CHAPTER clxxix.

An Act to confer further Powers on the Limerick and Kerry Railway Company. [2nd August 1877.]

A.D. 1877.

WHEREAS by "The Limerick and Kerry Railway Act, 1873," (herein-after called "the recited Act,") the Limerick and Kerry Railway Company (herein-after called "the Company") were incorporated and empowered to make a railway (herein-after called "the railway") from the Rathkeale and Newcastle Junction Railway to the Great Southern and Western Railway, in the counties of Limerick and Kerry, and for that purpose to raise two hundred and sixty thousand pounds by shares and one hundred and thirty thousand pounds by borrowing: 36 & 37 Vict. c. ccxlvi.

And whereas by the recited Act it is, among other things, enacted that if and when, at any time during the period of twenty-three years after the opening of the railway for public traffic, the net receipts from the railway do not amount to a sum equal to a dividend upon the capital expended thereon at the rate of five pounds per centum per annum, then the amount required to make up such dividend on thirty-eight thousand pounds is to be paid by the county of Limerick, and on one hundred and twelve thousand pounds by the county of Kerry:

And whereas the Company have been unable to raise capital on the security of the said respective guarantees by reason of the same not being attached or capable of being attached to any specific portion of the capital of the Company, and in consequence thereof the Company have been unable to proceed with the construction of the railway, and it is expedient for the purpose of enabling the railway to be completed and opened for public traffic that provision should be made for attaching the said respective guarantees to specific shares in the capital of the Company to the extent and in the manner herein-after defined:

And whereas it is expedient that from and after the expiration of the said respective guarantees provision should be made for

A.D. 1877.

converting the shares to which the said respective guarantees are attached into preference shares of the Company:

And whereas the Company have entered into contracts for the purchase of a considerable portion of the lands which they were by the recited Act authorised to purchase, but there are other lands required for the purposes of their undertaking, the powers to acquire which expired on the fifth day of August one thousand eight hundred and seventy-six, and it is expedient that those powers should be revived:

And whereas the time for making the railway will expire on the fifth day of August one thousand eight hundred and seventy-eight, and it is expedient that the said period should be extended:

And whereas the purposes 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 for all purposes as "The Limerick and Kerry Railway Act, 1877."

26 & 27 Vict. c. 92. incorporated.

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

Interpretation of terms.

3. In this Act the words and expressions to which meanings are assigned by the recited Act and the Act partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Company may attach county guarantees to certain shares.

4. The Company may from time to time issue one hundred and fifty thousand pounds in guaranteed shares of ten pounds each, and such shares shall be entitled to a fixed guaranteed dividend at the rate of five pounds per centum per annum on the amount for the time being paid up thereon respectively, and the Company may declare that the guarantee by the county of Limerick on the amount of thirty-eight thousand pounds of the capital of the Company mentioned in the recited Act, or any part of such guarantee, shall attach to a specific number of guaranteed shares, and to no other part of the capital of the Company, and that the guarantee by the county of Kerry on the amount of one hundred and twelve thousand pounds of the capital of the Company mentioned in the recited Act shall attach to a specific number of the guaranteed shares, and to no other part of the capital of the Company, and the holders

of such guaranteed shares respectively shall be entitled to all the benefits of such guarantees accordingly, to the exclusion of all other persons whomsoever, whether shareholders in or creditors of the Company: Provided always, that nothing in this section contained shall alter, prejudice, or in any way affect the conditions on which the said respective guarantees are authorised to be granted under the recited Act.

Designation of guaranteed shares.

5. The guaranteed shares issued in pursuance of this Act, and to which the guarantee of the county of Limerick shall be attached, shall be designated "Limerick and Kerry Railway Guaranteed (Limerick) Shares," and the guaranteed shares issued in pursuance of this Act, and to which the guarantee of the county of Kerry or the baronies or parts of baronies thereof shall attach, shall be called "Limerick and Kerry Railway Guaranteed (Kerry) Shares," and the terms and conditions on which such shares respectively are issued shall be stated in the certificates relating thereto.

On expiry of guarantees guaranteed shares to become preference shares.

6. From and after the expiration of the said respective guarantees, or from and after the date at which the Company shall, in pursuance of the provisions contained in section seventy-one of the recited Act, have released the county of Limerick and the baronies in the county of Kerry from all further liability (whichever shall first happen), the guaranteed shares respectively shall become and be preference shares of the Company, but the dividend thereon shall not exceed the rate of five pounds per centum per annum.

Reviving powers for purchase of lands.

7. The powers of the recited Act, with respect to the compulsory purchase or taking of the lands referred to in the schedule to this Act annexed, are hereby revived, and shall continue in force until the fifth day of August one thousand eight hundred and seventy-nine.

Extending time for completing railway.

8. The time limited by the recited Act for the completion of the railway is hereby extended until the fifth day of August one thousand eight hundred and eighty-one.

If railway not completed within the extended period powers to cease.

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

10. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her

A.D. 1877.

Post Office telegraph system.

Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General, and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be

recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster General to construct and work telegraphs, &c.

(E.) Her Majesty's Postmaster General on, over, along, and across any of the railways, works, and lands for the time being of the Company may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make, at their own expense, any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same for the determination of the amount and application of compensation for lands taken or injuriously affected:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

A.D. 1877.

Railway not exempt from provisions of present and future general Acts.

11. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the recited Act.

Expenses of Act.

12. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Townland.	Parish.	No. on Plans deposited with reference to "The Limerick and Kerry Railway Act, 1873."
COUNTY OF LIMERICK.		
Churchtown -	Newcastle -	6, 7, 10, 14, 16, 18A, 20, 21A, 22.
Ashgrove - -	Newcastle -	3, 5, 6, 7.
Dromin (Beesom) -	Newcastle -	3, 26.
Ballypierce -	Newcastle -	1, 4, 5, 6, 7, 8, 10, 12, 23, 26, 27, 35, 36, 37, 41, 51, 56, 58.
Glennagowan -	Newcastle -	1, 2, 3, 4, 5, 5A, 5B, 7, 8, 10, 11, 13, 17, 19.
Garryduff - -	Monagay - -	9, 10, 11, 12, 13, 14, 15, 15A, 19, 24, 25, 27, 28, 29, 31, 32, 33, 34.
Glendarragh -	Monagay - -	4, 22, 22A, 23, 24, 25, 27, 28, 28A, 30, 33, 41, 41A, 41B, 42, 49, 50, 53B, 57, 58, 59, 60, 62, 63, 85.
Ballymurragh (East)	Monagay - -	1.
Meenyline (North)	Monagay - -	10.
Meenyline (South) -	Monagay - -	1, 12, 13, 19, 21, 22.
Tulligoline (South)	Monagay - -	2, 4, 49, 50, 51, 52, 54, 55.
Ballaghbehy (South)	Abbeyfeale -	1, 2, 3, 4A, 8, 9, 16, 17, 19, 21, 22, 24, 25, 26, 27, 28, 32, 34, 35, 36.
Ballaghbehy -	Abbeyfeale -	1, 5, 6, 8, 18, 24, 38, 39, 45, 50, 51, 53, 55, 56, 57, 59, 60, 69, 69A, 70, 73, 74, 76, 76A, 77, 84, 86, 87, 88, 89, 90, 91, 93, 94, 95.
Knockbrack -	Abbeyfeale -	1, 5, 8, 9, 10, 11, 12, 16, 17, 19, 21, 23, 26, 27, 29, 30, 47, 52, 53, 54, 55, 57, 58, 58A, 61, 65, 68, 69.
Port - -	Abbeyfeale -	1, 1A, 1B, 1C, 2, 5, 6, 8, 9, 10, 11, 13, 15, 16, 17, 18, 21, 27, 29, 30, 34, 36, 36A, 39, 40, 41, 43.
COUNTY OF KERRY.		
Rathoran - -	Duagh - -	1, 2, 5, 5A, 9, 10, 13A, 14, 15, 17, 18, 19, 21, 23.
Kilmeany - -	Knockanure -	3, 5, 7, 8, 10, 11, 28, 29, 31, 32, 34, 35A, 36, 37, 47, 51, 52, 53, 55.
Bunagarha - -	Listowel - -	1, 3A, 4, 5, 6, 6A, 8, 10, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 23A, 28, 30, 32.
Skehanierin (Lower)	Listowel - -	2, 3, 4A, 8, 9, 10, 11, 11A, 13, 13A, 15, 19A, 20, 20A, 26, 28.
Dromin (Lower) -	Listowel - -	1, 2, 4, 6, 7, 8, 9.
Dromin (Upper) -	Listowel - -	6.
Ballygowloge -	Listowel - -	4, 17, 19.
Listowel - -	Listowel - -	1, 22.
Curraghatoosane -	Listowel - -	2, 3, 4, 7A, 8, 9.
Gortcurreen -	Listowel - -	31.
Killacrim - -	Dysert - -	1, 11, 13.
Ballyhorgan East -	Dysert - -	1, 2, 3, 4, 5, 6, 8.
Ballyhorgan West -	Dysert - -	10, 13, 14, 15, 16, 17, 18.
Ballintogher -	Dysert - -	1, 6, 6A, 7, 8, 8A, 11, 15, 16, 17, 19, 21, 24, 25, 26, 27, 27A.

A.D. 1877.

Townland.	Parish.	No. on Plans deposited with reference to "The Limerick and Kerry Railway Act, 1873."
Monument - -	Killcaragh -	1, 2, 3, 4, 5, 7, 8, 11, 12, 12A.
Lixnaw - -	Killcaragh -	1.
Ballynageragh -	Killcaragh -	5, 8.
Killaspicktarvin -	Kiltomy - -	1, 1A, 1B, 4, 7, 9, 10, 11, 13, 17, 18, 19, 21, 22, 22A, 24, 25, 26, 27, 28.
Aghacoora - -	Kiltomy - -	1, 2, 2A, 2B, 3, 4, 5, 6, 10, 17.
Aghanacrinna -	Killahan - -	1, 2.
Montanagay -	O'Dorney -	11.
Knockreagh -	O'Dorney -	1, 2, 3, 4, 5, 6, 7, 9.
Ballylahiff - -	O'Dorney -	9, 28, 31.
Ballybroman -	O'Dorney -	1.
Tubridmore -	Ardfert - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 1A, 6A, 11, 12, 13, 16, 17, 19, 20, 23, 26, 27, 27A, 28, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 42.
Liscahane - -	Ardfert - -	1, 1A, 2, 6, 8, 10, 11, 11A, 13, 15, 16, 16A, 17, 19, 20, 21, 23, 24, 36, 37, 38, 39, 40, 41, 43, 44, 45.
Ballyroe - -	Ardfert - -	1, 2, 3, 4, 5, 13, 14, 15, 15A, 16.
Ballynasare -	Clogherbrien -	5, 7, 8, 9, 10.
Parkboy - -	Clogherbrien -	1, 2, 3, 4, 5, 6, 7, 3A, 9.
Clashaphuca -	Clogherbrien -	2, 4, 4A.
Bawnboy - -	Clogherbrien -	1, 2, 4, 5, 6, 7, 11, 12, 13, 14, 15, 15A, 18, 19.
Ballynahoulort -	Tralee - -	2, 3, 6, 7, 10, 11.
Mounthawk -	Tralee - -	1, 3, 4, 5, 6, 8, 9, 13.
Croogorts - -	Tralee - -	1, 2, 3.
Cahermoneen -	Tralee - -	1, 3, 4.
Gallows Fields -	Tralee - -	1, 2, 5, 7, 8, 10, 10A, 12.
Tralee - -	Tralee - -	1, 2, 3, 4, 6, 7, 8, 9.
Cloonalour - -	Tralee - -	1, 2, 3, 4, 6.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.