ANNO PRIMO

# VICTORIÆ REGINÆ.

## *Cap.* cviii.

## An Act for making a Railway from the City of *Cork* to the Town of *Passage*. [12th *July* 1837.]

WHEREAS the making and maintaining a Railway from the City of *Cork* to the Town of *Passage* would be of great public Advantage, not only by opening an additional, certain, and expeditious Communication between the said City and Town and the several intermediate and adjacent Places, but also by improving the existing Communication between the City of *Cork* and the Entrance of the Harbour of *Cork* and the Town of *Cove*: And whereas the Queen's most Excellent Majesty claims, in right of Her Crown, to be entitled, and the Mayor and Corporation of the City of *Cork* also claim to be entitled, to certain Slab or Strand in the Parishes of *Saint Nicholas*, *Saint Finn Barry*, *Carrigaline*, *Dounderrow*, *Marmullane*, and *Monkstown*, over which the said Railway or some Part thereof is intended to pass: And whereas the several Persons herein-after named, with others, are willing at their own Expence to carry into execution the before-mentioned Undertaking; but the same 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 Parliament assembled, and by the Authority of the same, That *Joseph Kincaid*, *Joseph Robinson Pim*, *James Pim* junior, *James Beale*, *Daniel* Proprietors incorporated.

*Daniel Meagher*, *Richard Williamson Topp*, *Samuel Lane*, *Reuben Deaves*, *George Crawford*, *Joseph M'Mullen*, *Richard Notter*, *Paul Twigg*, *Joshua Mason Chayter*, *Charles Sugrue*, *Thomas Lyons*, *Daniel Leahy*, *John Gould*, *Francis Bernard Beamish*, *Robert M'Cleod*, *Francis Lyons*, *Michael Salmon*, *Robert Nettles*, *Thomas Harvey*, *John Leckey*, and *John M'Namara*, and all other Persons and Corporations who have subscribed or shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway and Branch Railways and other Works by this Act authorized, and for other the Purposes herein-after declared, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Cork* and *Passage* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase, hold, and sell Lands for the Use and Benefit of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

Rules for the Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Railway" is used, the same shall be understood to include the Branch Railways hereby authorized to be made, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Company empowered to make the Railway.

III. And be it further enacted, That it shall be lawful for the said Company and the Directors thereof, and they are hereby empowered, to make and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line or Course and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference which have been deposited with the respective Clerks of the Peace for the County of the City of *Cork* and the County of *Cork*; (that is to say,) to commence at or near the Edge of the East Side of the *Anglesey Road* or *Street* adjoining to and abutting upon the Wall at the West Side of the Corn Market in the Parish of *Saint Nicholas* in the County of the City of *Cork*, and to terminate at or upon or near the Strand or Slab adjoining to and abutting upon the East End of the new Steam Packet Pier or Quay at the Town of *Passage*, upon or adjoining the Lands of *Malbaune* in the Parish of *Monkstown* in the County of the City of *Cork* or in the County of *Cork*, and which said Railway or Railways is or are intended to pass from, into, or through the several Parishes, Towns, Townships, and Places following, or some of them; that is to say, *Saint Nicholas*, *Saint Finn Barry*, *Saint Michael*, *Dundannion*, *Blackrock*, *Mahon*, *Ballinure*, *Carrigaline* alias *Bever*, *Douglas*,

*Douglas*, *Dunderrow* otherwise *Dunderroe* otherwise *Dune*, *Marmullane*, *Passage*, and *Monkstown*, all in the County of the said City of *Cork*, *Ardmore*, *Horsehead*, *Pembroke*, *Tureen*, *Passage*, *Marmullane*, and *Monkstown*, in the County of *Cork*, or some of them.

Penalty on obstructing Persons employed in the Construction of the Railway.

IV. And be it further enacted, That if any Person shall wilfully or maliciously obstruct or prevent any Person or Persons employed by the said Company in setting out the Line of the said Railway, or engaged in the Construction thereof or of any Part thereof, or shall wilfully pull up or remove any Stakes that may have been driven in the Ground or Slab for the Purpose of setting out the Line of the said Railway, he shall forfeit and pay any Sum not exceeding Two Pounds nor less than Five Shillings for every such Offence.

Plans and Books of Reference to remain in Custody of the Clerks of the Peace.

V. And whereas Maps or Plans and Sections, describing the Line of the said Railway, and the Lands upon or through which the said Railway and the Works connected therewith are intended to be carried or made, together with Books of Reference thereto containing Lists of the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the County of *Cork* and County of the City of *Cork;* be it therefore enacted, That the said Maps or Plans, Sections, and Books of Reference so deposited shall remain with and be kept by the said Clerks of the Peace respectively; and all Persons interested in any Manner in such Lands shall have Liberty (at all reasonable Times) to inspect and to make Extracts from or Copies of the said Maps or Plans, Sections and Books of Reference respectively, paying to the Clerk of the Peace in whose Custody the Map or Plan, Section or Book of Reference so inspected or referred to may be, for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, Sections and Books of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, certified by the said Clerks of the Peace or one of them, shall be and are hereby declared to be good Evidence in all Courts of Law or otherwise.

Unintentional Errors in Map or Plans or Books of Reference not to prevent Execution of the Act.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works in the Line or Course, and upon, across, under, or over the Lands delineated on the said Maps or Plans, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Books of Reference or in the Schedule to this Act annexed, if it shall appear to any Two or more Justices of the Peace for the County, City, or Place wherein the Matter in question shall arise (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and every such Certificate of the said Justices shall be deposited with and remain in the Custody of the respective Clerks of the Peace of the said County and City, as the Case may require.

VII. And

Company empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

VII. And be it further enacted, That the said Company, in making the said Railway and other Works by this Act authorized, shall have full Power and Authority to deviate from the Line delineated on the Maps or Plans so deposited with the Clerks of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards on either Side of the Line so delineated upon the said Plans (except as herein-after mentioned), and in passing through Lands covered with Houses in any Town shall not extend to a greater Distance than Ten Yards on either Side of the said Line; nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Books of Reference, or in the Schedule to this Act annexed, unless the Name of such Person shall have been omitted by Mistake, and unless the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Books of Reference.

To prevent any Deviation North of the Railway Line.

VIII. Provided always, That no such Deviation shall extend in any Manner to the North of the Line of the said intended Railway, as now laid down on the said Map and Plan deposited with the Clerk of the Peace of the County of the City of *Cork*, between the Slab marked No. 17 on the said Plan and the Terminus of the said Railway in the City of *Cork*.

Deviation to be made to the South of the Line if required by the Corporation of Cork and the Cork Harbour Commissioners.

IX. And whereas it having been alleged by the Harbour Commissioners and the Corporation of the City of *Cork* that it may be expedient that the proposed Line of Railway, over the Slab or Land marked Nos. 6 and 7 upon the Maps deposited with the respective Clerks of the Peace, should be made South of the present Line marked upon the said Maps to the Extent of One hundred Yards authorized by this Act; be it therefore enacted, That in case the said Corporation of the City of *Cork* and the Harbour Commissioners of the said City shall, within Three Months after the passing of this Act, require the said Company to make a Deviation of the Line of the said Railway, to an Extent not exceeding One hundred Yards South of the said present Line of Railway, over the said Slab marked Nos. 6 and 7, commencing on that Part of the Slab nearest to the City of *Cork*, and continuing at such Deviation to the South of the Line laid down to a right Line to be drawn between the Centre of the Eastern Stairs of the old Navigation Wall and the Centre of the Dwelling House of *John Cogan* Esquire, in the *Diamond Quarry* on the *Blackrock* Road, then the said Company shall and they are hereby required to make such Deviation accordingly: Provided always, that the Breadth of the said Railway over any Part of the said Slab shall not exceed Fifty Yards.

Company not to take any Part of Monerea Marsh within One hundred and twenty Feet of the public Quay, except for a Station.

X. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Railway Company to take or use, for the Purposes of the said Railway or of the Works connected therewith, any Part of the Marsh or Slab called *Monerea Marsh*, belonging to *William Wise* Esquire, within One hundred and twenty Feet from any Part of the public Quay on the Southern Side of the South Channel of the River *Lee*, excepting only a Piece of the said Lands intended for a Station House and Stores to be attached to the said Railway, being One hundred and twenty Feet in front to the intended Street,

as

as laid down on the Plan of the said Railway, and Fifty Feet in Depth fronting to the Quay, without the Consent in Writing of the said *William Wise* having been first obtained; and also that the said Company shall make and at all Times hereafter maintain and keep in repair a good and sufficient Bridge or Bridges, or Arch or Arches, over the intended new Street now staked out at the East Side of the Corn Market in the said City of *Cork*, and shall leave a clear Opening of not less than Twenty-four Feet for the Carriageway and of Six Feet on each Side of the said Street for the Footway thereof, and the Soffit of the Bridge or Arch over or across the Street shall be at least Sixteen Feet above the Surface of the said Street.

Company to make a Bridge over the intended new Street.

XI. And be it further enacted, That notwithstanding any thing in this Act contained the said Railway and the Works thereof shall be so constructed as not to interfere with or to encroach upon or be detrimental to the now navigable Channel of the River *Lee* or any Part thereof.

Railway not to affect the Navigation of the River Lee.

XII. And whereas it is in contemplation by the Commissioners of the *Cork* Harbour to extend the present Navigation Wall to the King's Quay at *Blackrock;* be it therefore enacted, That, notwithstanding any thing in this Act contained, the said Railway and the Works thereof shall be constructed at a Distance of at least Forty Feet from the Southern Side of the proposed Navigation Wall as aforesaid, as now laid down on the Map or Plan of the said Railway so deposited as aforesaid with the Clerk of the Peace for the County of the City of *Cork*.

Railway to be constructed Forty Feet at least on the Southern Side of the proposed Navigation Wall.

XIII. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Railway herein-before authorized to be made unless the said Company shall have, previously to the Commencement of such Work, deposited with the Clerks of the Peace for the several Counties through which the said Railway hereby authorized to be made is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and also with the Postmasters of the Post Towns in or nearest to the Parishes in or through which such Alterations shall have been authorized to be made Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections, or Extracts or Copies thereof, paying to the Clerk of the Peace or the Postmaster of the Parish having the Custody of such Plan and Section, or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Railway not to be proceeded with till certain Plans, &c. deposited.

XIV. And be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the said Railway, as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to

Limiting Deviations from Datum Line described on the Section, &c.

to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or of the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway, as denoted by the said Section, shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards, measured on the Line of the Railway: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or if there be no Church some other Place to which Notices are usually affixed: And provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any Tunnelling or Arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein capacitated to agree for the Sale of and to convey Land for the making of the said Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

Not to diminish the Radius of any Curve beyond a certain Extent.

XV. And be it further enacted, That it shall not be lawful to diminish the Radius of any Curve from what it is shown to be on the Plan deposited with the Clerk of the Peace unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile unless where it exceeds Two Miles, or by more than Half a Mile unless where it exceeds Three Miles on the said Plan.

Houses and Gardens not to be used unless specified in the Schedule.

XVI. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-six, or any Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a

House, or any inclosed Ground then planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, (other than and except such as are specified in the Schedule to this Act annexed, or in the said Book of Reference,) without the Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and unless it shall be so certified in manner herein-before provided for in case of unintentional Errors in the said Book of Reference.

Company may contract for the Works.

XVII. And be it further enacted, That it shall be lawful for the said Company or the Directors thereof, or for such Person or Persons as the said Company or the said Directors shall for that Purpose appoint, in the Name of the said Company or otherwise, to contract and agree with any Person or Persons for making the said Railway or any Part thereof, or any other of the Works hereby authorized to be made or done by the said Company, and that in such Manner and for such Sums and under such Regulations and Restrictions as the said Company or the said Directors thereof shall think proper; and all Contracts in Writing made as aforesaid for any of the Purposes aforesaid shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or all or any of the other Parties thereto failing in the Execution and Performance thereof.

Power to take Lands, &c.

XVIII. And be it further enacted, That, for the Purposes and subject to the Provisions and Restrictions of this Act, the said Company and the Directors thereof, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered to enter into and upon the Lands and Premises of Her Majesty, Her Heirs and Successors, and of any Person or Persons in Trust for Her and Them, and of the principal Officers of Her Majesty's Ordnance, or any Persons in Trust for them or any of them, and of any Corporation or Person whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands or any Lands adjoining thereto to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise, in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Railway and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, upon, across, under, or over the said Railway or other Works, or in, upon, across, under, or over any Lands, Slab, Strands, Streets, Hills, Valleys, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, (whether temporary or permanent,) Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Culverts, Cuttings, and Fences; and also to erect and construct such Houses,

Wharfs,

Wharfs, Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper; and also to alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses during such Time as may be necessary for constructing and maintaining Tunnels, Bridges, (whether temporary or permanent,) Arches, or Passages over or under the same; and also to divert or alter the Course of any Rivers or Streams of Water, Roads or Ways, or to raise or sink any such Rivers or Streams, Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway, and to make Drains or Conduits into, through, or under any Lands adjoining the said Railway for the Purpose of conveying Water from or to the said Railway; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and to do and execute all other Matters and Things necessary or convenient for the making, maintaining, altering, or repairing and using the said Railway and other Works by this Act authorized; they the said Company or the said Directors thereof, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and the said Directors thereof, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Dimensions of Viaduct over the Douglas Channel.

XIX. And whereas it is intended to carry the said Railway over and across that Part of the River *Lee* or *Douglas Channel* which flows from the main Branch of the said River *Lee* to the Bridge at *Douglas* in the Liberties of the City of *Cork* by means of a Bridge or Viaduct, and it is desirable, so far as it is possible and practicable, to guard against any Obstruction to the Flow of Water and Passage of Boats up the said Channel; be it therefore enacted, That the Span of the Arches or Openings to be constructed over the said Channel shall be formed and shall at all Times be continued of such Width as to leave a clear Space under such Arches or Openings of not less than Twenty-five Feet, and of a Height from the Surface of the Water at the usual Level of the Tides in said River to the Centre of such Arches or Openings of not less than Seven Feet Six Inches, with proper Culverts at each Side of such Openings, as are particularly laid down and delineated on the Map and Plan of said Railway deposited in the Office of the Clerk of the Peace for the City of *Cork*.

Provision for a Road and Quay near Blackrock.

XX. And be it further enacted, That the said Company shall make a convenient Road and Passage from the *Blackrock* Road at the East Side of the intended Railway, near or through the Ground now in the Possession of the Board of Ordnance or near the public Baths, to the River, for Cars, Carts, Horses, and Passengers, with all Kinds of Loading and Merchandize, and shall provide a Quay or Landing Place from and at which all Vessels may land and take in their Cargoes free of any Charge on

on the Part or Behalf of the said Company; and that on such Road and Landing Place being so made and constructed as aforesaid, that then and from thenceforth the Passage or Road now leading down from the said *Blackrock* Road to the River nearly opposite the Convent, and the Landing and Loading Place at the End of the same, shall be discontinued and cease to be used, and it shall be lawful for the said Company thereupon, and they are hereby authorized and empowered, to close and shut up the same, and to cause all Right of Passage thereunto and therein to cease and be discontinued.

Flow of Water into the Southern Channel of the River Lee not to be interfered with.

XXI. And be it further enacted, That the said Railway Company shall not, in the Formation of the said Railway or of any Wharfs or other Works to be made or done in pursuance of this Act, in any Manner interfere with or obstruct the Entrance and Flow of Water into or from the Southern Channel or Branch of said River *Lee* between the said Railway and the several Lands and Premises situated on the Southern Bank of the said River, so as to prevent the Strand, Slab, and Mud upon which the Water has heretofore flowed and now flows from being covered as it has heretofore been and now continues to be covered at High Water, as far as the same is practicable, consistently with the Works necessary for the Construction of the said Railway; but that in the Formation of the said Railway, Wharfs, and other Works the said Railway Company shall and they are hereby required, at their own Expence, to make, construct, and provide such Archways, Culverts, Floodgates, Sluices, Watercourses, and other Passages as shall be sufficient to admit the Water and Tide to enter into and flow upon and over and to discharge itself out of and from the said Strand, Slab, or Mud, in such a Manner as that the same shall be covered at High Water as aforesaid to the Depth it has usually and heretofore been covered, as far as is practicable and possible, consistently with the necessary Obstruction presented by the said Railway as aforesaid; and that such Archways, Culverts, Floodgates, Sluices, Watercourses, and Passages, or a sufficient Number thereof, shall be so constructed and provided, and be of such sufficient Dimensions as to admit such Boats, Lighters, and other Craft with Strike-masts as now can navigate and usually have navigated the said Southern Branch of the said River: Provided always, that all such Archways, Culverts, Floodgates, Sluices, and Passages so to be constructed and provided for the Entrance and Discharge of said Waters, and of the said Boats, Lighters, and Craft, with Strike-masts, as aforesaid, shall be at all Times supported, maintained, cleared, and kept in good and sufficient Order, Repair, and Condition by the said Railway Company at their own Expence as aforesaid: Provided also, that if the said Archways, Culverts, Floodgates, Sluices, Watercourses, or Passages, or a sufficient Number of them for the Purposes aforesaid, shall not be so provided or constructed, or shall not be supported, maintained, cleared, and kept in good and sufficient Repair, Order, and Condition, (as the Case may be,) it shall and may be lawful for any Person or Persons who shall be aggrieved or injured thereby, or in any way interested therein, to serve a Notice in Writing containing a Statement to that Effect upon the said Railway Company; and if within Ten Days after the Service of such Notice the said Company shall not construct or erect the said Archways, Culverts, Floodgates, Sluices, Watercourses, and Passages, or clear the same and put the same in

good and sufficient Order and Condition, (as the Case may be,) then and in such Case it shall be lawful for the Person or Persons so complaining, and having duly served such Notice as aforesaid, to apply to any Two Justices of the Peace for the said County of the City or for the said County as aforesaid, and the said Justices are hereby directed to issue a Summons signed by the said Justices, commanding the said Company by some authorized Agent on their Behalf to attend before the said Justices on a Day to be named in the said Summons, and not exceeding Three Days from the Date thereof; and the said Justices on hearing both Sides, if to them it shall seem reasonable, shall extend the Time for the said Company to perform the said Works; and in case the said Company, after such further Time so given as aforesaid, shall fail to construct and erect, or clear and put in good Order and Condition, (as the Case may be,) such Archways, Culverts, Floodgates, Sluices, Watercourses, and Passages, then and in every such Case it shall and may be lawful for the said Justices and they are hereby empowered by an Order in Writing under their Hands, to authorize and enable such Person or Persons so applying, and injured and aggrieved as aforesaid, to make, construct, and erect, or cleanse, or put in good and sufficient Order, Repair, and Condition, (as the Case may be,) the said Archways, Culverts, Floodgates, Sluices, Watercourses, and Passages; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, (in case there shall be any Dispute about the same,) shall be defrayed by the said Railway Company; and in case of Neglect or Refusal by the said Company to satisfy and defray such Costs and Charges within the Space of Ten Days next after the same shall have been so settled and allowed, (if disputed, and if not disputed, then within Ten Days next after a Demand thereof in Writing shall have been made on the said Company,) the said Justices are hereby by Warrant under their Hands and Seals to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed or shall be due, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by such Justices; or the said Parties, on such Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as is in other Cases by this Act directed.

Power to the Company to take Waste Land, Slab, and Strand.

XXII. And be it further enacted, That in all Cases in which in the Execution of the Powers of this Act there shall be Occasion to take or use any Land covered by the Sea or River, or Waste Land, or Slab or Strand, whether such Land so covered by the Sea or River as aforesaid, or Waste Land, or Slab or Strand as aforesaid, shall belong to the Queen's most Excellent Majesty in right of Her Crown, or to any Corporation or Person whatsoever authorized by this Act to contract for the Sale of Lands, and such Land so covered by the Sea or River, or Waste Land, or Strand or Slab as aforesaid, shall be liable to the Exercise of any Right of Fishing or any other Privilege thereupon, the Conveyance or other Transfer, whether by Deed or Writing, or by Parol without Writings, of such Land so covered by the Sea or River, or of such Waste Land, Slab, or Strand respectively as aforesaid, by Her Majesty's Commis-

sioners of Woods and Forests on behalf of Her Majesty, or by any Corporation or Person as aforesaid having such Estate or Interest therein, shall be a good and sufficient Conveyance or Transfer to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of and giving to them the immediate Right of Entry into and upon such Land so covered by the Sea or River, or Waste Land, Slab, or Strand respectively as aforesaid, free from all such Rights of Fishing and Privileges as aforesaid, as fully and effectually as if every Person having such Right of Fishing and Privileges as aforesaid thereupon were seised thereof in Fee Simple, and had joined in and executed such Conveyance or Transfer, any Law or Statute to the contrary notwithstanding: Provided always, that in case after such Grant or Conveyance as aforesaid any Obstruction shall be offered by any Person or Persons to the Entry of the said Company into and upon the said Land so covered with the River or Sea as aforesaid, or the said Waste Land, Strand, or Slab as aforesaid, it shall be lawful for the said Company or the said Directors thereof to issue their Precept to the Sheriff of the County or County of the City in which the said Land covered by the Sea or River, Waste Land, Slab, or Strand as aforesaid, shall be situate, to deliver Possession of the said Land so covered by the Sea or River, Waste Land, Slab, or Strand respectively as aforesaid, to the Person or Persons who shall in the said Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Land so covered by the Sea or River, Waste Land, Slab, or Strand respectively as aforesaid, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person or Persons so offering such Obstruction as aforesaid by Distress and Sale of his Goods and Chattels.

**Power to treat for the Purchase of Lands.**

XXIII. And be it further enacted, That it shall be lawful for the said Company and the Directors thereof to treat and agree for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and and of any subsisting Leases, Terms, Estates, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Company or the said Directors thereof shall think sufficient.

**Breadth of Land to be taken for the Railway.**

XXIV. And be it further enacted, That the Lands to be taken for the Line of the said Railway shall not exceed Twenty-two Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Carriages to wait, load, or unload, and to turn or pass each other, or for raising Embankments for crossing Valleys or low Grounds, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Stations, Toll House or Houses, Warehouses, Workshops, Wharfs, or other Erections and Buildings, and not above One hundred Yards in any Place, except at or near the Terminations of the said Railway and of the Branch Railways that may be made therefrom, unless with the previous Consent in Writing of the Owners and Occupiers of any Lands which the said Company or the Directors thereof shall be desirous of appropriating to the obtaining greater Space for the Purposes herein-before mentioned.

**Where small Parcels of Land are in-**

XXV. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land shall be cut through and divided so that what

tersected, the Company compellable to purchase the whole.

what shall be left thereof on both Sides or on either Side of the said Railway shall be less than Half a Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on one or other of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is in this Act directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left he may require the said Company, at the Expence of the said Company, to throw the same into the adjoining Land of such Owner by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

Providing for Injury to Roads.

XXVI. And be it further enacted, That in all Cases where, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road or Foot Road, Railway or Tramroad, either public or private, shall be found necessary to be gone across, cut through, raised, sunk, taken, or so much injured as to be impassable for Travellers, Passengers, or Carriages, or the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be so gone across, cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Road (as the Case may require) to be set out and made instead of such Road so gone across, cut through, raised, sunk, taken, or injured, and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be gone across, cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be, and shall cause such new Road to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road so gone across, cut through, raised, sunk, or passed over shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made as aforesaid, and the principal Road restored, within Six Calendar Months after the Commencement of such Operation; and the Railway where it shall cross or run within the Distance of Twenty Yards from the Side of any Turnpike Road shall be made, fenced off, and kept in repair, so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road or Accidents thereon.

Penalty on Company making default in reinstating Turnpike Roads.

XXVII. Provided always, and be it further enacted, That in case the said Company shall neglect to set out and make such good and sufficient Road as herein-before mentioned, or if in the Execution of this Act any Turnpike Road shall be cut through, raised, sunk, or injured, and the same shall not be restored within the Period prescribed by this Act, then and in either of such Cases the said Company shall forfeit and pay for every Day during which such good and sufficient Road shall be neglected to be set and made, and during which such Turnpike Road shall not be restored after the said prescribed Period (as the Case may be), the Sum of Thirty Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be recovered, levied, and applied.

XXVIII. And

Where the Railway crosses public Highways on a Level, Company to erect Gates.

XXVIII. And be it further enacted, That in all Cases wherein the said Railway shall cross any public Highway on a Level, the said Company shall erect and at all Times maintain good and sufficient Gates at each Side of such public Highway at the Points where the Railway shall pass the same; all which Gates shall be constantly kept shut by some Person to be appointed by the said Company, (and which Person the said Company are hereby required to appoint, under a Penalty of Five Pounds for each such Default,) except during the Times when Carriages passing along such public Highway shall have to cross the said Railway, and then such Gates shall be opened for the Purpose only of letting such Carriages pass through; and that such Gates shall be so constructed as when opened for Passage along the said Railway they shall close the Passage of the said public Carriage Roads across the said Railway; and the Person intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

Height and Depth of Ledge of Railway in crossing public Roads.

XXIX. And be it further enacted, That where the said Railway shall cross any public Highway on a Level, the Ledge or Flanch of such Railway, for the Purpose of guiding the Wheels of the Carriages thereupon, shall not rise above nor sink below the Level of such Road more than One Inch.

Regulations as to Width and Height of Bridges for carrying Railway over public Roads.

XXX. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any Street or public Carriage Road, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Twenty-five Feet, and of a Height from the Surface of such Road to the Centre Arch of not less than Sixteen Feet; and the Descent under any such Bridge shall, in the Case of any public Carriage Road, not exceed One Foot in Thirty Feet, and in the Case of any other Road shall not exceed One Foot in Twenty Feet.

Railway not to cross Turnpike Roads or Highways on a Level.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to empower the said Company to carry the said Railway across any Turnpike Road or other Highway on the Level of such Road, but either the said Railway shall be carried over such Turnpike Road or other Highway, or such Turnpike Road or other Highway shall be carried over the said Railway, by means of a Bridge, save and except as herein-after is provided, *videlicet*, an old Road called the *Ancient Long Ring Road*, which has long been unrepaired and is now quite impassable for Carriages.

Regulations as to Bridges for carrying public Roads over Railway.

XXXII. And be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Twenty-four Feet; and the Ascent of every such Bridge for the Purpose of such public Carriage Road shall not be more than One Foot in Thirty Feet, and in the Case of any private Carriage Road shall not be more than One Foot in Twenty Feet; and a good and sufficient Fence shall be made on each Side of every such

such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Company to erect Gates for Protection of adjoining Lands.

XXXIII. And be it further enacted, That the said Company shall at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect and from Time to Time maintain such and so many convenient Gates in, upon, or adjoining the said Railway, and such and so many Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of any Person or Persons being the Owner or Occupier of any Lands lying or being at both Sides of the said Railway and severed thereby, judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners or Occupiers of the respective Lands through which such Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages in Carts and other Carriages across or along such Lands in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to apply to any Two or more Justices of the Peace acting within their Jurisdiction, and the said Justices are hereby directed to issue a Summons, signed by the said Justices, commanding the said Company by some authorized Agent on their Behalf to attend before the said Justices upon a Day to be named in the said Summons (not exceeding Three Days from the Date of such Summons); and the said Justices upon hearing the Case shall, if to them it shall seem reasonable, further extend the Time for the said Company to proceed to the Performance of the said Works; and in case the said Company within such further Time so given shall fail to perform with all due and proper Expedition the said Work as aforesaid, then and in every such Case it shall be lawful for the said Justices and they are hereby empowered, by an Order in Writing under their Hands, to authorize and enable such aggrieved

aggrieved Parties as aforesaid to make and erect, or (as the Case may require) to maintain and repair, such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making, erecting, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway or any of the Works by this Act authorized to be made or constructed by the said Company shall not be obstructed for any longer Space of Time or be used in any other Manner than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices (in case there shall be any Dispute about the same), shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired and maintained, such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; or the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Slope, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made or shall be erected or made over or under the said Railway or any Part thereof at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the working or using the said Railway or Works, or the Passage upon or along the same: Provided also, that the said Company shall not be obliged to make Crossings unless in Cases of Severances, and then only for the Use of the Owners or Occupiers of such Lands as shall be severed by such Railway, their Servants and Workmen, whilst actually in their Employment.

When Gates are deemed insufficient the Owners of Lands adjoining empowered to make others.

XXXIV. And be it further enacted, That if any of the Owners or Occupiers of any Lands through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed or appointed to be made or erected by the said Company are insufficient either in Number or Situation for the commodious Use or Occupation of the respective Lands through which the said Railway shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request in Writing made to them, or in case of their Refusal for the Space of Ten Days next after such Request it shall then be lawful for the Owners and Occupiers

Occupiers as aforesaid to apply to any Two or more Justices acting within their Jurisdiction, who thereupon shall issue a Summons commanding the said Company by some authorized Agent on their Behalf to appear before the said Justices on a Day to be named in the Summons (not exceeding Three Days from the Date of such Summons); and the said Justices upon hearing the Case shall, if to them it shall seem reasonable, further extend the Time for the said Company to proceed to the Performance of such Works as aforesaid; and in case the said Company within such further Time so given as aforesaid shall fail to perform with all due and proper Expedition the said Works as aforesaid, then and in every such Case it shall be lawful for the said Justices and they are hereby empowered, by an Order in Writing under their Hands, to authorize and enable such Owners and Occupiers as aforesaid to make and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, over, under, or by the Side of or leading to or from the said Railway, in such Places as shall be found and adjudged most convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage to or upon the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than shall be unavoidably necessary.

For fencing off Railway through private Lands.

XXXV. And be it further enacted, That the said Company shall and they are hereby required, at their own Expence, after any Land shall have been taken for the Use of the said Railway and other Works, to separate the same and to keep the same constantly separated from the Land adjoining to such Railway and other Works with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of erecting Gates across the same as aforesaid; and the said Company shall make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid (all such Gates being made to open towards such Lands, and not towards the said Railway); and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Directions, and Regulations were here repeated and re-enacted with respect to such Fences, Gates, and Stiles.

Company to make sufficient Drains, &c. to carry Water off adjoining Lands.

XXXVI. And be it further enacted, That the said Company shall and they are hereby required from Time to Time, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient

at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Corporation or Person occupying Lands adjacent thereto shall be deprived of Access to their ancient Watering Places, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Corporation or Person if the said Railway had not been made, or from any other Source or Feeder which can lawfully be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of and along or under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace acting within their Jurisdiction shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Purpose of conveying Water to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, the said Company shall not proceed to make or cleanse, maintain and repair, (as the Case may be,) such Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any Corporation or Person to apply for an Order in Writing to any Two or more Justices of the Peace acting within their Jurisdiction from Time to Time as often as there shall be Occasion; and the said Justices are hereby empowered, at their Discretion, unless it shall seem reasonable to the said Justices, having heard upon Summons the Objection of the said Company through some authorized Agent on their Behalf, to enlarge the Time for the said Company to do and perform such Works and Repairs as aforesaid; and if the said Company shall fail to perform with due and proper Expedition the said Works or Repairs within such further Time so given for that Purpose as aforesaid, it shall be lawful for the said Justices to make and grant such Orders as aforesaid enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly; and the reasonable Expence thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof in Writing made upon the said Company, such Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Act not to prevent Owners of adjoining Land from making Branches to communicate with Railway.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend to prevent any Corporation or Person whomsoever, being the respective Owner or Occupier of Lands adjoining to the said Railway, or any other Person, from laying down, either upon their own Lands, or upon the Lands of any other Corporations or Persons, with the Consent of such Corporations or Persons, any collateral Branches from their respective Lands to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Corporation or Person, being such Owner and Occupier and such other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate, Toll, or Sum for the passing of any Passengers, Cattle, Goods, or other Things along any such Branch so to be made by any such Corporation or Person being such Owner or Occupier, or any other such Person as aforesaid: Provided always, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway for the Purpose of effecting such Communication in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane, nor in any Tunnel; and in case any Disagreement or Difference shall arise between any such Owners and Occupiers or other Persons and the said Company as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace acting within their Jurisdiction, whose Determination, after the Examination of such competent Witnesses as may be produced before them, shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Bridges, &c. may be made across the Railway by Owners of adjoining Lands.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands adjoining the said Railway from making any Railway, Bridge, or Culvert to, from, across, over, under, or into the said Railway hereby authorized to be made by the said Company and to use such Railway, Bridge, or Culvert so made by him for the Benefit of himself and of all other Persons to whom he may from Time to Time give Leave, so that such Railway, Bridge, or Culvert do no Injury to and do not prevent the free Passage upon the Railway hereby authorized to be made by the said Company; and all such Railways, Bridges, and Culverts shall be made and erected, and from Time to Time repaired or renewed, under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, Bridges, and Culverts respectively: Provided always, that in case such Engineer shall neglect or refuse to give his Opinion upon such Plan and Specification within the Space of One Calendar Month, then such Plan and Specification shall be submitted to Two of Her Majesty's Justices of the Peace acting within their Jurisdiction, who shall make such Order therein as they shall think proper: Provided nevertheless, that in case any Damage or Obstruction shall be thereby or by Want of Repair thereof

thereof done or occur to or in the Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners for the Time being of the Land for whose Benefit any such other Railway, Bridge, or Culvert may be made or continued; and if the same shall not be forthwith done it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days after the Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners, or by Action of Debt or on the Case, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*.

Gates opening upon the Railway to be shut and fastened after Persons have passed the same.

XXXIX. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway, shall and they are hereby respectively required, as soon as they, and the Carriages, Cattle, or other Animals or Things under their Care or which they may accompany, shall have passed through the same, to shut and fasten the said Gate, and every Person neglecting so to do shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Company may purchase additional Lands not exceeding Thirty Acres.

XL. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation (who shall be willing to sell the same) for the Purchase of any Lands, not exceeding in the whole Thirty Acres, in addition to the Lands herein-before authorized to be taken, in such Places as shall be deemed eligible, for the Purpose of making and providing additional Stations, Yards, Wharfs, Staiths, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences for the Accommodation of Passengers, or for receiving, depositing, loading, weighing, or keeping any Cattle, or any Goods, Articles, Matters, or Things, conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purpose whatsoever connected with the Undertaking by this Act authorized which the said Company shall judge requisite; and it shall be lawful for all Corporations and all other Persons, including especially such Corporations and Persons as are by this Act capacitated to sell and convey other Lands and to release Rents and other Charges for the Purposes of this Act, to sell, or grant and convey to the said Company and their Successors any Lands for the Purposes herein-before mentioned, or any of them, and to release Rents or other Charges thereon, in the same Manner as is herein-before directed concerning the Lands to be taken for the Purpose of making the said Railway and other Works by this Act authorized.

Power to sell Lands not wanted and purchase others not exceeding the said Quantity.

XLI. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes of additional Stations, Yards, Wharfs, Staiths, Shipping Places, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, as herein-before authorized, or such Parts of such Lands as the said Company shall think proper, and in such Manner, and for such Considerations, and to such Persons as the said Company shall think

think proper, and again to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time, as the said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes herein-before mentioned shall not exceed at any one Time the Number of Acres for those Purposes expressly specified or allowed in this Act.

Restraining Company from purchasing more than Twenty Acres of Land from incapacitated Persons.

XLII. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Railway and other Works, are enabled to purchase, by virtue of this Act, of Persons and Corporations willing to sell the same, Twenty Statute Acres of Land, for the Purpose of providing additional Stations, Yards, Wharfs, Staiths, Shipping Places, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, and all Persons and Corporations whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling Land so purchased from Persons and Corporations being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Persons or Corporations being under legal Disability or Incapacity in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall purchase such Twenty Statute Acres from any Person or Corporation under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or from any other Person or Corporation being under legal Disability or Incapacity, nor for the same nor for any other Person or Corporation being under legal Disability or Incapacity to sell to the said Company any other Lands in lieu of such Twenty Statute Acres of Land or any Part thereof so sold or disposed of by the said Company.

Persons under legal Disability empowered to sell and convey Lands.

XLIII. And be it further enacted, That after any Lands intended to be taken or used for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act in case they had been

sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whatsoever seised or possessed of or interested in any such Lands, to contract for, sell, and convey the same or any Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances, including reasonable Costs, Charges, and Expences of furnishing Title, as the said Company may require, shall be made at the Expence of the said Company, and (unless the said Company may be advised that the same is not applicable to the Circumstances of the Case, or where it may be necessary or desirable to insert particular Provisions,) may be according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will reasonably admit; (namely,)

Form of Conveyance to the Company.

'I of in consideration of the Sum of to me, [*or, as the Case may be*, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, *ex parte* the *Cork* and *Passage* Railway Company, *or* to *A.B.* of and *C.D.* of their Heirs and Assigns, Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the *Cork* and *Passage* Railway Company, established and incorporated by an Act of Parliament passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title and Interest in and to the same and every Part thereof as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .'

And all Conveyances, whether in the Form herein-before given or in any other Form, shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and to bar and destroy all Estates Tail and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same; but although Terms shall be merged they shall in Equity afford the same or like Protection and Priority as they would have afforded at Law if they had been assigned and kept on foot in Trust for the Company, and to attend the Reversion and Inheritance.

Power to purchase the Release of Lands wanted from the Rents charged thereon.

XLIV. And be it further enacted, That where any Lands purchased or wanted or intended to be purchased by the said Company shall be subject, solely or jointly with other Lands not intended to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company

pany to agree for the Release of the Lands so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum of Money in gross as shall be agreed upon between the said Company and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury (if required) in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or wanted or intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Lands purchased or wanted or intended to be purchased, and of the Lands not purchased or wanted or intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Company and any such Party as aforesaid respecting such Release, (and which may be of the like Forms or to the like Effect, *mutatis mutandis*, as by this Act are directed to be used in the Case of Conveyances of Lands,) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionable Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Lands so jointly subject, and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release Land so purchased by the said Company therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Lands so purchased therefrom, with the Consent of the Owner of the the Lands so purchased and also of the Owner of the Lands so jointly subject as aforesaid, to release the Lands so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Lands, on condition or in consideration of such other Lands continuing or remaining only and exclusively subject to the whole of such Rent, Payment, or Incumbrance, in like Manner and with the like Remedies as if such Rent, Payment, or Incumbrance had been originally charged solely upon the Lands which shall not be so purchased as aforesaid: Provided always, that when any of the Lands purchased by the said Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall, in the Case of Apportionment, be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, or when Part of the Land originally charged therewith shall be released, it shall be

lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance (if any) shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Power to keep on foot attendant Terms.

XLV. Provided always, and be it further enacted, That Terms of Years attendant on the Inheritance of any Lands purchased by and conveyed to the said Company pursuant to the Powers of this Act shall and may, in the Option of the said Company, such Option being expressed in the Conveyance to the said Company, be kept on foot and assigned to a Trustee of the said Company, to attend the Inheritance of such Lands, and protect the same from all Incumbrances subsequent to the Creation of such Terms, and the Terms of Years so assigned, and as to which such Option shall have been expressed in the Conveyance to the said Company as aforesaid, shall not merge in the Inheritance of the Lands comprised in such Conveyance, any thing in this Act contained to the contrary notwithstanding.

Mortgages to be conveyed to Company after Tender

XLVI. And be it further enacted, That all Persons and Corporations having any Mortgage on any Lands to be taken or used for the Purposes of this Act, and whether entitled thereto in their own Right or in Trust, and whether in Possession under Mortgage or not, shall, on Tender by the said Company, or by any Person by them authorized, of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money immediately alien, release, assign, and transfer such mortgaged Premises to the said Company, or to such Person and in such Manner as they shall appoint, and which Alienation, Release, Assignment, and Transfer may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyances of Lands, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, and the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall alien, release, assign, and transfer their respective Interest in the mortgaged Premises to the said Company, or as they shall direct; and in case any such Mortgagee shall refuse to alien, release, assign, or transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to alien, release, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid into the Bank of *Ireland* at or before the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice and in addition to the said other Monies of Six Calendar Months Interest in advance,

advance, for the such Use of Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee and of all Persons in Trust for him shall vest in the said Company.

Directing in what Manner Disputes between the Company and certain Mortgagees shall be settled.

XLVII. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands or (as the Case may be) of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands on the one Part, and the said Company or the Directors thereof on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon alien, release, assign, and transfer all his Interest in such mortgaged Lands the Value whereof so shall have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to alien, release, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *Ireland* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payments to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used, from all Principal and Interest, Costs, and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payments of their Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment thereof to the said Company, have been paid to the Mortgagee

gagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company, at their Expence, to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

In case the Parties refuse or are incapable to treat, the Value to be settled by a Jury.

XLVIII. And for settling all Differences which may arise between the said Company or the Directors thereof and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Person, Corporation, or Trustee so interested or entitled, and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the said Company or the Directors thereof as to the Amount of such Purchase Money or Satisfaction, Recompence, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier, or affixed to some conspicuous Part of any Premises or of any Lands required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall, by reason of any Impediment or Disability (whether provided for by this Act or not), be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the said Railway and other the Works aforesaid, or shall not on Request by the said Company disclose or shall be unable to prove the State of the Title to the Premises of which they respectively may be in Possession, and which they may claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant either under their Common Seal, or under the Hands and Seals of Three at least of the Directors of the said Company, to the Sheriff of the County or County of the City in which the Lands in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anyways interested in the Matter in question, then to any of the Coroners of such Counties or Counties of Cities, not interested as aforesaid, or if all the Coroners shall

be so interested then to some Person then living in the County or County of the City, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County or County of a City, and not be interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff or Coroner or other Person to impannel, summon, and return (and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return) a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Dublin;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Dublin* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest therein as shall have been of right purchased by the said Company from any other Person, and also the Sum of Money to be paid by way of Satisfaction, Recompence, or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction, Recompence, or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall

be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in any Action at Law are entitled to: Provided also, that no less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, either by delivering such Notice to such Party, or by leaving the same at his usual or last known Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation (in the Case of a Corporation), or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

Company may, at their Discretion, require Special Jury for settling Differences.

XLIX. Provided always, and be it enacted, That if for the settling any Differences which may arise between the said Company and the several Owners of or Persons interested in any Quarries, Strand, or Sea Shore, Lands, Tenements, or Hereditaments, which shall or may be required, taken, used, damaged, or injuriously affected by the Execution of any of the Powers by this Act granted, the said Company shall issue any such Warrant for the impannelling, summoning, and returning a Jury, it shall and may be lawful for the said Company, or the Directors thereof, at their Discretion, and also, if the Person or Corporation claiming Compensation shall so request, they are hereby required to command the Sheriff, Coroner, or other Person to whom such Warrant may be directed to impannel, summon, and return a Jury of at least Forty-eight Men, qualified according to the Laws of this Realm to serve as Special Jurors for the Trial of Issues in Her Majesty's Courts of Record at *Dublin*, and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant directed, and to attend from Day to Day until duly discharged; and a Jury of Twelve Men shall be drawn by Ballot by the said Sheriff, Coroner, or other Person, in such Manner as Jurors for the Trial of Issues joined in Her Majesty's Courts of Record at *Dublin* are or may be by Law directed to be drawn, and thereupon, and in the Case of a Default of Jurors, all such and the like Proceedings as the said recited Act authorized and directed shall be had and taken for the Settlement of such Differences as aforesaid.

Compensation Money to be apportioned.

L. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money, Satisfaction, and Recompence or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises by way of Lease or otherwise, for his Interest therein.

Verdicts to be recorded.

LI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter in dispute shall have arisen among the Records of the Quarter Sessions of such County, and shall be deemed

deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff, &c. Jurors or Witnesses, making default.

LII. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin;* and if any Person so summoned and returned upon such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker to make an Affirmation or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged and determined by the said Sheriff, Under Sheriff, Coroner, or other Person so presiding as aforesaid,) shall forfeit and pay for every such Offence, to the Party for whom or on whose Account any such Jury or Witness shall have been summoned, any Sum not exceeding Twenty Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place in which the said Lands shall be situate, or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as in Courts of Record at Dublin.

LIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Dublin;* and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

By whom Expences of Juries shall be paid.

LIV. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise

arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of Witnesses, and of the Verdict, Inquisition, and Judgment, or in anywise consequent thereon or incident thereto, and of the Bond to be given as herein-after mentioned, shall be defrayed by the said Company; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person so presiding as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place where such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, One Moiety of the said Costs, Charges, and Expences, including the Costs of the Bond so to be given as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other sufficient Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

Persons requesting Juries to enter into Bonds to prosecute their Complaint.

LV. And be it further enacted, That all Parties with whom the said Company shall have such Dispute respecting Damages, or who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the Treasurer or Clerk of the said Company in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to Company before Complaint.

LVI. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, (without the Consent of the said Company,) to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on behalf of the Person or Corporation making such Complaint, stating the Nature, Extent, and Particulars of such Loss or Injury, and the

Amount of the Compensation claimed in respect thereof, shall have been given by such Person or Corporation to the said Company Ten Days before the summoning of such Jury, and within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

Settling Disputes as to Damages to a small Amount.

LVII. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act as to the Amount or Value of the Damages done by the said Company, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place in which such Lands or Property shall lie or be situate, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company.

Application of Compensation Money amounting to 200*l.*

LVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for any Compensation under this Act, which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee, or Feoffee in Trust, Committee, Executor, or Administrator, Feme Covert, or any Person whomsoever for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trusts, whether Infants, Issue unborn, Femes Covert, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Cork* and *Passage* Railway Company," pursuant to the Method prescribed by the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands or Tenements, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way as aforesaid, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid,

stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Old Three and a Half *per Centum* Government Stock, or of other Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled; and such Principal Sums and Interest shall be severally paid over to the Parties entitled thereto without any Charge for Usher's Poundage.

Application when Money is less than 200*l.* and exceeding 20*l.*

LIX. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds and exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under the Hands of Three at least of the Directors of the said Company, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved of by the said Company), and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties and of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland* in the Name of the Accountant General of the Court of Chancery, but without its being necessary to obtain any Order of the said Court touching the Application thereof.

When not exceeding 20*l.*

LX. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid for their Use to their respective Husbands, Guardians, Committees, or Trustees.

In case of not making out Titles, &c.

LXI. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands

the Money to be paid into the Bank.

Lands to be taken or used under or by virtue of the Powers of this Act, or for any Interest or for Compensation as aforesaid, shall refuse or neglect to accept the same, or to convey the Premises or Interest in the Premises purchased, or shall refuse or neglect, on Request made by the said Company, to produce his Title, or refuse or be unable to make a Title to such Premises or to such Interest in the Premises to the Satisfaction of the said Company, or shall be absent from *Ireland*, or shall not be conveniently found, or if any Party entitled unto or to convey such Lands or such Interest therein cannot be conveniently known or discovered, or be not shown to the Satisfaction of the said Company to be such Party, then and in every such Case it shall be lawful for the said Company, after Two Months from the Ascertainment of such Sum, to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them so far as the said Company can do), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as the said Court shall think proper, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *Ireland* who shall receive such Money is hereby required to give to the said Company, or to any Party paying any Money into the said Bank under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

LXII. Provided always, and be it further enacted, That where any Question shall arise, in reference to the Provisions aforesaid or otherwise upon this Act, touching the Title of any Party to any Lands, or to any Interest in any Lands, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into the Bank of *Ireland* for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act, or for Compensation as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Persons and Corporations claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to the whole or some Part of such Lands, or to some Estate or Interest therein, in which Case the said Court shall make such

Orders

Orders respecting the said Capital, Dividends, and Interests as the Circumstances of the Case may require.

The Court of Chancery may order reasonable Costs and Expences of Purchases to be paid by the Company.

LXIII. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatever, except the wilful Refusal of any such Party to convey or accept such Purchase or Compensation Money, the Purchased Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments, in Real or Government Securities, and likewise the Re-investment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments as herein-after mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders, and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith out of Court, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the said Charges and Expences as the said Court shall direct.

Costs of making out Titles to be paid by the Company.

LXIV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, or any Terms or Interests therein, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, or any Term or Interest therein, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into the Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them

them by the said Company, deliver a Bill of the said Costs, Charges, and Expences to the said Company.

How Costs are to be ascertained.

LXV. And be it further enacted, That if the said Company and the said Party cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Chancery; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation of such Costs, Charges, and Expences it shall be lawful for the said Court to order and direct that the Amount at which the same shall be so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person from whom such Lands shall have been purchased or taken as herein-after mentioned, shall be paid to the Person aforesaid, and the said Money so deposited as aforesaid shall be applied, under the Direction of the said Court, towards the Payment thereof, so far as the same will extend: Provided always, that the said Company shall not be at liberty to enter into the Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sums claimed in respect of the same in the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account there *ex parte* "The *Cork* and *Passage* Railway Company;" which Sum shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sums so deposited by them as aforesaid.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

LXVI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury in manner aforesaid for the Purchase of any Lands, Rents, or other Charge, or as a Compensation for any Loss or Injury as aforesaid, to the respective Proprietors of such Lands or other Persons respectively interested therein and entitled to receive such Money or Compensation respectively, within Two Calendar Months after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *Ireland*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable, on such Request and in such Manner as aforesaid, to make a good Title to such Lands (to the Satisfaction of the said Company), or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *Ireland*, or shall refuse, neglect, or be unable to convey the same, then upon Payment of such Money into the Bank of *Ireland*, as herein-before directed, to the Credit of

the Parties interested in such Lands, or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or such Compensation as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of *Ireland*, as herein-before directed, to an Account *ex parte* "The *Cork* and *Passage* Railway Company," then and in every of such Cases it shall be lawful for the said Company immediately to enter upon and take and retain the Possession of such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all the Parties therein in respect of whose Interest such Money shall be paid, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *Ireland* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Curtesy, and all the said Estates Tail and other Estates in Reversion and Remainder, and all the said Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *Ireland* as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this Act (save for the Purposes of ascertaining and setting out the same for the Purposes of this Act), without the previous Consent of the Owners and Occupiers thereof respectively.

Tenants at Will, &c. to quit Lands after Notice.

LXVII. And be it further enacted, That all Persons in Possession of any Lands which shall be required or be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Property to the said Company, or to such Person as the said Company shall appoint to take possession of the same at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to or left at the Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months, as in any such Notice they shall be respectively required; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County or County of the City in which the Premises shall be situate to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession by Distress and Sale of his Goods and Chattels.

Interest of Tenants may be settled by a Jury.

LXVIII. Provided always, and be it further enacted, That where any snch Tenant or Lessee who shall be required to deliver Possession of any Premises

Premises occupied by him before the Expiration of his Term or Interest therein shall give the said Company previous Notice in Writing thereof, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction, Recompence, or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction, Recompence, or Compensation (in case of Difference) shall be ascertained and determined in the same Manner as any other Satisfaction, Recompence, or Compensation for any Lands taken or used by the said Company is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

LXIX. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction, Recompence, or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Mines, or Minerals intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease or Agreement for Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, Demise, or Grant in respect of which such Claim to Satisfaction, Recompence, or Compensation shall be made, or the best Evidence thereof in his Power; and if such Lease or Agreement for Lease, Demise, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within reasonable Time after Demand made by a Clerk of the said Company, or by any Person by them authorized, the Party claiming such Satisfaction, Recompence, or Compensation shall be considered and treated as a Tenant holding only from Year to Year.

Compensation to be made for temporary Damage.

LXX. And whereas, in making and executing the said Railway and the several other Works by this Act authorized, it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands, for the Purposes aforesaid, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near the said Railway and other Works by this

this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands or upon any Part thereof respectively any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, without having previously made such Payment, Tender, or Investment as aforesaid; they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof; such Compensation (in case the Parties differ about the same) to be settled and recovered in manner hereinbefore provided for in Cases of Disputes as to the Value of Lands through or upon which the said Railway and other Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized: Provided always, that the said Company shall and they are hereby required to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, within One Calendar Month after the Expiration of the Period by this Act granted for executing the said Railway and other Works: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway, nor to make Bricks upon any of such Lands at any Place which shall not be distant at least Five hundred Yards from any Mansion, without the Leave of the Owner or Occupier of such Mansion in Writing first obtained for that Purpose: Provided also, that before entering on any such Lands for temporary Purposes as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons who shall enter into a Bond to the Owner or Occupier of such Lands in a Penalty of Fifty Pounds *per* Acre, conditioned for the Payment of Compensation as aforesaid, such Securities to be approved of by Two Justices of the Peace acting within their Jurisdiction in case the Parties differ about the same.

Company not to claim Mines, &c. under Land purchased.

LXXI. And be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act, or as may be found not deeper than the Line of the Section herein-before mentioned and referred to (unless the said Mines shall have been expressly purchased and conveyed by the Owner thereof to the said Company); but all such Coal, Ironstone, Limestone,

Limestone, Stone, Slate, Clay, or other Mines or Minerals not necessary to be so dug, carried away, or used as aforesaid shall (unless the contrary be expressed) be deemed to be excepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-after contained for the Purchase thereof by the said Company, be worked by the respective Owners or Lessees thereof under the said Lands of the Railway or other Works of the said Company, as if this Act had not been passed; provided that in the working of such Mines or Minerals no Damage be wilfully done to the said Railway or Works, and that the said Mines and Minerals be not worked in an improper Manner.

Owners of Mines to give Notice to the Company of their Intention to work the same, and Company to have Liberty to purchase.

LXXII. Provided always, and be it further enacted, That when and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, Limestone, Stone, Slates, Clay, or other Mines and Minerals lying under the said Railway and Works or any of them, or within the Distance of Forty Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing to the said Company under his Hand of such Intention at least Twenty-one Days before he shall begin to work such Mines; and upon the Receipt of such Notice it shall be lawful for the said Company to inspect such Mines or cause the same to be inspected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting and working of which may appear to the said Company likely to prejudice or damage the said Railway or other Works; and in case the said Company and such Proprietor, Lessee, or Tenant do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-before directed with respect to the Lands which shall or may be taken for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines, and he is hereby authorized, to work and get such Part of the said Mines as lie under the said Railway and Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby, unless such Damage be wilfully done or be caused by the working of the said Mines in an improper Manner.

If Company purchase Mines, Owners of Mines adjoining on each Side of the Railway may make Communications.

LXXIII. Provided also, and be it further enacted, That in case the said Company shall purchase any such Mines under the said Railway or Works, or within the Distance of Forty Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines, such Proprietors, Lessees, or Tenants being the Proprietors, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata so purchased by the said Company as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, and get the Minerals on each Side of the Mines so purchased as aforesaid: Provided always, that no Airway, Headway, Gateway, or Water Level shall be of greater Dimension or Section than Eight

Eight Feet wide and Eight Feet high; and the respective Proprietors, Lessees, or Tenants of such Mines, or other the Persons cutting and making the same, shall allow and repay unto the said Company for all Coal or other Minerals worked or obtained by them from and out of such Airway, Headway, Gateway, or Water Level at the same Rate or Price at which the said Company shall have purchased and paid for the said Mines: Provided also, that no Airway, Headway, Gateway, or Water Level shall be so cut or made as in any way to injure the said Railway or Works, or to obstruct or impede the Passage upon or along the said Railway.

Method of discovering when Mines are working under the Railway.

LXXIV. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked and gotten, so as to prejudice or damage the said Railway and other Works, or any of them; be it further enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter to enter upon any Lands through or near which the said intended Railway and other Works shall pass, wherein any such Mines shall be found, or shall be working or be supposed to be working, and likewise to enter into and return from any such Coal-pits, Works, or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling Ropes, Machines, Apparatus, or Machinery belonging to such Proprietors, Lessees, or Tenants, and to view, search, bore, dig, and measure, latch, and use all other Means for discovering the Distance of the said intended Railway and other Works from the working Parts of such Mines respectively; and in case it shall appear that any such Mines have been worked or got contrary to the Directions of this Act it shall be lawful for the said Company to give Notice to the Proprietors, Lessees, or Tenants of any such Mines who have so worked or got the same contrary to the Directions of this Act respectively to adopt and construct the requisite Means and Supports for sustaining and securing and making safe the said Railway and other Works, and preventing any Injury which may arise in consequence of such Mines having been so got contrary to the Directions of this Act; and in case the said Proprietors, Lessees, or Tenants respectively shall not immediately after such Notice proceed to secure and make safe the said Railway and Works, and use due Diligence in effecting the same to the Satisfaction of the said Company or their Engineer, then and in every such Case it shall be lawful for the said Company, their Agents and Workmen, at the Expence, Costs, and Charges of such respective Proprietors, Lessees, and Tenants of such Mines, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Railway and other Works; and such Expences, Costs, and Charges shall be recovered by the said Company from such Proprietor, Lessee, or Tenant who shall so respectively have worked or got the same contrary to the Directions of this Act, in such and the same Manner as the Rates, Tolls, or Sums by this Act granted may be recovered, and shall be paid to the Treasurer of the said Company, and applied for the Purposes of this Act.

No Shaft to be sunk under the Railway.

LXXV. And be it further enacted, That no Shaft, Pit, or Quarry shall be dug, sunk, or made in or on the Line of the said intended Railway or Works; but it shall be lawful for any Proprietor, Lessee, or Tenant of any

any Mines or Works on each Side of the said Railway to fix all such Ropes, Chains, Connexion Rods, and other Matters as may be necessary for working the said Mines, in conformity with the Provisions of this Act, over, under, across, near, or by the said Railway; provided that by so doing such Proprietor, Lessee, or Tenant do not injure such Railway or Works, or interrupt in any Manner the free Passage upon or along the same.

Enabling the Company to sell Lands not wanted.

LXXVI. And whereas by means of the Purchases which the said Company are empowered or are required to make by virtue of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes thereof; be it therefore enacted, That it shall be lawful for the said Company and the Directors thereof to contract for and to sell, and by any Deed under their Common Seal, and for such Considerations as they may deem reasonable, and they are hereby required, within Ten Years after the passing of this Act, to convey to the Purchasers thereof, any Part of such superfluous Lands, or any Estate or Interest purchased by the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous; and such Contracts, Sales, and Conveyances from the said Company or the said Directors thereof shall be valid and effectual to all Intents and Purposes: Provided always, that the said Company or the said Directors thereof, before they shall dispose of any such superfluous Lands, and also before they shall dispose of any Part of the said Thirty Acres of Land hereby authorized to be purchased by the said Company which they shall think proper to dispose of, shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons being in *Ireland*, and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Company or to the said Directors thereof within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease; and on a Declaration being made before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County, City, or Place where such Lands may be situate, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *Ireland*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company or the said Directors thereof, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case any such Person as aforesaid shall be desirous of purchasing any such Land, and such Person and the said Company or the said Directors thereof shall not

not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Company or the said Directors thereof; and the Expence of hearing and determining such Difference shall be borne and paid in the like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company, *mutatis mutandis*, and the Money produced by the Sale which may be made by the said Company or the said Directors thereof of such Lands as aforesaid shall be applied to the Purposes of this Act: Provided always, that if such superfluous Lands or any Part thereof shall not be sold and conveyed by the said Company as aforesaid within the Space of Ten Years after the passing of this Act, then such Part or Parts thereof as shall not be so sold and conveyed shall, immediately after the Expiration of such Ten Years, vest in the Owners for the Time being of the Lands adjoining such superfluous Lands.

Company, upon Payment of Money, to give Receipts.

LXXVII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands or of any Interest therein belonging to the said Company, which shall be sold by the said Company or the Directors thereof under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for any Two Directors of the said Company, or for the Treasurer for the Time being, or for any Secretary or Clerk appointed by the said Directors for the Purpose, to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or of any Part thereof.

The Word "grant" in Conveyances to amount to certain Covenants.

LXXVIII. And be it further enacted, That in all Conveyances to be made by the said Company or the Directors thereof under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them; and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company and their Successors and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises by the said Company or their Successors and all claiming

under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenant as they might do in case such Covenants were expressly inserted in such Conveyances.

If Land not contracted for within Three Years, Power to take Property on Compulsion to cease.

LXXIX. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use (or otherwise so much thereof as shall be by them deemed necessary and proper) for the Purposes of making the said Railway or other Works hereby authorized, (save and except the aforesaid Twenty Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Lands hereby authorized to be taken or used for making the said Railway and other Works,) then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

If Railway not finished within Seven Years the Powers of Act to cease, except as to such Part, if any, as shall be completed.

LXXX. And be it further enacted, That in case the said Railway and Works shall not have been made and completed within the Space of Seven Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Cork* and for the County of the City of *Cork*, or any One of them, assembled at any General or Quarter Sessions of the Peace to be held in and for the said County of *Cork* and for the County of the City of *Cork* at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in the Case of Quakers upon Affirmation, to be produced before such Justices for that Purpose.

If Railway is abandoned, Lands to vest in Owners of adjoining Lands.

LXXXI. And be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or after the same shall have been completed shall for the Space of Three Years cease to be used and employed as a Railway, then and in such Case the Lands so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Parts thereof over which the said Railway or any Part of such Railway which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up in manner following; that is to say, One Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

LXXXII. And

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

LXXXII. And be it further enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Company or their Agent duly authorized of their Intention to take or use any Lands or any Part thereof for the Purposes of this Act shall have been given to any Person or Corporation seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction and Compensation for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the said Company a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, or Charge, and for such Injury or Damage respectively.

Satisfaction to be made for Lands taken for the Railway.

LXXXIII. And be it further enacted, That the Commissioners of Woods and Forests and the Board of Ordnance respectively on behalf of Her Majesty, Her Heirs and Successors, and all Persons and Corporations by this Act capacitated to sell and convey any Lands or Tenements, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands or Tenements through or upon which the said Railway or other Works hereby authorized are intended to be made, may agree to accept and receive and may (subject to such Restrictions as in this Act contained as to the Payment thereof) accept and receive Satisfaction or Recompence for the Value of such Lands or Tenements, or of the Interests therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by Her said Majesty, Her Heirs and Successors, and such Persons and Corporations, by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon by and between the said Commissioners of Woods and Forests and the said Board of Ordnance respectively on behalf of Her said Majesty, Her Heirs and Successors, and the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively, and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, Recompence, or Compensation, the same respectively or either of them concerning which they do not agree shall be ascertained and settled, if required, by the Verdict of a Jury, as in this Act is directed.

The whole Expence to be subscribed for before the compulsory Powers are put in force.

LXXXIV. And whereas the probable Expence of making the said Railway and other Works hereby authorized will amount to the Sum of One hundred and eighty thousand Pounds, more than Five Sixths Parts whereof have been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of

of One hundred and eighty thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Lands for the Purposes of the said Railway shall be put in force.

Certificate under the Hand of a Justice of the Peace shall be Proof that the whole of the Money has been subscribed.

LXXXV. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for either the County of *Cork* or for the County of the City of *Cork*, that the whole of the said Sum of One hundred and eighty thousand Pounds hath been subscribed as aforesaid (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company, and on Production of the Subscription Deed of or relating to the said Company,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of One hundred and eighty thousand Pounds has been subscribed.

Proprietors to raise the Capital amongst themselves.

LXXXVI. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Two hundred thousand Pounds, the whole to be divided into Shares of Fifty Pounds each; and such Shares shall be numbered, beginning with Number One, in Arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and they are hereby vested in the several Parties taking the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum they shall severally contribute; and all Persons and Corporations, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and shall receive in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act.

Shares to be deemed Personal Estate.

LXXXVII. And be it further enacted, That all the Shares in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Names of Proprietors to be entered and Certificates given.

LXXXVIII. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time as Occasion may require, to cause the Names of the several Corporations, and the Names and Additions of the several Persons who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly

and distinctly entered in a Book to be kept by a Secretary or Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to a Secretary or Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Cork* and *Passage* Railway Company.

'Number

'THESE are to certify, That *A.B.* of is the Proprietor of the Share [*or* Shares] Number of the *Cork* and *Passage* Railway Company, subject to the Rules, Regulations, and Orders of the said Company. Given under the Common Seal of the said Company the Day of in the Year of our Lord

'Entered .'

For granting new Certificates when the old ones are destroyed or worn out.

LXXXIX. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then upon due Proof thereof to the Satisfaction of a Secretary or Clerk of the said Company authorized for that Purpose a similar Certificate or Ticket shall be given to the Proprietor of the Share in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Secretary or Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

For ascertaining the Proprietorship of Shares in case of Death, &c. in order to the Payment of Dividends in respect of such Shares.

XC. And whereas by the Death of or by any other Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein-before directed, a Declaration in Writing shall be made and subscribed by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or of any of Her Majesty's Justices of the Peace, stating the Manner in which such Share hath been passed to such Person or Corporation, and such Declaration shall be transmitted to a Secretary or Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Secretary or Clerk shall be entitled to receive for each such Entry as

is herein-before directed the Sum of Two Shillings and Sixpence and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any such Share shall be subject or liable; and before such Declaration shall have been transmitted and such Entry made as aforesaid no Person or Corporation to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of Her Majesty's Justices of the Peace, and shall be transmitted to a Secretary or Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person or Corporation who shall claim any of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Secretary or Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and verified by solemn Declaration by the Executor of the said Will or the Administrator of the Intestate before some Master or Master Extraordinary in Chancery, or any of Her Majesty's Justices of the Peace as aforesaid, and, together with an official Extract of the Act of Court, or the Grant of Probate of such Will, or (in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Clerk, who shall file and enter the same, as herein-before directed.

To compel Payment of Subscriptions.

XCI. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers of this Act, at such Times and at such Places and to such Person as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money by him so subscribed for, or the Part thereof so called for, it shall be lawful for the said Company to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid as aforesaid up to the Day of the actual Payment thereof.

Power to pay Subscription in advance.

XCII. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Undertaking and they are hereby

hereby empowered, whether before or after any Call shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares,) to make up the full Sum of Fifty Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest, at such Rate not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Interest to be paid on the Amount in advance.

XCIII. And be it further enacted, That the Directors to be appointed as aforesaid shall have Power from Time to Time to make such Calls for Money from the Subscribers to and Proprietors of the said Undertaking for the Time being, to defray the Expences of and to carry on the same, as they from Time to Time shall find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any such Shares shall not amount to more than the Sum of Fifty Pounds on any such Share, and so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking, and that the total Amount of such Calls in any one Year shall not exceed Forty Pounds upon each Share, and an Interval of Three Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for Payment of another Call, and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement inserted in One or more *Dublin* Newspapers and in Two or more *Cork* Newspapers aforesaid; and all Monies so called for shall be paid to such Person, at such Times and Places, and in such Manner as in the said Notice shall be appointed, and the respective Proprietors of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be called for as aforesaid to such Persons, and at such Times and Places, and in such Manner as shall be appointed as aforesaid; and if any Proprietor for the Time being of any such Share shall not so pay such his rateable Proportion, then and in such Case and as often as the same shall happen he shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Proprietor for the Time being of any such Share shall neglect or refuse to pay such his rateable Proportion, together with Interest (if any), then or at any Time thereafter it shall be lawful for the said Company to sue for and recover the same in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Directors may and they are hereby authorized to declare the Shares belonging to such Proprietor to be forfeited, and to order such Shares to be sold: Provided nevertheless, that no Advantage shall be taken of and Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hands

Power of Directors to make Calls.

Hands of Two Directors, or under the Hand of a Secretary or Clerk of the said Company, that such Share hath been declared forfeited, shall have been given to or sent by the Post unto or delivered to some Inmate of the last known usual Place of Abode of the Proprietor of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General Meeting or Special General Meeting the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, or any of them, in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Shares at a public Auction, or by private Contract or public Tender, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration made by some credible Person not interested before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in payment had been made in respect of the Share or Shares so sold, and that the same Share or Shares had been declared to be forfeited, and that such Declaration or Forfeiture had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share or Shares shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share or Shares be affected by any Irregularity of proceeding in reference to such Sale, but such Declaration and the Receipt of the Treasurer of the said Company for the Price of such Share or Shares shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

If the Purchase Money for forfeited Shares shall be more than sufficient to pay the Arrears of Calls, &c., Surplus to be paid to Owners on Demand.

XCIV. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Non-payment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter, under the Powers last herein-before contained, than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after payment of such Arrears of Calls, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

Proceedings in Actions for Calls.

XCV. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being of any Share

in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of a Share in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to for a Call or so many Calls of such Sums of Money upon a Share belonging to the said Defendant, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such respective Calls was Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, including Interest computed as aforesaid on such Calls, unless it shall appear that any such Call exceeded Ten Pounds *per* Share, or was made payable before the Expiration of Three Calendar Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required, or that Calls amounting to more than Forty Pounds in the whole has been made in some one Year; and in order to prove that the Defendant was a Proprietor of such Shares in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof, or be entitled to Shares therein, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

For ascertaining the Proprietorship of Shares in case of Death, &c., in order to the making of Calls in respect of such Shares.

XCVI. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or being Females shall marry, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Proprietor thereof to any Person or Corporation by any other legal Means than by Transfer or Conveyance thereof duly made and executed as herein provided, and such Declaration in Writing as is herein-before in that Behalf directed shall have been transmitted to a Secretary or Clerk of the said Company, then and in any of the Cases aforesaid, after Twenty-one Days Notice in Writing shall have been given under the Hands of Two Directors or under the Hand of a Secretary or Clerk of the said Company to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or delivered to some Inmate of the last or usual

known Place of Abode of such Person, or of the Clerk of such Corporation, or published in some One or more *Dublin* and in some One or more *Cork* Newspapers, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited; and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon; or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be known to be out of the Kingdom, such Notice shall be inserted in the *Dublin Gazette;* and in all such Cases and after such Notices, or Default being made, the said Shares shall be forfeited, and may be sold or be consolidated with the general Fund of the said Company in manner aforesaid, and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Cases of Proprietors being abroad the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been inserted in the *Dublin Gazette* as aforesaid.

In what Manner Subscribers shall vote.

XCVII. And be it further enacted, That at all General and Special Meetings held by virtue of this Act all Corporations and Persons who shall have duly subscribed for or become entitled to any Share or Shares (not exceeding Twenty) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share; and all such Corporations and Persons as aforesaid as shall have subscribed for or become entitled to more than Twenty Shares in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Twenty Votes which they shall respectively have for or in respect of the first Twenty Shares, have an additional Vote for every Five Shares which they shall have subscribed for or shall have become entitled to in the said Undertaking beyond the Number of Twenty Shares; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Corporations, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question,

tion, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors of the said Company then present (personally or by Proxy); and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have the deciding or casting Vote; and the Determination of every such Meeting upon any Question, Matter, or Thing shall be and be deemed and taken to be the Decision of the said Company, notwithstanding any Irregularity which may have occurred in the giving or taking of any Votes at such Meeting; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

Form of Proxy.

'*A.B.* of one of the Proprietors of the *Cork* and '*Passage* Railway Company, doth hereby appoint *C.D.* of 'to be the Proxy of the said *A.B.*, to vote or give his Assent to or 'Dissent from any Business, Matter, or Thing relating to the said 'Undertaking which shall be proposed at any Special or Special General 'Meeting of the said Company, in such Manner as he the said *C. D.* 'shall think proper. In witness whereof the said *A. B.* hath hereunto 'set his Hand [*or* Common Seal] the Day of .'

Proxies to be transmitted to the Secretary of the Company.

XCVIII. Provided always, and be it further enacted, That no Person shall be entitled to vote as the Proxy of any Person or Corporation as aforesaid unless the Instrument appointing such Proxy shall have been transmitted to the Secretary or one of the Secretaries of the said Company Five Days at least before the holding of the Meeting at which such Proxy is intended to be used.

The Person whose Name stands first as a joint Proprietor with others to be deemed the Owner.

XCIX. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall, for the Purposes of this Act, be deemed the Proprietor of such Share; and as between several Proprietors all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, and without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left with some Inmate of the last or usual Place of Abode of such Person, or be inserted in the *Dublin Gazette* as herein mentioned (as the Case may require); and such Notice shall be deemed sufficient Notice to such Person whose Name shall so stand first as aforesaid, and to all other the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

Lunatics and Minors to vote by Committees and Guardians.

C. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such respective Committees or any of them may vote in respect of the Interest of such Lunatics or Idiots either in Person or by Proxy, and such Minor shall and may vote by his Guardian or by any of his Guardians, and such respective Guardians or any of them may vote in respect of the Interest of such Minors either in Person or by Proxy: Provided always, that every such Committee or Member of Committee, or Guardian or each of several Guardians, may also vote in right of his own Share, if he have any, as well as in the Character of Committee or Guardian.

Proprietors in arrear not to vote.

CI. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the Proprietors of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

Shares may be sold.

CII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and Administrators and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Conveyance of such Shares shall be in Writing, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

Form of Conveyance.

'I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby assign and transfer 'to the said *C. D.* Share numbered of and in 'the Undertaking called the *Cork* and *Passage* Railway, to hold unto 'the said *C. D.*, his Executors, Administrators, and Assigns, [*or* Succes-'sors and Assigns,] subject to the several Conditions on which I held the 'same immediately before the Execution hereof; and I the said *C. D.* 'do hereby agree to accept and take the said Share, subject to the Con-'ditions aforesaid. As witness our Hands and Seals the Day 'of .'

And on every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser, shall be kept by the said Company, or by some Secretary or Clerk of the said Company, who shall, in some Book to be kept for that Purpose, make an Entry of such Transfer and Sale, for which Entry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Company; and the said Company or some Secretary or Clerk as aforesaid is hereby required to make such Entry accordingly, and on Demand to make an Endorsement of such Transfer on the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Endorsement no more than Two Shillings and Sixpence shall be paid; and such Endorsement, being signed by such Secretary or Clerk, shall be considered in every respect the same as a new Certificate; and until such Entry shall have been made and entered as before directed the Seller thereof shall remain and be held liable for all

future Calls, but from and after the said Entry shall have been made he shall be released from all future Calls which shall be made by the said Company, on his paying up all that shall have been then made; and until such Entry the Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

Power to close Transfer Books at certain Periods.

CIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to close the Books kept for entering Memorials of Transfers of Shares for a Period not exceeding Ten Days before each of the Half-yearly General Meetings of the said Company, and to fix a Day for that Purpose, during which Time the said Company shall not be bound to take notice of any Transfer which shall not have been registered previously to the Day fixed for closing the Books; but all such Transfers shall, as between the Party claiming under the same and the said Company, but not otherwise, be considered as made subsequently to such Half-yearly General Meeting: Provided always, that Seven Days Notice at least of the Day on which the Transfer Books shall be closed shall be given in One or more public Newspapers published in *Dublin* and *Cork*.

After a Call no Share to be sold until the Call shall be paid.

CIV. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking, upon which any Call shall have been made, after the Day appointed for the Payment of the same, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of each Share.

Receipt of One Proprietor of a Share to be a sufficient Discharge.

CV. And be it further enacted, That the Receipt of the Person or of any one of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company and Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts, and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor a sufficient Discharge.

CVI. And be it further enacted, That in all Cases in which Money shall be payable, under the Provisions of this Act, to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Guardian (if any, or if not, of the Parent) of such Minor, or of the Committee or of any One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Proprietors may raise Money by Mortgage in anticipation of their Capital.

CVII. And be it further enacted, That when and so soon as Fifty *per Centum* on the whole of the Capital of the said Company shall have been paid up, in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company from Time to Time, by an Order of any General or Special General Meeting of the

the said Company, to borrow and take up at Interest any further or additional Sum, not exceeding in the whole the Sum of Sixty-six thousand Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums,) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and all such Mortgages, Assignments, and Charges shall be by Deed or Writing duly stamped, in which the Consideration for the same shall be truly set forth, and shall be made under the Common Seal of the said Company in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Mortgage.

'The *Cork* and *Passage* Railway Company.

'Number .

'BY virtue of an Act passed in the Year of the Reign of Her 'Majesty Queen *Victoria*, intituled [*here set forth the Title of this* '*Act*], we, the *Cork* and *Passage* Railway Company, incorporated by 'and under the said Act, in consideration of the Sum of 'to us in hand paid by *A.B.* of do assign unto the 'said *A.B.*, his Executors, Administrators, and Assigns, the said Under-'taking, and all and singular the Rates, Tolls, and Sums of Money 'arising by virtue of the said Act, and all the Estate, Right, Title, and 'Interest of the said Company in and to the same, to hold unto the 'said *A.B.*, his Executors, Administrators, and Assigns, until the said 'Sum of together with Interest for the same after the Rate 'of for every One hundred Pounds for a Year, shall be 'fully paid and satisfied. Given under our Common Seal this 'Day of in the Year of our Lord .'

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates, Tolls, and Sums, and Premiums, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by a Secretary or Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person;

and every Transfer thereof shall be by Deed in Writing, in which the Consideration for such Transfer shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A.B.* of in consideration of the Sum of
'paid by *C.D.* of do hereby transfer to the said *C.D.*,
'his Executors, Administrators, and Assigns, a certain Mortgage,
'No. made by the *Cork* and *Passage* Railway Company, to
' bearing Date the Day of for securing the Sum
'of and Interest, and all my Right, Estate, and Interest
'in and to the Money thereby secured, and in and to the Rates, Tolls,
'Sums of Money, and Property thereby assigned. Dated this
'Day of in the Year of our Lord .'

And every such Transfer shall, within Twenty Days after the Date thereof if executed in *Ireland*, or otherwise within Twenty-eight Days after the Arrival thereof in *Ireland* if executed elsewhere, be produced to a Secretary or Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Company shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Power to borrow any Part of the 66,000*l.* on Bond.

CVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company or for the Directors thereof, after an Order shall have been made for that Purpose by any General or Special General Meeting, and they are hereby authorized and empowered, to borrow and take up at Interest the Whole or any Part of the said Sum of Sixty-six thousand Pounds as they shall think proper, and to secure the Repayment thereof, with Interest at such legal Rate as may from Time to Time be agreed upon, by Bonds under the Common Seal of the said Company, payable at such Days as the said Company and the several Corporations or Persons lending the Money may mutually agree upon; and the several Corporations or Persons to whom such Bonds shall be executed shall proportionately, according to the respective Amounts of the Money secured by the said Bonds, and without Preference among them by reason of any Priority of Date or otherwise, be entitled to be paid, out of the Rates or Tolls or other Effects of the said Company, according to the respective Sums in such Bond mentioned and intended to be secured; and an Entry of every such Bond, containing the Number and Date thereof, and the Name and Description of the Corporation or Person to whom the same shall have been granted, and of the Sum thereby secured, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in a Book to be kept by a Clerk or Secretary of the said Company, which Book may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and every Corporation or Person being the Obligee in any such Bond, and their and his Successors, Executors, Administrators, and Assigns, ma from Time to Time transfer the same and the Principal Money thereby secured

secured and remaining unpaid, and all Interest due and to accrue thereon, to any Person whomsoever; which Transfer shall be by Deed, in which the Consideration for such Transfer shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

'I [*or* We] of in consideration of the Sum of do hereby transfer a certain Bond numbered under the Common Seal of the *Cork* and *Passage* Railway Company, unto of bearing Date the Day of for securing the Sum of with Interest thereon after the Rate of *per Centum per Annum*, and all my [*or* our] Right, Interest, and Property therein, to the said his [*or* her *or* their] Executors, Administrators [*or* Successors], and Assigns. Dated the Day of in the Year of our Lord.'

And every such Transfer shall, within Twenty Days after the Date thereof if executed in *Ireland*, or otherwise within Twenty Days after the Arrival thereof in *Ireland*, be produced to a Clerk or Secretary of the said Company, who shall cause an Entry thereof to be made in the same Manner as the original Bond, and also, if required, endorse a Certificate of such Entry on such Transfer, for which Entry and Certificate the said Secretary or Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after every such Entry made every Transfer shall entitle such Assignee, and his Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company for Payment thereof in his own Name; and it shall not be in the Power of any Person who shall have made such Transfer to make void any Bond so by him transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Power to increase the Capital Stock by raising the Amount by Shares.

CIX. And be it further enacted, That in case the said Company, at any Special Meeting to be called as in this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage, or continuing the same on Mortgage, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company by the issuing of new Shares to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage as aforesaid, shall not exceed such further and additional Sum of Sixty-six thousand Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Times and the Amount of such Calls respectively shall from Time to Time be

appoined

appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein contained in relation to the Calls for the Capital Stock of the said Company, and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Power to borrow Money of Exchequer Loan Bill Commissioners, and give Security. 3 G. 4. c. 112.

CX. And be it further enacted, That it shall be lawful for the said Company at any Time or from Time to Time, by Order of any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty 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 an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of the Reign of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act*, any Sum or Sums of Money not exceeding in the whole Sixty-six thousand Pounds, and by Deed under the Common Seal, and at the Costs of the said Company, to assign and issue to the Secretary for the Time being of the said Commissioners, or to such other Person as they shall appoint, and in such Manner as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of this Act, or otherwise for securing to the said Commissioners or either of them the Repayment of the Amount of the Exchequer Bills or Money to be so borrowed as aforesaid. 3 G. 4. c. 86.

Security to Commissioners to have the Priority.

CXI. And be it further enacted, That every Security to be given to the said Commissioners or either of them as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of this Act.

Interest of Money borrowed to be paid in preference to Dividends.

CXII. And be it further enacted, That the Interest of the Money which shall be raised by any such Mortgage, Assignment, Bond, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Thirty Days next after Demand thereof

in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Cork* and for the said County of the City of *Cork*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee or Assignee of a Mortgagee or Obligee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Dublin*.

Creditors not to vote.

CXIII. Provided always, and be it further enacted, That no Person to whom any such Mortgage, Assignment, or Bond shall be made or transferred shall by reason thereof be deemed a Proprietor of any Share in the said Undertaking, or shall be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company by reason or on account of his having advanced any Money on such Mortgage, Assignment, Bond, or Charge.

Company empowered to stipulate Periods for Redemption of Money to be borrowed on Security of Rates.

CXIV. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company or the Directors thereof, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in such Case the said Company or the Directors thereof shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Holders of Mortgages or Assignments for Money borrowed for unlimited Periods may demand Payment after Twelve Months from their Date.

CXV. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment for the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to a Secretary or Clerk of the said Company for the Time being: Provided nevertheless, that the said Company or the said Directors thereof may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or of any Part of the Money thereby secured, on giving Six Calendar

Months Notice in the *Dublin Gazette* and in One or more Newspapers circulated in *Dublin* and *Cork*; and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in the Payment thereof in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

CXVI. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Cork* or for the County of the City of *Cork*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages or Assignments or Bonds as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Twenty thousand Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Corporations and Persons to whom such Principal Money shall be due and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purpose aforesaid shall cease and determine, or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Dublin*.

Application of Money to be raised.

CXVII. And be it further enacted, That the Money which shall be raised by the said Company or the said Directors thereof by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in and towards purchasing Lands, and making and maintaining the said Railway and other Works, and the Costs and Expences incident thereto, and in otherwise carrying this Act into execution.

First and other General Meetings.

CXVIII. And be it further enacted, That the First General Meeting of the said Company shall be held within Six Calendar Months next after the passing of this Act, and from and after such First General Meeting of the said Company there shall be a Half-yearly General Meeting of the said Company in the Month of *February* and in the Month of *August* in each and every Year, and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors

Proprietors in manner herein-after provided; of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called, and such First General Meeting and all Special General Meetings and Half-yearly Meetings of the said Company shall be held in *Cork*.

Meetings of Proprietors may be specially convened.

CXIX. And be it further enacted, That Ten or more Proprietors of the said Company, holding in the aggregate One hundred Shares or upwards in the said Undertaking upon which Shares all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to at least Three Directors of the said Company or to a Secretary or Clerk of the said Company, or left at or delivered to some Inmate of their or his last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of the Proprietors of the said Company at *Cork*, as may be expressed in such Requisition, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice shall have been given as aforesaid, the same may be called by such Ten or more Proprietors by giving Fourteen Days Notice thereof in One or more *Dublin* Newspapers and in One or more *Cork* Newspapers; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present at such Meeting shall proceed in execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice, and to those only; and all Acts of the major Part in Number of Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice and those only, as if the same had been done at a General Meeting held at the Time hereinbefore appointed for holding the same.

Business at Special and adjourned General Meetings.

CXX. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meetings how to be given.

CXXI. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any other Matters, to any of the Proprietors of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, and shall be given by Advertisements inserted in One or more *Dublin* Newspapers and in One or more *Cork* Newspapers; and such last-mentioned Notices, when so published and given, shall be deemed and considered the same as if personally served.

CXXII. And

First General Meeting to choose Directors.

CXXII. And be it further enacted, That at the First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment therefrom, Sixteen Persons who shall be Proprietors, and each of them respectively possessed in their own Right of Ten Shares in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the Proprietors present at such Meeting either personally or by Proxy, and of the Directors so elected as aforesaid Six shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be Directors until the Half-yearly General Meeting of the said Company which shall be held in the Month of *February* in the Year of our Lord One thousand eight hundred and thirty-nine, and until others shall be elected in their Stead in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

General Meetings for choosing Directors to consist of not less than 20 Persons possessed of at least One hundred Shares.

CXXIII. Provided always, and be it further enacted, That if at any such General Meeting there shall not, within Two Hours from the Time appointed for such Meeting, be Twenty Persons present personally or by Proxy who shall in the whole be entitled to vote in respect of at least One hundred Shares, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days from that Time; and if such sufficient Number of Proprietors, personally or by Proxy, shall not then attend thereat, such Meeting shall stand adjourned to the following Day; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors for the Time being shall continue to act, and have the same Powers as they had and were possessed of, until new Directors shall be appointed at the General Meeting which shall be held in the Month of *February* of the following Year.

Directors to go out annually by Rotation.

CXXIV. And be it further enacted, That at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and thirty-nine One Fourth of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors, and each of them respectively possessed in their own Right of Ten Shares at the least in the said Undertaking, shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty One Third of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at a General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty-one One Half of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at a General Meeting to be held in the Month of

*February* which will be in the Year of our Lord One thousand eight hundred and forty-two the remaining Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *February* in every subsequent Year One Fourth of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors going out of Office re-eligible.

CXXV. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company as a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

No Person holding Office capable of being a Director.

CXXVI. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen a Director of the said Company, nor shall any Director be capable of accepting any other Office or Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any Director of the said Company shall at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the said Company, or shall, either directly or indirectly, be concerned in any Contract with the said Company, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Ten Shares in the said Undertaking, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting as a Director until he shall have become qualified and have been again chosen according to the Provisions of this Act.

For supplying Vacancies among Directors.

CXXVII. And be it further enacted, That when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be a Director; and every such Proprietor so elected to fill up any such Vacancy shall be a Member of the same Committee, and shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

First Directors of the Company.

CXXVIII. And be it further enacted, That *Joseph Robinson Pim*, *Joseph Kincaid*, *James Pim* junior, *Paul Twigg*, *Joshua Mason Chayter*, *Charles Sugrue*, *Daniel Meagher*, *George Crawford*, *Thomas Lyons*, *Samuel Lane*, *Daniel Leahy*, *James Beale*, *John Gould*, *Francis Bernard Beamish*, *Richard Williamson Topp*, *Joseph M'Mullen*, *Robert M'Cleod*, and *Reuben Deaves*, and the Survivors and Survivor of them, or such of them as shall continue to act, shall be the first Directors of the said Company, and shall continue

in Office until the First General Meeting of the said Company to be held in pursuance of this Act; and the said Directors herein-before named shall and they are hereby required to fix the Time of such First General Meeting within the Limit herein-before prescribed, and to give Notice thereof in the Manner herein-before prescribed with respect to General Meetings of the said Company; and until such First General Meeting shall be holden, and such Sixteen Directors shall have been duly elected as herein-before prescribed, the said Directors herein named, or the Survivor or Survivors of them, or such of them as shall continue to act, shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking as to the said Directors shall seem fit, and shall and may exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the Directors who may be elected in pursuance hereof at the First or any subsequent Annual General Meeting of the said Company.

Chairman and Deputy Chairman of Directors to be appointed.

CXXIX. And be it further enacted, That at the First Meeting of Directors which shall be held after the passing of this Act, and at the First Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provision herein contained, and at the First Meeting of the Directors which shall be held next after the Half-yearly Meeting in the Month of *February* in each Year, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors, and the Chairman for the Time being of the said Directors shall have the Custody of the Common Seal of the said Company: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors present at the Meeting next after such Vacancy shall have occurred to choose some other of the said Directors to be Chairman or Deputy Chairman, to be chosen as last aforesaid, to fill such Vacancy, who shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

At Meetings of the Company the Chairman or the Deputy Chairman of Directors to preside.

CXXX. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in the Absence of both some one of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

Powers and Duties of Directors.

CXXXI. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and shall have Power to use the Common Seal of the said Company on their Behalf, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management,

ment, Regulation, and Direction of the Affairs of the said Company, or relative thereto, which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company, except as herein is provided, and allow to them such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and the said Directors shall have Authority to meet and adjourn from Time to Time and from Place to Place, such Places being in *Cork* or *Passage*, or within the Distance of Three Miles from the Line of the said Railway, as they shall think proper; and there shall be Six Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting unless he be the Chairman of such Meeting, in which Case he shall, if there shall happen to be an equal Division, always have a decisive or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and the said Directors shall also keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter into Books to be from Time to Time provided at the Expence of the said Company for that Purpose Notes, Minutes, or Copies (as the Case shall require) of such Appointments, Receipts, and Disbursements, and of all Contracts and Bargains entered into or made by them, and of other their Orders and Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company: Provided also, that the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or Officer of the said Company who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Meetings of Directors to choose Committees.

CXXXII. And be it further enacted, That at the First Meeting of Directors which shall be held after the passing of this Act, and at the First Meeting of the Directors which shall be held next after the first Appointment of Directors under the Provision herein contained, and at the First Meeting of Directors which shall be held next after the Half-yearly Meeting in the Month of *February* in each Year, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Company a Committee, which Committee shall consist of Six Directors, and such Committee shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company,

Company, and to hire and employ any Agents, Surveyors, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors are themselves herein-before authorized to do, and which they shall from Time to Time think proper to intrust to the Care and Management of such Committee (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors by an Order or Resolution for that Purpose to break up and dissolve any such Committee, or to remove or to displace any of the Members thereof respectively, and to appoint others in their Place and Stead, when and as often as such Directors shall think expedient; and such Committees respectively shall have Power to meet from Time to Time and to adjourn from Place to Place, as they shall think proper and as Occasion shall require, for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested in or which shall by the said Directors be confided to any such Committee within the Intent and Meaning of this Act shall and may be exercised by Three of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Members present, and the Chairman shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Committee shall have an additional or casting Vote.

Contracts signed by Three Directors to be binding.

CXXXIII. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company which shall be signed by any Three of the Directors of the said Company shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or any of the other Parties thereto, failing in the Execution thereof.

Orders and Proceedings to be entered in a Book.

CXXXIV. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company, and of the said Directors and Committee respectively, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings, or by the Chairman at the next subsequent Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without any Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Directors or Members of the Committee, or of the Signature of such Chairman, (as the Case may be,) all of which last-mentioned Acts shall be presumed.

Directors to cause Accounts to be kept.

CXXXV. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money

received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act without Fee or Reward, and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Loan Creditors or any of them to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

General Meeting to appoint Treasurer, Secretary, or Clerk.

CXXXVI. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer and Secretary and One or more Person or Persons as Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General or Special Meeting from Time to Time to remove and displace any such Treasurer, Secretary, or Clerk, or any Persons who shall be hereafter elected and appointed to their respective Offices, and elect in manner aforesaid any other Person and Persons to act as Treasurer and Secretary, or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as they shall from Time to Time think proper and appoint.

No Person to hold the Offices of Secretary or Clerk and Treasurer at the same Time.

CXXXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Directors to appoint any Person who may be appointed a Secretary or Clerk in the Execution of this Act, or the Partner of such Secretary or Clerk, or any Person in the Service or Employ of such Secretary or Clerk or of his Partner, to be Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed a Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be a Secretary or Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Secretary and Treasurer or Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Secretary or Clerk, or in the Service or Employ of such Secretary or Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary or Clerk in the Execution of this Act, or shall act as Deputy of such Secretary or Clerk, or in any Manner officiate for such Secretary or Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Officers to account.

CXXXVIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or the said Directors thereof, make out and deliver to the said Company or to the said Directors thereof, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Company or to the said Directors thereof, or to such Persons as the said Company or the said Directors thereof shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company or to the said Directors thereof, or to such Persons as they shall appoint, within Three Days after being thereunto required by the said Company or by the said Directors thereof, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company or the said Directors thereof, or by any other Person in their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company or the said Directors thereof might have done; and upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if Goods and Chattels shall not be found sufficient to answer and satisfy the said Monies, and the Charges of taking and of making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts in his Possession or Power, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, and Writings (if any) as aforesaid,

aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Composition Money to the said Company, and which Composition the said Company or the said Directors thereof are hereby empowered to make, or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Company empowered to make Bye Laws.

CXXXIX. And be it further enacted, That the said Company at some General or Special General Meeting of the said Company shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient for the good Government of the Affairs of the said Company, and for regulating the Proceedings and remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking and of the Officers and Servants of the said Company in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, shall be printed and published; and such Bye Laws, Orders, and Rules, except such as shall relate solely to the Proprietors or Directors of the said Company or to any of their Officers or Servants, shall be painted on Boards, and hung up in the Offices of the said Company in *Cork* and *Passage*, and also affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway and other Buildings or Places at which any Rates or Tolls shall be collected or paid under the Authority of this Act, and which Board shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules, when so published and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

Accounts to be made up half-yearly.

CXL. And be it further enacted, That the said Company or the said Directors thereof shall and they are hereby required to cause a true and particular Account to be kept and to be made up twice in every Year, (that is to say,) on the Thirtieth Day of *June* and the Thirty-first Day of *December*, of the Money received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods

Periods respectively, which Account shall be laid before the Half-yearly Meetings of the said Company herein-before directed to be held in the Months of *August* and *February* respectively: Provided always, that if the Account so to be laid before any Half-yearly General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee or Committees of Inspection, to consist of Five Proprietors, each of whom shall hold at least Ten Shares in the said Undertaking, who shall examine into such Account, and report thereon to a future Meeting of the said Company to be held for that Purpose by Adjournment or otherwise; and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Committee or Committees, or any Three Members thereof, all Books of Account, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

Dividends to be declared.

CXLI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time, at any Half-yearly General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Undertaking, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than quarterly, and no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Railway to be free on Payment of Rates, &c.

CXLII. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railway with Carriages properly constructed as by this Act directed, upon payment only of such Rates and Tolls as shall be demanded by the said Company, subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the said Company or by the said Directors by virtue of the Powers to them respectively by this Act granted.

Rates of Tonnage to be taken.

CXLIII. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be conveyed upon or along the said Railway, any Rates or Tolls not exceeding the following; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and Salt, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, Cinders, Building, Pitching, and Paving Stones, dressed, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheath, and all other similar Descriptions

tions of Wrought Iron and Castings not manufactured into Utensils or other Articles of Merchandize, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Four-pence *per* Ton *per* Mile:

For all Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, the Sum of Three-pence *per* Ton *per* Mile.

Tolls on Carriages, Horses, and Passengers.

CXLIV. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage, the Sum of Two-pence *per* Mile:

For every Horse, Ass, Mule, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Four-pence *per* Mile:

For every Calf or Pig conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile:

For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile:

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, the Sum of One Shilling and Sixpence *per* Mile.

Company empowered to provide and charge for locomotive or other propelling Power.

CXLV. And be it further enacted, That it shall be lawful for the said Company or the said Directors thereof, and they are hereby empowered, to provide locomotive or stationary Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle or Animals, upon the said Railway, and also along and upon any other Railway communicating herewith, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power as the said Company or the said Directors thereof shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken.

Rates and Tolls to be taken for Goods carried on the Railway.

CXLVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, if they shall think proper, to use and employ locomotive Engines or other moving Power, and in Carriages or Waggons drawn or propelled thereby to convey upon the said Railway, and also along and upon any other Railway communicating therewith, all such Passengers, Cattle and other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken.

CXLVII. And

Packages containing Goods of a dangerous Quality to be marked.

CXLVII. And for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandize upon the same; be it further enacted, That every Person who shall send or cause to be sent by the said Railway any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods whatsoever of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Book-keeper or other Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein a Sum not exceeding Ten Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which in the Judgment of the Directors of the said Company shall be of a dangerous Character, and it shall be lawful also for the said Company or the said Directors thereof to restrain any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Passengers may carry Luggage without extra Charge.

CXLVIII. And be it further enacted, That without extra Charge it shall be lawful for every Passenger travelling upon or along the said Railway to take with him his Articles of Clothing, not exceeding Thirty Pounds in Weight and Four Cubic Feet in Dimensions; and the said Company shall in no Case be in any way liable or responsible for the safe Carriage or Custody of or for any Loss or Injury to any Articles, Matters, or Things whatsoever carried upon or along the said Railway with or accompanying the Person of or belonging to any Passenger, or delivered for the Purpose of being carried, other than and except such Passenger's Articles of Clothing, not exceeding the Weight and Dimensions aforesaid: Provided always, that nothing herein contained shall in any Case extend or be deemed or construed to extend to charge or make liable the said Company further or in any other Case than where according to the Laws of this Realm for the Time being Stage Coach Proprietors and Common Carriers would be liable, nor shall any thing herein contained extend or be deemed or construed to extend in any degree to deprive the said Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers or Stage Coach Proprietors have or may have, but the said Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Act not to prevent Company from hiring locomotive Engines.

CXLIX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Company or the said Directors thereof from making any Agreement with any Corporation or Person for the Hire or Use of any locomotive Engine or other Power, or of any Carriage, and to pay for the same such reasonable Sum as may be agreed on between the said Company and such Corporation or Person; any thing herein contained to the contrary thereof notwithstanding.

Locomotive Engines to consume their own Smoke.

CL. And be it further enacted, That the Boiler of every locomotive Steam Engine to be used upon the said Railway shall be constructed upon the Principle of consuming its own Smoke, under a Penalty of Five Pounds for every Time such Engine shall be used on the said Railway, to

to be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace acting within his or their Jurisdiction, on Complaint to him or them for that Purpose made, in the same Manner as other Penalties and Forfeitures (for the Recovery whereof no special Directions are given) are by this Act directed to be recovered; one Half of which Sum, as often as the same shall be recovered, shall be paid to the Informer, and the other Half to the Vestry Clerk or other proper Officer of the Parish or Place where such Offence shall be committed, for the Benefit of the Poor of the Parish or Place.

Company authorized to fix the Prices of small Parcels.

CLI. And be it further enacted, That it shall be lawful for the said Company or the said Directors thereof from Time to Time to make such Orders for fixing and by such Orders to fix the Sum to be charged by the said Company in respect of small Parcels (not exceeding Sixty Pounds Weight each) as to them shall seem proper: Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities although made up of separate and distinct Parcels, (such as Bags of Sugar, Coffee, Meal, and the like,) but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the Railway at the same Time.

Regulating the Charge for short Distances.

CLII. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, Things, or Persons shall be conveyed on the said Railway for a less Distance than Six Miles the said Company are hereby empowered, notwithstanding any thing to the contrary in this Act contained, to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance (as the Case may be) for Six Miles, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles, Matters, and Things in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

What Toll shall be demanded when Fractions of a Ton or a Mile occur.

CLIII. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there shall be a Fraction of a Ton a Proportion of the said Rates or Tolls may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway beyond Six Miles or any greater Number of Miles the Proportion of the Rates or Tolls which shall be demanded and taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other.



CLIV. And

Rates or Tolls may be reduced.

CLIV. And be it further enacted, That it shall be lawful for the said Company or the said Directors thereof from Time to Time as they shall think fit to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and to take the reduced Rates, and afterwards from Time to Time again to raise the same or any of them, and then to take such higher Rates, so that the same respectively shall not at any Time exceed the Amount by this Act authorized.

Rates to be charged equally.

CLV. Provided always, and be it further enacted, That the Rates or Tolls and Charges to be taken and made for the Use of the said Railway, or for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, or after any other Manner in which such Rates and Charges are herein directed or authorized to be taken or charged throughout the whole of the said Railway, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine; and no Reduction or Advance in any of the Rates or Tolls herein-before granted or authorized to be charged, or in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person, or be confined to any particular Part of the said Railway, but every Reduction or Advance in any Rate, Toll, or Charge to be taken by the said Company in respect of Passengers, or any Description of Goods, Carriages, or Animals carried on the Railway, or for the Use of any Carriage or locomotive Power, and shall extend to and take place at the same Time throughout the Whole and every Part of the said Railway in respect of such Passengers, Goods, Carriages, Animals, carriage or locomotive Power, as the Case may be.

Table of Tolls to be set up.

CLVI. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Rates or Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon the said Railway, or any Collector of the Rates or Tolls aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

No Tolls to be taken unless Tables of Tolls are set up.

CLVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Article, Matter, or Thing, or any Carriage, Passenger, or Cattle, carried or conveyed upon or along the said Railway, except during the Time that the said Board shall be so affixed as aforesaid, and for and during such Time only as the Stones or other conspicuous

Marks, with proper Inscriptions thereon, by this Act directed to be set up for ascertaining the Distance for which such Rates or Tolls shall be taken, shall remain so set up.

Penalty for damaging Table of Tolls.

CLVIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board which shall have been set or put up or affixed by virtue or in pursuance hereof, or any Stone or Mark set up to denote Distances on the said Railway, or shall actually or constructively concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

For preventing Toll Collectors misbehaving.

CLIX. And be it further enacted, That every Collector of the Rates or Tolls by this Act granted shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or other Building whereat he shall be on Duty immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, and of the Orders of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Rates or Tolls, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon or to any Person lawfully using the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Recovery of Rates or Tolls.

CLX. And be it further enacted, That the Rates or Tolls hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations as the said Company or as the said Directors shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by an Action of Debt or upon the Case in any of Her Majesty's Courts of Record; or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and other Things for or in respect whereof any such

Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Carriage laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold, and such Rates, Tolls, and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates or Tolls so due as aforesaid shall not amount to the Sum of Twenty Pounds it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as herein-before mentioned.

Company may lease the Rates.

CLXI. And be it further enacted, That it shall be lawful for the said Company or the said Directors thereof from Time to Time to let the Rates and Tolls by this Act made payable, or any Part thereof, upon the Whole or upon any Part of the said Railway, to any Corporation or Person for any Term which they shall think proper, not exceeding Seven Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates or Tolls so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties, as if they had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Rates and Tolls, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in some *Dublin* Newspaper and in some *Cork* Newspaper at least Fourteen Days prior to any Meeting of the said Company or of the said Directors at which it may be intended that the said Rates and Tolls shall be let as aforesaid.

Power of Re-entry in case of Non-performance of Conditions of Leases of Rates or Tolls.

CLXII. And be it further enacted, That in case any of the Rates or Tolls granted by this Act shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates or Tolls, or in case any temporary or other Collector of any of the said Rates or Tolls shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or in case any Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging,

belonging, to be erected or provided under the Powers or used for any of the Purposes of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given to him, or left at such Toll House, Office, Weighing Machine or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or Person, such Demand in Writing to be signed by any Two or more of the said Directors, or by a Secretary or Clerk for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon Application made by the said Directors or by a Secretary or Clerk for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereunto belonging, and to remove and put such Lessee, Farmer, or Collector, or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Company or their Agent, or their new Lessee, Farmer, or Collector, into the Possession thereof, and thereupon it shall be lawful for the said Company to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company or the said Directors thereof in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates or Tolls to the same or any other Person, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Owners of Carriages to give Account of Lading.

CLXIII. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give an exact and true Account in Writing signed by them to the Collectors of the Rates or Tolls at the Places where they shall attend for that Purpose of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left, or taken off the said Railway; and if the Goods or other Things contained in or upon any such Carriage shall be liable to the Payment of different Rates or Tolls, then such Owners or other Persons shall specify the respective Qualities liable to each or any of the said Rates or Tolls; and in case any such Owner or other Person as aforesaid shall neglect or refuse so to give and deliver such Account or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall leave or deliver out or take off any Part of his Lading or Goods at any other Place than may be mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates or Tolls, and shall be thereof convicted before any Justice

Justice of the Peace acting within his Jurisdiction, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods or for any Parcel not exceeding Five Hundred Weight, and so in proportion for any less Quantity of Goods than a Ton or Five Hundred Weight (as the Case may be), which shall be in or upon such Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently left, delivered out, or taken off as aforesaid, (as the Case shall happen to be,) over and above the Rate or Toll to which such Goods or Things may be liable.

For ascertaining the Weight of Goods.

CLXIV. And for better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tonnage Rates or Tolls as aforesaid, be it further enacted, That, as respects all such Goods and other Things as aforesaid, except Stone and Timber, One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weight shall be deemed One Ton, and as respects Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity, any Usage to the contrary notwithstanding.

For arranging Differences respecting Weight.

CLXV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or Things in or on such Carriage, or respecting the Goods, Articles, or Things in or on such Carriage, or the Rates or Tolls due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of a greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage and the respective Owners of such Goods and other Things shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, or gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates and Tolls are in this Act authorized to be recovered and levied; but if such Goods, Articles, or Things shall appear to be of the same Quantity and Quality, or of less Weight or Quantity, than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such examining, weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, Articles, or Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction on the Oath (or in the Case of a Quaker on the Affirmation) of any credible Witness to have arisen

from or by such Detention; but in case it shall at any Time be made to appear to such Justice, upon the Complaint of the said Company, and upon the like Oath or Affirmation, that such Detention, and examining, weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself, or the said Company shall, pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be) by Warrant under the Hand and Seal of such Justice, reserving the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may require).

For settling Disputes respecting Rates.

CLXVI. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or (as the Case may require) such Rates or Tolls, and the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or (as the Case may be) such Amount and also the Amount of the said Charges; and it shall be lawful for such Justices to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same by Warrant under the Hand and Seal of such Justice.

Names and Numbers to be on Waggons and other Carriages.

CLXVII. And be it further enacted, That the respective Owners of Carriages passing or being upon the said Railway, and carrying Passengers or Goods for Pay, Hire, or Reward, shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with the Clerk or other Officer of the said Company appointed for that Purpose, and shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Height at the least and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged, at the Expence of the said Company, whenever it shall be required by the said Company, or by any Person by them

appointed for that Purpose; and every Owner or other Person having the Care of any Carriage or who shall conduct the same upon the said Railway, without having such Carriage previously weighed, measured, and gauged, and the Weight, Measure, and Gauge thereof, together with the Number thereof, and also the Name and Place of Abode of the Owner thereof, entered with some Secretary, Clerk, or other Officer of the said Company appointed for that Purpose, or without having such Name, Place of Abode, Number, Weight, and Gauge marked upon each such Carriage as herein-before directed, or who shall alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall refuse to permit or shall not permit any such Carriage to be weighed, measured, or gauged as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence: Provided always, that in case any such Carriage shall belong to One or more Persons in Copartnership together, it shall not be necessary to paint thereon the Name and Place of Abode of more than One of the Firm of the said Copartnership.

Owners of Carriages liable to Damage caused by their Servants.

CLXVIII. And be it further enacted, That the respective Owners of Engines and Carriages passing or being upon the said Railway and Works, or any Part thereof, shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, or to or upon the Property of any other Person, either by loading or unloading such Carriages, or by any Means whatsoever; and every such Owner shall, for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by the Confession of the Party offending or upon the Oath (or in the Case of a Quaker the Affirmation) of some credible Witness, pay to the said Company or to the Person injured (as the Case may be), the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels, if any can be conveniently found, of the Owner of such Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after the Deduction of such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may, at the Option of the said Company or the Person injured (as the Case may be), be sued and prosecuted for the same in any of Her Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either upon Proof made or upon Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

CLXIX. Pro-

Owners may recover the Amount of Damage from their Servants.

CLXIX. Provided always, and be it further enacted, That in case any Owner of any Carriage passing or being upon the said Railway and Works, or any Part thereof, shall be compelled to pay any Penalty or to make any Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of any of his Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, (as the Case may be,) with the Costs attending the same, to such Owner; and in case of Non-payment thereof on Demand, and Oath (or in the Case of a Quaker Affirmation) made by such Owner of the Payment by him of such Penalty and Satisfaction, or either of them, (as the Case may be,) and that the same hath not been repaid to him by such Servant although demanded, (such Oath or Affirmation being made before some Justice of the Peace for the County, City, or Place in which such Penalty or Damage was incurred,) such Penalty and Satisfaction, or either of them, (as the Case may be,) and the Costs aforesaid, shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, (as the Case may be,) and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and the Costs so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had such Justice shall and he is hereby required to commit such Servant to some Common Gaol or House of Correction for the said County, City, or Place, there to remain without Bail or Mainprize for any Time not exceeding Four Calendar Months.

Regulating Weight to be carried on the Railway.

CLXX. And be it further enacted, That no Carriage shall carry or bear at any One Time upon the said Railway, including the Weight of such Carriage, more than Five Tons Weight, without the special Leave of the Directors of the said Company, except in any One Piece of Timber, Block of Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Ten Tons, including the Weight of the Carriage, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Rates as they may from Time to Time direct or appoint, not exceeding Four-pence *per* Ton *per* Mile; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Ten Tons, including the Weight of the said Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company and the said Directors thereof, and for the Tonnage of which the said Company and the Directors thereof are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

Company to regulate the Passage on the Railway.

CLXXI. And be it further enacted, That it shall be lawful for the said Company and the said Directors thereof from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway, and the Times when the same shall be open for Use, and for or relating to Travellers and Carriages passing upon the said Railway, and for or relating to the Mode or Means by which and the Speed at which such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading or unloading thereof respectively, and

and the Weights which they shall respectively carry, and the Delivery of Goods and other Things which shall be conveyed in or upon such Carriages, and also for preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon any such Carriages, or in any of the Stations or Premises occupied by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway and other Works by this Act authorized, or in anywise relating thereto respectively; and all such Orders and Regulations, when published and affixed in the same Manner as the Bye Laws authorized to be made by the said Company are hereby directed to be published and affixed, shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Carriages, and by all Persons using or working the said Railway and other Works, and by all Travellers and Passengers passing upon the said Railway, upon pain of forfeiting and paying a Sum not exceeding Five Pounds, which the said Company or the said Directors thereof may attach to any such Default: Provided always, that in every Case of Infraction or Nonobservance of any such Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway and Works, it shall be lawful for the said Company and their Agents summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

Carriages not to be used unless constructed as directed by the Company.

CLXXII. And be it further enacted, That no Carriage shall be permitted to pass along or be upon the said Railway or any Part thereof, or the Works connected therewith, (excepting in directly crossing the same as herein authorized for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway,) unless such Carriage shall at all Times, so long as it shall be used or shall be on the said Railway and Works or any Part thereof, remain and be of such Construction and in such State and Condition as the Rules and Regulations of the said Company may at the Time require, which Rules and Regulations the said Company and the said Directors thereof are hereby expressly authorized to make and wholly or partially alter or revoke from Time to Time, with Power to make new Rules and Regulations from Time to Time in lieu of or in addition to any former Rules and Regulations: Provided always, that all the Rules and Regulations which the said Company or the said Directors thereof may from Time to Time make in regard to such Carriages shall, before they shall have any Effect as Rules and Regulations, be published once in some one Newspaper of every County and County of a City through which the said Railway shall pass; and such Publications as aforesaid shall be deemed and taken to be sufficient for all Purposes, and to be express Notice of all such Rules and Regulations to all Persons and Companies whomsoever; and the Production of a Newspaper of each of said Counties, containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company, shall for all Purposes be considered sufficient Evidence of the due making and Publication of such Rules and Regulations: Provided also, that if any Dispute shall at any Time and from Time to Time arise between the said Company and the Owner of any such Carriage as to

the State or Condition at any Time of any such Carriage in reference to the then existing Rules and Regulations of the said Company, such Disputes shall from Time to Time, when and as they may arise, be immediately referred to Three indifferent Persons, one to be appointed by the said Company or the said Directors thereof, and another by the Owner of any such Carriage, and the Third to be appointed by the Two so first appointed previous to their entering on the Business of the Reference; and the Decision in Writing of such Two Arbitrators and their Umpire, or of any Two of them, (as the Case may be,) shall be final and conclusive; and if either the said Company or the said Directors thereof, or the said Owner, shall for Ten Days after being so required in Writing by the other of them neglect or refuse to appoint a Referee to act on their or his Behalf, then the Referee of the other Party may alone make a final Decision in Writing, and such Award or Decision shall, upon Proof of the Signatures thereto, be admitted in all Courts, and before all Judges, Justices, and others, as sufficient Evidence for all Purposes whatsoever of all the Facts therein stated; and if any Carriage, not being at the Time in the State and Condition which the Rules and Regulations of the said Company in existence at that Time may require, shall pass or be upon any Part of the said Railway or the Works connected therewith, except as aforesaid, the Owner thereof, or his Servant or any one of his Servants, having for the Time being the Charge of any such Carriage, shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Two Pounds for every such Offence.

Engines used on Railway to be approved by the Company.

CLXXIII. And whereas, for the greater Security of Passengers and other Persons travelling upon and using the said Railway, it is expedient that the moving Powers to be from Time to Time used in drawing or propelling Carriages upon or along the said Railway should be under the Control of the said Company and of the said Directors thereof; be it therefore enacted, That no locomotive or other Engine or other Description of moving Power shall at any Time be brought upon or used on the said Railway, unless the same shall first have been approved of by the said Company or the said Directors thereof; and it shall be lawful for the said Company or the said Directors thereof and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company or the said Directors thereof, who shall, within Seven Days after such Report, in case such Engine shall be found fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine, and it shall then be lawful for such Party to whom the Certificate shall be granted to use the said Engine on the said Railway; and it shall be lawful for the said Company or the said Directors thereof from Time to Time, upon any Engine used upon the said Railway being out of repair or unfit to be used upon the said Railway, to order the same to be taken off, or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company or the said Directors thereof to remove from

or

or not to use upon the said Railway any such unfit or improper Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company or the said Directors thereof, and obtained such Certificate of Approval aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company and the said Directors thereof are hereby authorized to remove such Engine from the said Railway.

Owners and Occupiers of adjoining Lands to cross the Railway without Payment of Toll.

CLXXIV. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of Lands through which the said Railway shall be made, and who shall be in the Occupation of Land at both Sides of the said Railway, and their respective Servants and Workmen, (except in Cases in which the said Company shall at their own Expence have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to any Agreement with any Owner or Occupier thereof, or according to the Provisions of this Act,) at all Times to pass and repass, and to lead and conduct any Horse, Mule, or Ass, Cow or other Cattle, Sheep, Swine, or other Beast, directly, but not otherwise, over and across such Part and such Part only of the said Railway as shall be made in or upon their respective Lands, for the Purpose of occupying the same Lands, without Payment of any Rate or Toll for the same, provided that by so doing or by consequence thereof the Passage upon or along the said Railway be not in any way hindered or obstructed, or the same or the Works connected therewith be not in any way damaged.

Railway not to be used as a Passage for Horses or other Cattle.

CLXXV. Provided always, and be it further enacted, That if any Person, save and except the said Company and their Agents and other Persons authorized by them, and by them authorized for the Purposes only of the said Undertaking, shall ride, lead, or drive, or cause to be ridden, led, or driven, or shall aid or assist in leading or driving, or shall permit or suffer to be upon such Railway or any Part thereof, any Horse, Mule, or Ass, or any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Highways or Roads or at Places to be appointed for that Purpose, or for the necessary Occupation as aforesaid of the respective Lands through which the said Railway shall pass,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons on Foot using the Railway without Consent.

CLXXVI. And whereas it may be attended with very great Danger to the Public if the said Railway should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway without the Licence and Consent of the said Company or of the said Directors thereof, unless on a Highway or for the Purpose of attending any Carriage under his Care, and except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants, in passing directly across or over the same, as herein-before authorized, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

CLXXVII. And

Penalty on Persons obstructing the free Course of the Railway.

CLXXVII. And be it further enacted, That if any Person shall throw or place or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, or shall extinguish any Light or Lamp set up on or near the said Railway or other Works, (unless by Authority of the said Company,) or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he and every Person actually or constructively aiding or assisting therein shall respectively forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for obstructing the Railway by overloading, &c.

CLXXVIII. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Thirty Inches over and beyond the Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage or any Goods or Things shall be placed or be suffered to remain on any Part of the said Railway or other Works so as to obstruct the Passage or working thereof, and the Person having the Care of such Carriage, Goods, or Things shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, or Things to be unloaded if necessary, and to be removed, in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such unloading, removing, or Detention shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such unloading, Removal, or Detention, or for any Delay occasioned thereby, or in any other Way relating thereto, except for wilful Damage done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they or he be liable for the safe Custody of any such Carriage, or any Goods or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company, or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

Penalty on destroying Works.

CLXXIX. And be it further enacted, That if any Person shall wilfully, and to the Detriment of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or feloniously take away any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Larceny.

Punishment of Persons in the Service of the Company for Drunkenness.

CLXXX. And whereas it is expedient for the further Security of Property and the better Conduct of the Business on the said Railway, after the same or any Part thereof shall be completed, that Punishment beyond that which is now by Law provided shall be inflicted upon any Person in

the Service of the said Company who may be found in a State of Drunkenness on any Part of the said Railway, or in any of the Stations, Warehouses, or other Works connected therewith; be it therefore enacted, That if any Person in the Service for the Time being of the said Company shall be found on any Part of the said Railway, or within any of the Stations, Warehouses, or other Premises connected therewith, to be in a State of Drunkenness, every such Person shall for every such Offence be subject and liable to Imprisonment for any Term not exceeding One Month, or forfeit and pay a Sum not exceeding Five Pounds, such Imprisonment to be inflicted, or such Fine to be recovered and applied, in the Manner as Imprisonments and Penalties imposed and inflicted by this Act are directed to be enforced, recovered, and applied.

Indictments, Informations, &c. how to be preferred or instituted.

CLXXXI. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever to be preferred, instituted, or carried on against any Person for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing, or carrying away, any Goods, Chattels, or Property of or belonging to the said Company, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Company, or for and on behalf of any other Corporation or Person having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company or their Officers or Servants, or any Goods, Chattels, or Property in or on the said Railway, or any of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, and in all other Indictments, Informations, or legal Proceedings whatsoever of or concerning such Goods, Chattels, or Property respectively, it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Company; and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously taken, stolen, embezzled, removed, or carried away (as the Case may be) from the said Company; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding, to prove that at the Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or whenever the Matter or Thing complained of in such Indictment, Information, and other legal Proceeding took place, such Goods, Chattels, and Property were in or on the said Railway, or some of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, or in the Custody or Possession of some Officer or Servant of the said Company for and on behalf of the said Company, or for and on behalf of some Corporation or Person having deposited the same with the said Company, without any other Proof of Property.

Damages, in case of Dispute, to be settled by Two Justices.

CLXXXII. And be it further enacted, That in all Cases wherein Damages and Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place wherein such Damages or Charges shall be incurred or be directed to be paid;

paid; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company.

CLXXXIII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Company.

Recovery and Application of Penalties.

CLXXXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Order, or Rule made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the said Company for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Use of the Poor of the Parish, Township, or Place within which the Offence shall be committed, or to some local charitable

charitable Institution, in such Manner as the said Justices shall direct; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time being not more than Eight Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required by Warrant under their Hands and Seals to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

CLXXXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or against any Bye Law, Order, or Rule made in pursuance hereof, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing transient Offenders.

CLXXXVI. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him with all convenient Despatch before some Justice for the County, City, or Place within which such Offence shall be committed without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

CLXXXVII. And

Forms of Information and Conviction:

CLXXXVII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'
' to wit. } BE it remembered, That on the Day of
' *A.B.* of informeth me
' *C.D.*, one of Her Majesty's Justices of the Peace for the County [*as*
' *the Case may be*], that *E. F.* of [*here describe the*
' *Offence, and the Time and Place when and where committed*], contrary to
' an Act passed in the Year of the Reign of Her Majesty
' Queen *Victoria*, intituled [*insert the Title of this Act*], which hath im-
' posed a Forfeiture of for the said Offence. Taken
' the Day of before me, *C.D.*'

Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' *A.B.* is convicted before *C.D.*, one of Her Majesty's Justices of the
' Peace for the County of [*here describe the Offence, and*
' *the Time and Place when and where committed*], contrary to an Act
' passed in the Year of the Reign of Her Majesty Queen
' *Victoria*, intituled [*insert the Title of this Act*]. Given under my Hand
' and Seal the Day and Year first above written. *C.D.*'

Distress not unlawful for Want of Form.

CLXXXVIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CLXXXIX. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record in *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to Quarter Sessions.

CXC. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Bye Law, Order, or Rule of the said Company or of the said Directors, or of the Engineer of the Company or their Agent, except such only as affects the said Company, their Directors, Proprietors, or Servants, or any Order or Judgment given or made in pursuance of any Bye Law, Order, or Rule, and also the said Company, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Bye Law, Order,

Order, or Rule, Judgment or Determination, shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or County of a City where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, (as the Case may be,) and forthwith after such Notice, in the Case of an Individual appealing, entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or (if they think proper) may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or County of a City or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Order, or Rule or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Justices may appoint Special Constables.

CXCI. And be it further enacted, That it shall be lawful for Two or more Justices of the Peace acting within their Jurisdiction from Time to Time to appoint such fit and proper Persons as shall be nominated to them by any Three of the Directors of the said Company for that Purpose, to be Special Constables within the said Railway and other Works and every or any Part thereof; and every Person so appointed shall take an Oath, to be administered by the said Justices of the Peace, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protection, and Privileges for the apprehending Offenders as well by Night as by Day, and for doing all Acts, Matters, and Things for the Preventions, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

Justices to administer Oaths.

CXCII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to (or in case of a Quaker to receive the Affirmation of) any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

CXCIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker on Affirmation), to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Directors empowered to grant Releases to Witnesses.

CXCIV. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Authenticated Bye Laws to be Evidence.

CXCV. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Orders, or Rules of the said Company the Production of a written or printed Paper, purporting to be the Bye Laws, Orders, or Rules of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto, shall be Evidence of the Existence and of the due making of such Bye Laws, Orders, or Rules; and it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such of the Bye Laws, Orders, or Rules as shall subject any Person (not being a Proprietor of the said Company) to any Fine or Penalty, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board is not a Copy of such Bye Laws, Orders, or Rules, or hath not been duly affixed and generally continued in manner by this Act directed.

Declaring what shall be good Service of Notice on the Company.

CXCVI. And be it further enacted, That in all Cases in which it may be necessary for any Corporation or Person to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon a Secre-

tary or Clerk of the said Company, or leaving the same at the Office of the said Company, or of a Secretary or Clerk, or delivering the same to some Inmate at such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or on any one Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, or such Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notice by the Company.

CXCVII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Corporation or Person under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Corporation or Person (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director, or by a Secretary or Clerk of the said Company, and need not be under the Common Seal of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts may be proved in Cases of Bankruptcy.

CXCVIII. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, a Secretary or Clerk or Treasurer of the said Company for the Time being may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Limitation of Actions.

CXCIX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall

shall be laid and brought in the County or City or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Plaintiff not to recover if Tender of Amends shall have been made.

CC. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Directors no personally liable for Acts legally done as Directors.

CCI. And be it further enacted, That none of the Directors of the said Company hereby appointed or hereafter to be appointed under the Authority of this Act shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Chattels, Lands, and Tenements of the said Directors or any of them shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed or executed, by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof under or by virtue of any such Contract or Instrument or other lawful Act may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been

been entered into and executed and done under the Common Seal of the said Company.

For the Indemnity of Directors.

CCII. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and if necessary by Calls for that Purpose of the Capital which may remain unpaid, and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

Railway not to cross the Premises of the Crown without Consent of the Lords of the Treasury.

CCIII. Provided always, and be it further enacted, That nothing within this Act contained shall extend, or be deemed or construed to extend, to authorize or enable the said Company to make or carry the said Railway across any Hereditament or Premises belonging to or in the Occupation of the Crown, without the Consent of the Lords Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Woods and Forests, being first obtained in Writing for that Purpose.

Public Act.

CCIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

## The SCHEDULE to which the foregoing Act refers.

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| | *Parish of Saint Nicholas in the County of the City of Cork.* | | | |
| 1 | Commissioners of Wide Streets. | - - - | - - - | Anglesea Street or Road. |
| 2 | Corn Market Trustees - | - - - | - - - | Corn Market. |
| 3 | Commissioners of Wide Streets. | - - - | - - - | Intended public Road or Street. |
| 4 | William Wise, Esquire - | - - - | Monorea Marsh Company. | Monorea Marsh and Hard at the East Boundary. |
| 5 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Navigation Wall, Hauling Road, and public Quays. |
| 6 | Ditto - - | - - - | - - - | Slab covered by the Tide at High Water. |
| | *Parishes of Saint Finn Barry and Saint Michael in the County of the City of Cork.* | | | |
| 7 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Slab covered by the Tide at High Water. |
| 8 | - - - | - - - | - - - | Low-water Channel of the present Drainage. |
| 9 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - | - - - | Navigation Wall, Hauling Road, and public Quays. |
| 10 | - - - | - - - | - - - | Channel of the River Lea. |
| 11 | The Reverend Edmond Lombard, William Henry Herrick, John Alexander, Edward Becher, Samuel Holdsworth, William Purefoy, George Rapege, Benjamin Bousfield Provost, and Thomas Addis Emmett, Esquires, Sarah Owgan, Martha Atkin, Dorcas Hoare, Elizabeth Barter, and Maria Colden. | Richard Sampson, Esquire, and Catherine Sampson. | Sir Thomas Deane | Lawn and Quay. |
| 12 | Ditto - - | Ditto - - | Sir Thomas Deane and John M'Donnell. | Dock. |
| 13 | Ditto - - | Ditto - - | John M'Donnell - | House, Offices, and Garden. |
| 14 | Ditto - - | Ditto - - | Ditto - - | Field. |
| 15 | Ditto - - | Ditto - - | Ditto - - | Quay called the King's Quay. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| 16 | - - - | - - - | - - - | Public Road to King's Quay. |
| 17 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Slab covered by the Tide at High Water. |
| 18 | The Reverend Edmond Lombard, William Henry Herrick, John Alexander, Edward Becher, Samuel Holdsworth, William Purefoy, George Rapege, Benjamin Bousfield Provost, and Thomas Addis Emmett, Esquires, Sarah Owgan, Martha Atkin, Dorcas Hoare, Elizabeth Barter, and Maria Colden. | Richard Sampson, Esqurie, and Catherine Sampson. | Denis Moylan - | House, Outbuildings, and Garden. |
| 19 | - - - | - - - | - - - | Public Landing Place. |
| 20 | - - - | - - - | - - - | Stream or Watercourse or Sewer. |
| 21 | - - - | - - - | - - - | Ditto. |
| 22 | - - - | - - - | - - - | Road to Ordnance Ground. |
| 23 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton, Baronet, and Elizabeth Tanner. | Bridget Mahon - | House, Yard, and Offices. |
| 24 | Ditto - - | Ditto - - | Board of Ordnance | Quay and Field. |
| 25 | Ditto - - | Ditto - - | Ditto - - | House, Yard, and Offices. |
| 26 | - - - | - - - | - - - | Public Road. |
| 27 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Richard Longfield Jameson, Esquire, and Sir William Chatterton. | Mary Ann Rockay - | House and Offices. |
| 28 | Ditto - - | Ditto - - | John Sullivan - | Piece of Building Ground. |
| 29 | Ditto - - | Ditto - - | Ditto - - | House, Out-offices, and Ground. |
| 30 | Ditto - - | Ditto - - | Ditto - - | Garden. |
| 31 | Ditto - - | Anne Wyly and Robert Robinson, Sir Thomas Deane, Alexander Sharp Deane, Kearns Deane, William Deane, William Hargrave, and Richard Notter, Esquires, Richard Longfield Jameson, Esquire, and Sir William Chatterton. | John Joyce - | House, Yard, Offices, and Shrubbery. |
| 32 | Ditto - - | Ditto - - | Ditto - - | Garden. |
| 33 | - - - | - - - | - - - | Occupation Lane. |
| 34 | - - - | - - - | - - - | Vacant Ground outside Stables. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| 35 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton, Anne Wily, and Robert Robinson. | Richard Longfield Jameson. | House, Garden, and Offices. |
| 36 | Ditto - - | Sir William Chatterton, and Samuel Merrick, Esquire. | Charles Eyre Cook, Esquire. | Ditto. |
| 37 | Ditto - - | Sir William Chatterton, Richard Longfield Jameson, Sir Thomas Deane, Alexander Sharp Deane, Kearns Deane, William Deane, William Hargrave, and Richard Notter. | Jane Jameson - | Ditto. |
| 38 | Ditto - - | Sir William Chatterton and Richard Longfield Jameson. | John Sullivan - | Ditto. |
| 39 | Ditto - - | Ditto - - | Ditto - - | Coal Store. |
| 40 | Ditto - - | Sir William Chatterton, Richard Longfield Jameson, Anne Wily, and Robert Robinson. | Reverend William Colburne. | House, Garden, Offices, and Stable. |
| 41 | Ditto - - | Ditto - - | John Joyce - | Stable. |
| 42 | - - - | - - | - - - | Occupation Lane. |
| 43 | Thomas Cuthbert Kearney, Esquire. | Matthias Smith, Esquire | James Rockey - | Barn or Outhouse. |
| 44 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton, Richard Longfield Jameson, and Matthias Smith. | James M'Mullin | Field. |
| 45 | Ditto - - | Sir William Chatterton and Richard Longfield Jameson. | Matthias Smith - | Ditto. |
| 46 | Ditto - - | Sir William Chatterton, Richard Longfield Jameson, and Matthias Smith. | James Rockey - | Stack-yard, Cow-house, and Dairy. |
| 47 | - - - | - - - | - - - | Occupation Lane. |
| 48 | Thomas Cuthbert Kearney, Esquire. | Matthias Smith and Richard Longfield Jameson. | James Rockey - | House, Yard, and Offices. |
| 49 | Ditto - - | Ditto - - | Ditto - - | House, Offices, and Yard. |
| 50 | Ditto - - | Ditto - - | Daniel Lyne - | Ditto. |
| 51 | Ditto - - - | Ditto - - | John Sullivan - | Ditto. |
| 52 | Ditto - - | Ditto - - | James O'Brien - | Ditto. |
| 53 | Ditto - - | Ditto - - | Richard Longfield Jameson. | Orchard. |
| 54 | Ditto - - | Matthias Smith, Richard Longfield Jameson, Sir Thomas Deane, Alexander Sharp Deane, Kearns Deane, William Deane, William Hargrave, and Richard Notter. | James Rocky - | Field. |
| 55 | Thomas Cuthbert Kearney, Esquire. | Matthias Smith - - | Richard Longfield Jameson. | House and Offices. |
| 56 | Ditto - - | Ditto - - - | Ditto - - | Field. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| 57 | Thomas Cuthbert Kearney, Esquire. | Matthias Smith - | Richard Longfield Jameson. | Two Limekilns and Culm Stores. |
| 58 | The Reverend Edmond Lombard, William Henry Herrick, John Alexander, Edward Becher, Samuel Holdsworth, William Purefoy, George Rapage, Benjamin Bousfield Provost, and Thomas Addis Emmett, Esquires, Sarah Owgan, Martha Atkin, Dorcas Hoare, Elizabeth Barter, and Maria Colden. | - - - | The Reverend Henry Madras. | Field. |
| 59 | Ditto - - | - - - | Ditto - - | Ditto. |
| 60 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton, and William Crawford, Esquires. | James Rockey - | Ditto. |
| 61 | Ditto - - | Ditto - - | John Philpot - | House, Yard, Offices, and Orchard. |
| 62 | Ditto - - | Sir William Chatterton | James Murphy - | Orchard and Gardens. |
| 63 | - - - | - - - | - - - | Public Road. |
| 64 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton | William Crawford - | Field. |
| 65 | - - - | - - - | - - - | Field Road. |
| 66 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton | William Crawford and Michael Crowley. | Farmhouse, Yard, and Out-buildings. |
| 67 | Ditto - - | Sir William Chatterton and William Crawford. | Robin Philpot - | Fruit Garden. |
| 68 | Ditto - - | Ditto - - | Ditto - - | Ditto. |
| 69 | The Reverend Edmond Lombard, William Henry Herrick, John Alexander, Edward Becher, Samuel Holdsworth, William Purefoy, George Rapage, Benjamin Bousfield Provost, and Thomas Addis Emmett, Esquires, Sarah Owgan, Martha Atkin, Dorcas Hoare, Elizabeth Barter, and Maria Colden. | Richard Sampson and Catherine Sampson, Joseph Gordon Layburn, and Sir Anthony Perrier. | William Crofts, Esquire. | Orchard. |
| 70 | Ditto - - | Ditto - - | Ditto - - | Garden. |
| 71 | Ditto - - | Ditto - - | Ditto - - | House, Yard, and Offices. |
| 72 | Ditto - - | Ditto - - | Ditto - - | Field, Lawn, and Shrubbery. |
| 73 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton | Ditto - - | Field. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| 74 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton | William Crofts, Esquire. | Field. |
| 75 | Ditto - - | Ditto - - | Jeremiah Dorgan, Jeremiah Dorigan, William Carey, and Mary Carey. | Ditto. |
| 76 | Ditto - - | Ditto - - | Ditto - - | Ditto. |
| 77 | Ditto - - | Ditto - - | Ditto - - | Quarry, Field, Road, and Footpath. |
| 78 | - - - | - - - | - - - | Occupation Road or public Lane. |
| 79 | The Crown, or the Ecclesiastical Commissioners, and the Reverend Robert Daly, Rector of Christchurch. | Sir William Chatterton | Michael Mollowney | Cottage. |
| 80 | Ditto - - | Ditto - - | William Pretty Harris | Field. |
| 81 | Ditto - - | Ditto - - | Thomas Gearney and Darby Toomey. | Field and Two Cottages. |
| 82 | Ditto - - | Ditto - - | Joseph H. Manley, Esquire. | Field. |
| 83 | Ditto - - | Ditto - - | John Murphy, Daniel Murphy, John Mullowney, and Elizabeth Mullowney. | Field, Cottages, Yards, and Gardens. |
| 84 | Ditto - - | Ditto - - | William Pretty Harris | Field. |
| 85 | Ditto - - | Ditto - - | Ditto - - | Field. |
| 86 | - - - | - - - | - - - | Road formerly called the Long-ring Road, now impassable. |
| 87 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Slab covered by the Tide at High Water. |
| 88 | - - - | - - - | - - - | Channel of the Douglas River. |

*Parish of Carigaline alias Bever alias Chapelry of Douglas, partly in the County of the City of Cork and partly in the County of Cork.*

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| 89 | - - - | - - - | - - - | Channel of the Douglas River. |
| 90 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Slab covered by the Tide at High Water, and opposite Red Island. |
| 91 | Ditto - - - | - - - | - - - | Slab covered by the Tide at High Water, and opposite Roche's Town. |
| 92 | - - - | - - - | - - - | Channel of the River Lee. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| | *Parish of Marmullane, partly in the County of the City of Cork and partly in the County of Cork.* | | | |
| 93 | - - - | - - - | - - - | Channel of the River Lee. |
| 94 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners. | - - - | - - - | Slab covered by the Tide at High Water, and opposite Ardmoore. |
| 95 | Ditto - - - | Noblet Johnson, Esquire | - - - | Slab covered by the Tide at High Water, and opposite Horsehead. |
| 95 *a* | - - - | - - - | - - - | Occupation Road. |
| 95 *b* | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners, or Thomas Parsons Boland, Esquire. | Samuel Lane, Esquire, John Abbott, Esquire, and Richard N. Parker, Esquire. | - - - | Slab or Strand covered by the Tide at High Water, opposite Horsehead and Tureen. |
| 95 *c* | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners, or William Stammers, Esqurie. | - - - | - - - | Slab or Strand covered by the Tide at High Water, opposite the Town of Passage. |
| 96 | William Stammers, Esquire. | Thomas Parsons Boland | Michael Hennessey | House, Yard, and Stores. |
| 97 | Ditto - - | Ditto - - | William Aldwell - | House and Yard. |
| 98 | Ditto - - | Ditto - - | Thomas Judge - | Ditto. |
| 99 | Ditto - - | Ditto - - | James Sheham - | Ditto. |
| 100 | Ditto - - | Catherine Ford, John Lancaster, and Mary Anne Lancaster, Catherine Hallanan, and Michael Ford. | Andrew Hennessey | Open Dock and Strand. |
| 101 | Ditto - - | Ditto - - | Ditto - - | House, Store, and Yard. |
| 102 | Thomas Parsons Boland | Ditto - - | Ditto - - | House, Offices, Store, and Yard. |
| 103 | William Stammers, Esquire. | - - - | Mathias Kelleher - | House, Offices, Store, and Strand. |
| 104 | Ditto - - | Mathias Kelleher, Catherine Ford, John Lancaster, and Mary Anne Lancaster, Catherine Hallanan, and Michael Ford. | Daniel Hagarty - | House, Offices, and Yard. |
| 105 | Ditto - - | Ditto - - | Dennis Flynn - | House. |
| 106 | Ditto - - | Ditto - - | Patrick Driscoll - | Ditto. |
| 107 | Ditto - - | Ditto - - | Margaret Bond - | Ditto. |
| 108 | Ditto - - | Ditto - - | Robert Clarke - | House and Offices. |
| 109 | Ditto - - | Ditto - - | Thomas Jordan - | House. |
| 110 | Ditto - - | Ditto - - | Thomas Whitford - | Ditto. |
| 111 | Ditto - - | Ditto - - | Edward Connor - | House, Yard, and Shed. |
| 112 | Ditto - - | Ditto - - | Andrew Hennessey | Dock, Strand, and Quay. |
| 113 | - - - | - - - | - - - | Occupation Lane. |
| 114 | Thomas Parsons Boland | Anne Kirkland - | Thomas Whitford - | House. |
| 115 | Ditto - - | - - - | Joseph Murphy - | House and Yard. |
| 116 | Ditto - - | Margaret Healy and Thomas Lee. | Margaret Healy - | Ditto. |

| Number on Plan. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Description of Property. |
|---|---|---|---|---|
| 117 | Thomas Parsons Boland - - - | - - - | Thomas Lee - | House, Yard, Offices, Quay, and Strand. |
| 118 | Ditto - - | - - - | Anne Kirkland - | House. |
| 119 | Ditto - - | - - - | Ditto - - | House, Yard, Back-house, and Offices. |
| 120 | Ditto - - | Lucia Parker - | Michael Wallace - | House, Yard, Store, Offices, Quay, and Strand. |
| 121 | Ditto - - | Michael Wallace - | Samuel Eccles - | House, Yard, and Offices. |
| 122 | Ditto - - | Ditto - - | John Sutton - | Ditto. |
| 123 | Ditto - - | Ditto - - | Michael Wallace - | Stores, Yard, Quay, and Strand. |
| 124 | William Stammers - | Jonathan Lancaster - | Michael Mintern - | House, Yard, Offices, Quay, Stores, and Strand. |
| 125 | Thomas Parsons Boland - - - | | Henry Sweetman - | House, Yard, and Offices. |
| 126 | Ditto - - | Benjamin Johnson - | Anthony Dooly - | Ditto. |
| 127 | Ditto - - | Joseph Robinson Pim | Saint George Steam Packet Company. | Stores, Offices, Yard, Quay, Strand, and Passage. |
| 128 | Ditto - - | - - - | William Penny - | Part of House, Yard, and Offices. |
| 129 | - - - | - - - | - - - | Occupation Passage. |

*Parish of Monkstown, partly in the County of the City of Cork and partly in the County of Cork.*

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| 130 | - - - | - - - | - - - | Occupation Passage. |
| 131 | Lord de Vesci - - | Thomas Parsons Boland | William Penny - | Part of House, Yard, and Offices. |
| 132 | Ditto - - | Ditto - - | John Judge - | House, Offices, and Yard. |
| 133 | Ditto - - | Ditto - - | Johnstone Lancaster | Ditto. |
| 134 | Ditto - - | Ditto - - | William Woods - | House, Offices, and Stone-yard. |
| 135 | Ditto - - | Ditto - - | Edward Townsend, Esquire. | Ditto. |
| 136 | Ditto - - | Ditto - - | Jacob Leman, Esquire. | House, Offices, and Yard. |
| 137 | - - - | - - - | - - - | Occupation Passage and Quay. |
| 138 | Lord De Vesci - - | Thomas Parsons Boland | Margaret Atkins - | House, Offices, and Yard. |
| 139 | Ditto - - | Ditto - - | Saint George Steam Packet Company. | Quay. |
| 140 | The Crown, or the Corporation of Cork, or the Cork Harbour Commissioners, or Lord de Vesci. | - - - | - - - | Slab covered by the Tide at High Water, and used as a Timber Strand. |

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