CHAPTER cxliv.

An Act to authorise the Cork and Kenmare Railway Company to construct a branch railway from Loo Bridge to Headfort in the county of Kerry to abandon so much of the railway authorised by the Cork and Kenmare Railway Act 1881 as lies between Macroom and Loo Bridge to reduce the Company's capital and borrowing powers to alter baronial guarantees and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS by the Cork and Kenmare Railway Act 1881 (herein-after called "the Act of 1881") the Cork and Kenmare Railway Company (herein called "the Company") were incorporated and were authorised to construct a railway from the town of Macroom in the county of Cork to the town of Kenmare in the county of Kerry:

And whereas by the Act of 1881 the Cork and Macroom Direct Railway Company (herein-after called "the Macroom Company") were authorised to subscribe to the undertaking of the Company a sum not exceeding forty thousand pounds and were required to work and use the undertaking of the Company so soon as the same should be completed and opened for public use:

And whereas by the Cork and Kenmare Railway Act 1883 the Company were authorised to make certain deviations in their railway:

And whereas the Macroom Company have declined to subscribe to the undertaking except under conditions as to working and use which the Company have been unable to accept:

And whereas it is expedient that in the altered condition of circumstances the Company should be authorised to abandon that part of their undertaking which lies between the said town of Macroom and a place known as Loo Bridge in the county of Kerry

A.D. 1884.

and that the provisions of the Act of 1881 relating to the Macroom Company should be repealed:

And whereas the construction of a branch railway from Loo Bridge to join the Great Southern and Western Railway at or near Headfort in the county of Kerry would be the means of affording communication between the city of Cork and Kenmare and also with the Irish railway system generally:

And whereas under the Act of 1881 the Company obtained a guarantee extending over certain baronies in the county of Kerry from the grand jury thereof and it is expedient that the said baronies should be released from any liability to pay such guarantee so far as the undertaking authorised by that Act and the portion thereof by this Act authorised to be abandoned is concerned and that in lieu thereof a guarantee by the said grand jury should be authorised which shall be applicable to a railway from Kenmare to Headfort as herein-after provided:

And whereas it is expedient that the grand jury of the county of Kerry should be authorised to grant the guarantee in the manner and under the conditions herein-after provided:

And whereas a copy of the Bill for this Act as deposited in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons was submitted to the grand jury of the county of Kerry and to the presentment sessions of the baronies named in this Act and to the boards of guardians of the several unions affected thereby and was approved by those respective bodies:

And whereas the estimated cost of the railway as authorised by the Act of 1881 and the Act of 1883 amounted to two hundred and ten thousand five hundred and forty pounds five per centum upon which is ten thousand five hundred and twenty-seven pounds which sum was deposited with the Chancery Division of the High Court of Justice in Ireland in respect to the application to Parliament for that Act:

And whereas the estimated cost of constructing that portion of the railway authorised by the Act of 1881 and the Act of 1883 and which is not authorised to be abandoned under this Act is ninety thousand pounds and the estimated cost of constructing the railway authorised by this Act is twenty-six thousand nine hundred and forty pounds amounting together to the sum of one hundred and sixteen thousand nine hundred and forty pounds:

And whereas by the Act of 1881 the Company were authorised to raise two hundred and twenty thousand pounds by shares and one hundred and ten thousand pounds by borrowing and it is expe-

dient that such share capital and borrowing powers be reduced and that such provision as is herein-after contained be made with reference to the repayment of a portion of the money deposited in respect of the application to Parliament for the Act of 1881:

And whereas it is expedient that the name of the Company should be changed and that the Company should henceforward be described and known as the Kenmare Junction Railway Company:

And whereas plans and sections of the railway showing the lines and levels thereof and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kerry and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title

1. This Act may be cited as the Kenmare Junction Railway Act 1884.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as amended by the Railways (Ireland) Act 1851 the Railways (Ireland) Act 1860 the Railways (Ireland) Act 1864 and the Railways Traverse Act:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863:

Part IV. (relating to change of name) of the Companies Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railway" means the railway and works hereby authorised and shall include the railway and works authorised by

A.D. 1884.

the Act of 1881 as altered by the Act of 1883 and not proposed to be abandoned under this Act. The expression "the authorised railway" of itself means the railway authorised by the Act of 1881 and the Act of 1883. The expression "the plans of 1881" means the plans deposited with reference to the Act of 1881 and the expression "the plans of 1883" means the plans deposited with reference to the Act of 1883.

Change of name of Company.

4. From and after the passing of this Act the name of the Company shall be "the Kenmare Junction Railway Company" instead of "the Cork and Kenmare Railway Company" and their undertaking shall be called "the Kenmare Junction Railway" instead of "the Cork and Kenmare Railway".

As to deposit of plans with clerks of unions.

5. With reference to this Act all the provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall be read and construed as if instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland" the expression "clerks of the unions within which such parishes are included in Ireland" and as if instead of the word "postmasters" the words "clerks of the unions" had been used and inserted in that Act throughout those sections.

Power to make railway and other works.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations approaches works and conveniences connected with such railway and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

A railway five miles and three furlongs or thereabouts in length commencing by a junction with the authorised railway of the Company at a point in the townland of Derreenacullig in the parish of Killaha and county of Kerry in a field occupied by Timothy Cronin and Daniel Connell numbered 10 on the plans of 1881 at a point marked twenty miles five furlongs on such plans and terminating by a junction with the railway of the Great Southern and Western Railway Company in the townland of Cools and parish of Aghadoe at a point in the centre line of that company's railway two hundred and twenty-five yards or thereabouts from the centre of the bridge which carries the railway over the public road near the Headfort Station measured in a westerly direction along the said railway.

Period for completion of railway.

7. The railway shall be completed within five years from the passing of this Act.

Railway to form part of railway of the Company.

8. The Company may demand and receive for and in respect of the railway by this Act authorised the same tolls and charges which they may now receive in respect of the authorised railway and the railway shall in all respects be deemed part of the railway of the Company.

On expiration of time limited for completion of railway power to cease.

9. If the railway authorised by this Act shall not be completed within the period limited by this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing such railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands by the Company.

10. The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

11. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on Plan.	Townland.	Parish.	Description of Road.
37	Islandmore - -	Killaha - -	Public
10A	Curreal - -	Killaha - -	Public

Company may abandon portions of authorised line.

12. The Company shall abandon the construction of the following portion of the authorised railway:

So much of the authorised railway of the Company as lies between its junction with the Cork and Macroom Direct Railway near Macroom Station in the parish of Macroom in the county of Cork and a point marked twenty miles five furlongs on the plans of 1881 in the townland of Derreenacullig parish of Killaha and county of Kerry.

Compensation for damage to

13. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice

A.D. 1884.

land by entry &c. for purposes of railway abandoned.

or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act 1845 for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act 1845 for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or the Act of 1881.

Compensation to be made in respect of portions of railway to be abandoned.

14. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act and which shall not be required for the purposes of any of the works by this Act authorised full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Company may appropriate abandoned roads.

15. In any case in which the railway and works hereby authorised shall run through or over any abandoned roads known as Board of Works roads but which have never been completed the Company may appropriate the sites of such roads so far as may be necessary for the construction of their railway and works.

Share capital of Company reduced.

16. The capital which by the Act of 1881 the Company are authorised to raise by shares is by this Act reduced from the sum of two hundred and twenty thousand pounds to the sum of one hundred and twenty thousand pounds in twenty thousand shares of ten pounds each.

Borrowing power of Company.

17. The amount which the Company may by the Act of 1881 borrow on mortgage is by this Act reduced from the sum of one

hundred and ten thousand pounds to the sum of sixty thousand pounds and when and so soon as forty thousand pounds part of the said reduced capital of one hundred and twenty thousand pounds shall have been issued and accepted and one half thereof paid up it shall be lawful for the Company to borrow on mortgage any sum not exceeding twenty thousand pounds and when the further sum of forty thousand pounds part of the said reduced capital of one hundred and twenty thousand pounds shall have been issued and accepted and one half thereof paid up to borrow on mortgage any further sum not exceeding twenty thousand pounds and when the further sum of forty thousand pounds part of the said reduced capital of one hundred and twenty thousand pounds shall have been issued and accepted and one half thereof paid up to borrow on mortgage any further sum not exceeding twenty thousand pounds but no part of any of the said three sums of twenty thousand pounds each shall be borrowed until the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Release of portion of money deposited under Act of 1881.

18. Subject to the provisions of section 36 of the Act of 1881 with respect to compensation to landowners and other persons injured and to protection of creditors the Chancery Division of the High Court of Justice in Ireland may and shall at any time after the passing of this Act on the application by the persons named in the warrant or order mentioned in the 35th section of the Act of 1881 or the survivors or survivor of them by petition in a summary way order that a sum of four thousand six hundred and eighty pounds being part of the sum of ten thousand five hundred and twenty-seven pounds mentioned in the 35th section of the

A.D. 1884.

Act of 1881 together with any interest or dividends due and payable thereon may be transferred and paid to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of four thousand six hundred and eighty pounds and the interest or dividends thereon shall be transferred and paid to such person or persons accordingly and the 35th and 36th sections of the Act of 1881 shall operate and have effect with reference only to the balance of the said sum of ten thousand five hundred and twenty-seven pounds and the interest and dividends thereof.

Baronies in Kerry to contribute.

19. Section fifty-four of the Act of 1881 (certain baronies of the county of Kerry to contribute) shall be repealed and in lieu thereof be it enacted that for two years (and no longer) of the period hereby granted for the completion of the railway and thenceforth from time to time after the entire completion and opening thereof for public traffic the sum or amount required to pay a dividend of four pounds per centum per annum on the sum of sixty thousand pounds of share capital authorised to be raised by the Act of 1881 and by this Act or so much thereof as shall be from time to time paid up shall be payable half-yearly by the several baronies of Glanerough Magonihy and South Dunkerron all in the county of Kerry rateably and in the proportions to be ascertained as herein-after provided: Provided that if the railway shall not be completed and opened for traffic within the said period of two years the said dividends shall cease to be payable until after the opening of the railway for public traffic.

Application of profits after opening of railway and baronial guarantee on share capital.

20. If and whenever from time to time the net profits of the railway (such profits to be ascertained as by this Act directed) after deducting from the gross receipts the working expenses of the railway and after deducting the interest or dividend on any mortgage or debenture stock payable by the Company shall not amount to a sum equal to a dividend at the rate of four pounds per centum per annum upon the said sum of sixty thousand pounds or upon so much thereof as shall have been from time to time paid up the sum or amount required to make up such dividend as aforesaid shall from time to time become payable half-yearly by the said several baronies of Glanerough Magonihy and South Dunkerron before mentioned and in the manner provided by this Act: Provided always that the said net profits after deducting from the gross receipts the working expenses of the railway and after deducting the interest or dividend on any mortgage or debenture stock payable

A.D. 1884.

by the Company shall from time to time be applied to the payment of the said dividend of four pounds per centum per annum on the said sum of sixty thousand pounds of share capital or upon so much thereof as shall have been from time to time paid up in priority to any other debt demand or claim or to any other purpose whatsoever.

Board of Trade to appoint arbitrators to determine proportion to be paid by each barony, &c.

21. For the purpose of ascertaining the proportions in which such baronies shall pay the said sum so to be paid half-yearly as aforesaid it shall be lawful for the Board of Trade (at or upon the request of the Company) from time to time by warrant under the hand of their secretary for the time being to appoint as arbitrators any two of the county surveyors for the time being of the county of Kerry and one other person to be selected by the Board of Trade and such persons shall by their award in writing assess and determine the relative proportions in which such sum shall be paid and made up by the said several baronies such arbitrators taking into consideration the benefit or supposed benefit (immediate or prospective) which such baronies may in their opinion be likely to derive from the formation and opening of the railway and the award of such arbitrators under their hands or under the hands of any two of them (in case all the said arbitrators shall be unable to agree) shall when allowed by the Board of Trade by writing under the hand of their secretary to be endorsed upon the said award be in all respects final and binding on the said baronies and from and immediately after the allowance of such award by the Board of Trade the said several baronies and all lands tenements and hereditaments therein respectively shall be and are hereby charged and made chargeable with the payment of such sum in the several proportions specified and set forth in such award and after such award shall have been allowed in manner aforesaid the same and such duplicate thereof as may be necessary shall be delivered to the Company upon their request and upon payment by them to the said arbitrators of such remuneration (if any) for his or their trouble in making such award as the Board of Trade shall determine.

Board of Trade may appoint auditors.

22. The Board of Trade may and they are hereby authorised and required from time to time to appoint a fit and proper person or fit and proper persons not exceeding three in number as auditor or auditors to audit the accounts of the Company and to make certificates in pursuance of the directions contained in this Act and it shall and may be lawful to and for the Board of Trade from time to time to revoke the appointment of such auditor or auditors or any of them and such auditor or auditors from time to time to remove and his or their powers and authorities to revoke and any

A.D. 1884.

other person or persons in the place of such person or persons so displaced or of any person dying to appoint with the same powers or authorities and the Company shall pay to each of the auditors so appointed such a sum for his trouble in making such audit and in relation thereto as the Board of Trade shall from time to time fix and determine and such payment shall be deemed to be part of the working expenses of the railway.

Account of receipts and expenditure to be rendered.

23. For the purpose of ascertaining the amount out of the said sixty thousand pounds expended by the Company on the undertaking and railway for the said two years until the opening thereof for public traffic and the half-yearly sum to be paid by the said several baronies on the sum so expended and also for ascertaining the net profits of the railway (if any) applicable to the payment of dividend as aforesaid the Company shall from time to time on or before the fifth day of July or as soon thereafter as may be and on or before the fifth day of January or as soon thereafter as may be in every year make out and tender to the auditor or auditors a full true and distinct account of all the expenditure and receipts of every nature and kind for the then preceding half-year ending the thirtieth day of June and the thirty-first day of December in each year respectively arising in any manner from the railway which account the said auditor or auditors shall and he or they are hereby authorised to examine with the documents and vouchers evidencing the same and all books papers and accounts in the custody and control of the Company relating to the business of the Company and all accounts documents vouchers books and papers kept by the Company shall upon the request of the said auditor or auditors be from time to time produced to the said auditor or auditors for examination and the Company shall from time to time keep proper and correct books of account to show the gross receipts and profits on the railway and the expenditure thereof to which books said auditor or auditors shall have at all reasonable times access and from which they may at all times take extracts and such auditor or auditors shall adjust and balance such accounts and as to all other matters relating to the said accounts or as to what part of the said sum of sixty thousand pounds has been expended as aforesaid during the said two years before the time of the opening of the said railway and after the opening thereof as to what part shall be considered as profit their decision shall in all respects be final and conclusive on all parties.

Auditors to ascertain amount to be paid by the baronies.

24. The said auditor or auditors shall from time to time during the said two years until the opening of the railway for public traffic ascertain assess and determine the amount necessary to be

paid in each half-year by the said several baronies and after the opening of the railway shall from time to time ascertain and determine the amount of net receipts respectively in each half-year applicable to the payment of the said dividend on the said sum of sixty thousand pounds as provided by this Act and shall also assess and determine the amount if any necessary to be paid and made up by the said several baronies liable to pay the same and shall set forth the several matters so ascertained and determined by him or them in a certificate in writing under his or their hands or if the number should consist of three under the hands of any two of them and every such certificate shall be in all respects final and binding on the said several baronies.

Auditors to deliver certificate to the Company.

25. The said auditor or auditors shall on the request of the Company and at least three clear days before the assembling of the grand jury of the county of Kerry for fiscal business deliver the said certificate and a duplicate thereof to the Company.

Sum certified to be presented by grand jury and paid by treasurer.

26. The Company shall from time to time deliver such certificate or such duplicate thereof as aforesaid to the secretary of the grand jury for the county of Kerry and such secretary shall lay such certificate or duplicate thereof before the grand jury of the said county at the assizes next after he shall have received the same and the said grand jury shall from time to time at such assizes and without any reference to presentment sessions present the sum mentioned in such certificate relating to the said several baronies and the same shall be raised and levied accordingly together with and in like manner and subject to like provisions as other moneys presented by such grand jury at the same assizes are raised and levied and the treasurer of such county out of the first moneys collected and remaining in his hands after repayment of Government advances goal expenses and salaries of public officers payable by him shall pay the sum so presented by the grand jury unto the Company or in such other manner as the Company shall direct and if the said grand jury shall fail to present the sum or any part thereof contained in any such certificate relating to the said several baronies the treasurer of the said county shall and he is hereby required to insert such sum or such omitted part thereof in his warrant for raising the moneys presented at the same assizes as if such sum had been duly presented by such grand jury to be raised in manner herein-before mentioned off the said several baronies chargeable therewith as aforesaid and the same shall be raised and levied off the said several baronies accordingly as if the same had been so presented and the said treasurer shall pay over the amount when

A.D. 1884.

by him received as herein-after provided as if such money had been presented by such grand jury. Provided however that in no case shall the grand jury be bound to make any presentment of any money previous to the opening of the line for public traffic in respect of the construction of the railway during the said period of two years unless the county surveyor ten days at least before the holding of each assize for the county of Kerry shall lodge with the secretary of the grand jury of such county a certificate in writing stating that the construction of the works is properly progressing and at such rate that the completion of the line within the period for its completion prescribed by this Act may be reasonably expected.

Condition of bonds by collectors of grand jury cess.

27. Every bond of a collector of grand jury cess within the said county of Kerry to be hereafter given or executed by way of security for duly collecting and paying public money shall contain a condition for his duly collecting and paying to the treasurer of such county on or before each next succeeding assizes all such money as he shall from time to time be authorised to levy under this Act and such bond shall be subject to all provisions now applicable to bonds given or executed by collectors of grand jury cess.

Remuneration to collector to be presented by grand jury.

28. The grand jury of the said county shall also present such sum of money to be levied off the said several baronies to be paid to any such collector as aforesaid for his remuneration in the collection of such assessments as is payable in the case of the collection of grand jury cess.

In a certain event the baronies to be recompensed out of the profits of the railway.

29. If at any time it shall appear to the said auditor or auditors that the net profits of the Company in any year ending on the thirty-first day of December within ten years from any period at which any such payment by the said several baronies as aforesaid shall have been made shall have amounted to such a sum as to leave a surplus after deducting a sum sufficient to pay the interest for that year upon any moneys under this Act borrowed or raised by the Company on mortgage or debenture stock and also after deducting a sum sufficient for paying to the shareholders a dividend at the rate of four pounds per centum per annum on the then paid-up capital of the Company the said auditor or auditors shall and he is or they are hereby required forthwith to certify such fact by writing under his or their hand or hands stating the amount of any such surplus to the treasurer for the time being of the said county and thereupon the said treasurer shall be entitled to receive from the Company the said surplus to an extent not exceeding the aggregate amount of payments made by the said several baronies

since the passing of this Act and the said treasurer shall apply the sum so received by him in aid of the county cess upon the several baronies which shall have made such payment in such proportion as the aggregate amount which shall have been paid during the aforesaid period by each barony shall bear to the aggregate amount which shall have been paid during the same period by such baronies aforesaid.

Auditors to deliver a certificate to the treasurer of the county of Kerry stating what proportion of the surplus such treasurer entitled to receive.

30. The auditor or auditors shall within one month after having certified as aforesaid to the treasurer of the county of Kerry deliver to the said treasurer a certificate in writing under his or their hand or hands stating what proportion of the said surplus the treasurer to whom the certificate is to be given is (by virtue of the last preceding enactment) entitled to receive and the said treasurer shall be entitled on demand to receive from the Company the amount mentioned in such certificate and in default of payment on demand to recover the same with full costs of suit by action of debt or on the case in any court of competent jurisdiction and in any such action the treasurer for the time being of the said county shall be the nominal plaintiff and as such entitled to sue on behalf of the county for which he may be the treasurer and no such proceeding shall abate or be discontinued by reason of the death or resignation of such treasurer but shall continue and proceed in the name of any treasurer from time to time appointed in the stead of any such treasurer who may die be removed from or resign his office upon entering a suggestion for that purpose by leave of the court in which any such proceeding may be pending.

Tenants to deduct half cess from the rent.

31. When the person occupying any lands hereditaments or premises shall be liable to pay a rent in respect of the same he may deduct from such rent for each pound of the rent he is liable to pay one half of the sum which he shall have paid as grand jury cess under the provisions of this Act in respect of each pound of the net annual value of such premises as valued under the Acts relating to the valuation of rateable property in Ireland and so in proportion for any less sum than a pound : Provided always that it shall not be lawful for any such person to deduct from the rent payable by him for such premises a larger sum than one half of the amount of the cess that has been paid by him in respect of the same and the receipt of the collector duly appointed to collect such rate or cess shall be a good and valid receipt to be taken into account in all payments on account of the rent between him and the person to whom such rent is payable : Provided always that no deductions be made from tithe rentcharge or other composition in lieu of tithes for or on account of such rate or cess.

A.D. 1884.

Sub-lessors to make proportionate reductions from superior landlord's rent.

32. When any person to whom rent shall be payable in respect of any hereditaments shall also pay a rent in respect of the same he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of rate or cess deducted under the provisions of this Act from the rent payable to him as the rent paid by him bears to the rent payable to him not exceeding the half of the said rate or cess payable by him Provided always that no lessee or other person paying any rate or cess under this Act in respect of any hereditaments held by him in fee farm for lives renewable for ever or for the residue of any term of years which when originally created shall not have been less than three hundred years shall deduct any portion of such rate or cess from the rent payable by him in respect of such hereditaments.

Extension of time for compulsory purchase of land under Act of 1881.

33. The period limited by the Act of 1881 for the compulsory purchase of lands and buildings for the purposes of that Act is hereby extended to the eleventh day of August one thousand eight hundred and eighty-six.

Extension of time for completion of works authorised by the Acts of 1881 and 1883.

34. The periods respectively limited by the Act of 1881 and the Act of 1883 for the completion of the railways and works by those Acts authorised in so far as they are by this Act not authorised to be abandoned are hereby extended to the eleventh day of August one thousand eight hundred and eighty-nine and if the said railways and works be not then completed at the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Repeal of portions of Act of 1881 relating to Macroom Company.

35. Sections 19 48 49 50 71 72 73 and 74 (relating to the Macroom Company) of the Act of 1881 shall be and the same are hereby repealed.

Application of moneys.

36. All moneys raised under the powers of the Act of 1881 and of this Act whether by shares or mortgage or debenture stock shall be applied only for the purposes of the Act of 1881 the Act of 1883 and of this Act to which capital is properly applicable.

Interest not to be paid on calls paid up.

37. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provisions as to general railway Acts.

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

Costs of Act.

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.