbereen*: Be it enacted, That the said Company shall and they are hereby required to take all necessary Steps and apply to Parliament in the Session of One thousand eight hundred and fifty-four for an Act to enable and authorize the said Company to construct a Branch Railway from the *Bantry* Extension Line at or near the Town of *Drimoleague* to the Town of *Skibbereen*, and shall meanwhile take all such Proceedings, and do and perform all such Acts, Matters, and Things, as may be required under the Standing Orders of either House of Parliament or otherwise previously to such Application; and in the event of the Company not obtaining from Parliament an Act authorizing and enabling them to make such Extension in the said Session of One thousand eight hundred and fifty-four, that it shall be lawful for the said Company and they are hereby required to take all necessary Steps and to make a further Application to Parliament in the Session of One thousand eight hundred and fifty-five, and take all necessary Steps and to obtain such Act for the Construction of the said Branch

to

to *Skibbereen* as aforesaid, and shall do and perform all such Acts, Matters, and Things as may be required for that Purpose and as herein-before mentioned: Provided always, that in the event of such Second Application of the said Company being unsuccessful within the Time herein provided for the same, then and in such Case it shall be lawful for any Persons to be named at a public Meeting of the Rate-payers of the Baronies of *West Carbery* East Division and *West Carbery* West Division to take all necessary Steps to procure in the Session of Parliament to be held in the Year One thousand eight hundred and fifty-six, or in any subsequent Session, such Act authorizing the said Company to construct the said Branch Railway from the *Bantry* Extension to the Town of *Skibbereen*, and that they shall take all such Proceedings and do and perform all such Matters and Things as may be necessary and required under the Standing Orders of either House of Parliament or otherwise previously to such Application; and that the Costs of such Persons and all Sums of Money necessarily paid by them for the Purposes aforesaid shall be recoverable by Action of Debt in any of Her Majesty's Superior Courts of Common Law in *Ireland*, at the Suit of the Treasurer for the Time being of the County of *Cork*; and in case the said Company shall fail to obtain such Act as aforesaid before the Close of the Session for One thousand eight hundred and fifty-five the said Company shall pay to the said Treasurer the Sum of Five thousand Pounds, to be used and applied by them in and about and for all necessary Payments and Expenses to be incurred by the Persons so to be named as aforesaid in and about the endeavouring to procure such Act in the Session of Parliament to be holden in the Year One thousand eight hundred and fifty-six or any subsequent Year, such Sum of Five thousand Pounds to be payable within One Fortnight after the Close of the Session of Parliament to be holden in the Year One thousand eight hundred and fifty-five, and to be recoverable in any of Her Majesty's Superior Courts of Common Law in *Ireland* by Action of Debt at the Suit of the said Treasurer or other Persons as aforesaid against the said Company, the Surplus, if any, after Payment of all such Costs, Payments, and Expenses as aforesaid, to be repaid to the said Company.

Branch to be deemed Part of the Bantry Extension.

CI. That in the event of an Act being obtained for the Construction of the said Branch Line to *Skibbereen*, the said Branch shall be taken as Part of the *Bantry* Extension, and shall be incorporated therewith accordingly, and that the several Clauses, Provisoes, and Conditions in this Act contained in reference to the *Bantry* Extension shall apply to the said Branch Railway to *Skibbereen*.

As to Actions by

CII. That in all Cases where any Monies are under the Provisions of this Act made payable by the Company to the Treasurer for the

the Time being of the said County or to the Baronies, such Treasurer in default of Payment thereof by the Company may recover the same, with full Costs of Suit, by Action in any Court of competent Jurisdiction; and in any such Action the Treasurer for the Time being of the said County shall be the nominal Plaintiff, and as such entitled to sue on behalf of the County; and no such Action shall abate or be discontinued by reason of the Death, Removal, or Resignation of any such Treasurer; and all Monies received or recovered by such Treasurer under the Provisions of this Act shall be carried by him to the Credit of the Baronies in proportion to the Amounts paid by them respectively under the Provisions of this Act.

Treasurer of County.

CIII. That nothing in this Act contained shall be deemed or taken to affect any of the Rights, Powers, or Privileges of the Holders of Mortgages upon the *Cork and Bandon* Railway, or of the Holders of *Cork and Bandon* Railway Debenture Shares.

Saving Rights of existing Mortgagees, &c.

CIV. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing in this Act contained shall be deemed to prevent the Company from paying to any Shareholder such Interest or Money advanced by him above the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid on Calls paid up.

CV. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Company's Capital.

CVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her present

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85.,

9 & 10 Vict. c. 7., and 14 & 15 Vict. c. 64.

present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railway or the Company from the Provisions of such several Acts respectively, but such Provisions shall be in force in respect to the Railway and the Company so far as the same are applicable thereto.

Railway, &c. not exempt from Provisions of future General Acts.

CVII. That this Act or anything therein contained shall not exempt the Company or the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to 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 and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges by this Act authorized.

Expenses of Act.

CVIII. That the Costs and Expenses incurred in obtaining this Act, and all Expenses preparatory and relating thereto, shall be paid by the Company.

The

The SCHEDULE referred to in the foregoing Act.

This Deed, made the Day of 18 , between of of the one Part, and the Cork and Bandon Railway Company of the other Part, witnesseth that [*if any Money Consideration is to be paid by the Company, here insert* "in "consideration of the Sum of of lawful "Money of Great Britain to the said "paid by the said Cork and Bandon Railway Company"], the said doth hereby surrender unto the said Company all those Shares in the Capital and Undertaking of the said Company which in the Books of the said Company are distinguished by the respective Numbers , and all his Right, Title, and Interest therein and thereto, to the Intent that the same may be merged and absolutely extinguished. (*Here add the following Provision if intended:* — "And it is hereby agreed that the said (Surrenderor) shall "be henceforth discharged from all Calls and Liabilities in respect "of the Shares hereby surrendered;" *and any other Terms or Conditions intended.*)

In Witness whereof the said (Surrenderor) hath hereunto set his Hand and Seal, and the Company have caused their Common Seal to be hereunto set and affixed, on the Day and Year first before written.

LONDON:
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