ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lix.

An Act to authorize an Extension of the *Cork, Blackrock, and Passage* Railway to *Monkstown;* and to amend the Act relating thereto.

[25th *June* 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for* 9 & 10 Vict.
making a Railway from the Borough of Cork, *through* Blackrock, *to the* c. 148.
Town of Passage West: And whereas it would be of public and local Advantage if the Line of Railway by the said Act authorized were extended from a Point on the same Line on the Strand of *Horsehead* or *Loughmahon* in the Parish of *Marmullane* in the County of *Cork*, to or near to the Village of *Monkstown* in the same County, and if Powers were given to the said *Cork, Blackrock, and Passage* Railway Company to abandon so much of the original Line of Railway by the before-mentioned Act authorized as will be rendered useless by the proposed Extension: And whereas the *Cork, Blackrock, and Passage* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do: And whereas it is expedient that the before-mentioned Act should be further altered and amended, and further Powers granted to the said Company:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Act, so far as the same are now in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the "Lands Clauses Consolidation Act, 1845," and with the "Railways Clauses Consolidation Act, 1845," shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Railway and Works by this Act authorized to be made shall form Part of the Undertaking of the *Cork, Blackrock, and Passage* Railway Company.

Extending Powers of former Act to this Act.

Extending Lands Clauses and Railways Clauses Consolidation Acts to this Act.

II. And be it enacted, That the several Provisions of the said "Lands Clauses Consolidation Act, 1845," and the several Provisions of the said "Railways Clauses Consolidation Act, 1845," so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression, "The *Cork, Blackrock, and Passage* "Railway Extension to *Monkstown* and Amendment Act, 1847."

Power to applyMoney or Funds of the Company for the Purposes of this Act.

IV. And be it enacted, That it shall be lawful for the said Company to apply for the Purposes of this Act any Money or Funds which are or shall be at their Disposal.

Power to raise Money. New Shares to form Part of general Capital.

V. And whereas the estimated Expence of making the Railway hereby authorized is Thirty-nine thousand eight hundred and sixty-three Pounds; be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act the Sum of Forty thousand Pounds, by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms and in such Manner as may be agreed upon at any General Meeting of the Company, and the new Shares or Stock created by virtue of this Act shall be considered Part of the general Capital of the Company.

Power to borrow.

VI. And be it enacted, That after the whole of the said Sum of Forty thousand Pounds shall have been subscribed, and One Half of the Capital in Shares or Stock by this and the said recited Act authorized to be raised shall have been paid up, it shall be lawful for the said Company to borrow on Mortgage or Bond any Sum not exceeding in the whole, in addition to the Sum authorized to be borrowed by the said recited Act, or any other Act passed in the present Session of Parliament relating to the *Cork, Blackrock, and Passage* Railway Company, the Sum of Thirteen thousand three hundred and thirty-three Pounds, and to secure the Payment of the Sum

Sum so to be borrowed, with Interest, by Mortgage of the Undertaking, subject to the same Provisions as by the "Companies Clauses Consolidation Act, 1845," are made applicable to the Monies authorized to be raised on Mortgage by the said recited Act, and to the Securities thereby authorized to be granted in respect of the same.

Reborrowing.

VII. And be it enacted, That if, after having borrowed any Part of the Money by this Act authorized to be borrowed, the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

VIII. Provided always, and be it enacted, That all Mortgages granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Power to convert Loan into Capital.

IX. And be it enacted, That it shall be lawful for the said Company, if they think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to pay off such Loan, or any Part thereof, if they so think fit, creating new Shares or Stock of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest not to be paid on Calls paid up.

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

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

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

Line of Extension Railway.

XII. And be it enacted, That it shall be lawful for the said Company to extend the Line of the said *Cork, Blackrock, and Passage* Railway from a Point on the same Line of Railway on the Lands or Strand of *Horsehead* or *Loughmahon* in the Townland of *Pembroke* in the Parish

Parish of *Marmullane* in the County of *Cork*, or Extra-parochial Place adjoining thereto, so that the same shall pass from thence, in, through, into, or under the several Parishes and Extra-parochial or other Places herein-after enumerated, or some of them, (that is to say,) the Parishes of *Marmullane* and *Monkstown*, and certain Extra-parochial Places adjoining, in the said County of *Cork*, and terminate at or near to the *Victoria* Baths, adjoining the public Road leading from *Passage West* to *Monkstown* in the Townland and Parish of *Monkstown* in the said County of *Cork*.

That Part of the Cork, Blackrock, and Passage Railway lying between the Point of Junction with the Extension and Passage West not to be formed.

XIII. And be it enacted, That from and after the passing of this Act so much of the Line of Railway by the before-mentioned Act relating to the *Cork, Blackrock, and Passage* Railway Company authorized to be formed as lies between the Point of Junction with the Line of Railway by this Act authorized and the present Terminus at or near the Steam Packet Pier or Quay at the Town of *Passage West* in the said County of *Cork* shall not be formed by such Company, and so much of the Powers, Provisions, and Conditions of the said recited Act (if any) as relate exclusively to the Formation thereof shall be and the same are hereby repealed.

Deposit of Plans and Sections.

XIV. And whereas Maps or Plans and Sections showing the Line or Situation and Levels of the extended Railway and other Works by this Act authorized to be made, together with Books of Reference to the said Plans containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes of the said extended Railway and Works, have been deposited with the Clerks of the Peace for the County of *Cork* and for the County of the City of *Cork;* be it therefore enacted, That, subject to the Provisions contained in the said "Railways Clauses "Consolidation Act, 1845," and in this Act, the said extended Railway and other Works shall be made in the Line and Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined in the said Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Gauge of Rail.

XV. And be it enacted, That the Extension Railway by this Act authorized shall be laid down and for ever hereafter maintained and kept at a Gauge of Five Feet and Three Inches.

Roads to be crossed on a Level.

XVI. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained, it shall be lawful for the said Company to carry the said Extension Railway across and on the Level of the several Roads numbered respectively on the said Plans deposited as herein-before mentioned as follows; (that is to say,)

A public Road or Passage from the Steam Boat Quay to the Street of *Passage West* in the Townland of *Pembroke* in the Parish of *Marmullane* numbered 58:

A public Road in the Townland of *Maulbaun* in the Parish of *Monkstown* numbered 37.

XVII. And

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of the Commissioners of Railways.

XVII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to provide a Quay.

XVIII. And be it enacted, That the said Railway shall be carried as far as the Steam Boat Quay at *Passage;* and the said Company shall, at their own Expence, construct, and for ever after keep in good and substantial Repair, a Quay for the free Use of the Public in connexion with the present Steam Boat Quay, giving a River Frontage in the whole of Eight hundred and sixty Feet.

Crossings and Landing Slips to be provided by the Company.

XIX. And be it enacted, That the said Company shall construct Two Crossings beneath and Two Crossings over the Railway between the Quay and the Point at which the Deviation commences, and also Two Hardways or Landing Slips for Boats in connexion with such Two Crossings over the said Railway, and for ever after maintain and keep the same in good Order and Condition; and the Construction thereof and keeping the same in repair shall be to the Satisfaction of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral; and the said Company shall also build and in repair a Retaining Wall between such Two Crossings beneath the Railway, so that as much of the Beach as possible may be left free.

Road leading to the Steam Boat Quay not to be interfered with.

XX. And be it enacted, That in the Extension of the Line to *Monkstown* the said Railway shall not be carried on or across the Road leading to the Steam Boat Quay, except in such Manner and upon such Terms and Conditions as shall be approved of by the said Lord High Admiral or the said Commissioners, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Railway not to obstruct any Dock hereafter to be made.

XXI. And whereas it is expedient that Provision should be made for the Construction at a future Time of a Dock or Docks on the Slob near *Cork;* be it therefore enacted, That the said Company shall at any Time hereafter, when required by the said Lord High Admiral or the said Commissioners, set back the Line of the said Railway sufficiently for that Purpose on Ground to be provided by the Dock Promoters; such Ground, and the Power to set back the Line, being first obtained by the said Dock Promoters.

If Works abandoned, the Commis-

XXII. And be it enacted, That if any Work to be constructed by the Company across any Tidal Water or navigable River, or if any Portion of

sioners of the Admiralty may remove same.

of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Lands for additional Stations, &c.

XXIII. And be it enacted, That it shall be lawful for the said Company to purchase and hold any Quantity of Lands for extraordinary Purposes not exceeding Ten Acres.

Limiting Period for compulsory Purchase of Lands.

XXIV. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Period for Completion of Works.

XXV. And be it enacted, That the extended Railway and other Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Act granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Extension Railway and Works as shall then be completed.

Tolls on extended Railway not to exceed maximum Rate in recited Act.

XXVI. And be it enacted, That it shall be lawful for the said Company to demand any Tolls and Charges for the Use of the extended Railway by this Act authorized not exceeding the maximum Rate of Tolls and Charges which they are at present authorized to take by virtue of the said recited Act.

Repeal of so much of former Act as relates to Amount of Capital required to form Quorum at a General Meeting, and to convene an Extraordinary Meeting.

XXVII. And whereas by the said recited Act it was enacted that the Quorum of every General Meeting of the Company should be Twenty Shareholders holding in the aggregate not less than Fifty thousand Pounds in the Capital of the Company, and that the same Number of Shareholders holding the same Amount in the Capital of the Company should be required to convene an Extraordinary General Meeting: And whereas the Amount of Capital required to form a Quorum at a General Meeting of the Company, and to convene an Extraordinary Meeting thereof, is disproportionably large to the whole Capital of the Company, and it is expedient that the said Act should be amended in that respect; be it therefore enacted, That so much of the last-mentioned Act as enacts that Shareholders holding not less than Fifty thousand Pounds in the Capital of the Company shall be required to form a Quorum of a General Meeting, and that not less than the same Amount of Capital shall be required to convene an Extraordinary General Meeting of the Company, shall be repealed.

Quorum at General Meetings.

XXVIII. And be it enacted, in lieu thereof, That the Quorum of every General Meeting of the Company, whether ordinary or extraordinary, shall be Twenty Shareholders holding in the aggregate not less than Twelve thousand Pounds in the Capital of the Company.

XXIX. And

Number of Shareholders to convene Extraordinary Meeting.

XXIX. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Twenty Shareholders holding in the aggregate not less than Twelve thousand Pounds in the Capital of the Company.

Railway to be subject to the Provisions of 3 & 4 Vict. c. 97., 1 & 2 Vict. c. 98., 7 & 8 Vict. c. 85., 9 & 10 Vict. cc. 57. and 105.

XXX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by an Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, intituled, respectively, *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said *Cork, Blackrock, and Passage* Railway, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Costs of Act.

XXXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act or Acts of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Provision for future general Railway Acts.

XXXII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the extended Railway by this and the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Saving Rights of the Crown.

XXXIII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any Rights, Privileges, Powers, or Authorities vested in

or

or enjoyed by Her Majesty in, to, or over certain Lands or Property called the "*Black Rock*," or "*South Slob*," any thing in the said recited Acts or either of them contained declaratory of the Rights of the Body Corporate of *Cork* to the contrary notwithstanding, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities belonging to Her Majesty in, to, or over any other Lands or Property whatsoever.

Public Act. XXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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