ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

***

mons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *Parsonstown and Portumna Bridge* Railway Extension Act, 1864."

8 & 9 Vict. cc. 16. 18., & 20., 14 & 15 Vict. c. 70., 23 & 24 Vict. cc. 97. & 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," so far as the same are consistent with "The Railways Act (*Ireland*), 1851," as amended by "The Railways Act (*Ireland*), 1860," "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," Part I. of "The Companies Clauses Act, 1863," and (so far as applicable) Part I. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. The several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Subscribers incorporated.

4. The Lord *Dunkellin*, *Robert Francis Gordon*, *Henry Pooley Bradley*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after described, with all proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Parsonstown and Portumna Bridge* Railway Extension Company," (in this Act called "the Company,") and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Capital.

5. The Capital of the Company shall be Twenty-four thousand Pounds, divided into Two thousand four hundred Shares of the Amount of Ten Pounds each; but the Company shall not issue any Share, nor shall any Share vest in the Person accepting the same, unless and until Twenty *per Centum* of the nominal Amount of such Share shall have been paid up in respect thereof.

6. Two

Calls.

6. Two Pounds *per* Share shall be the greatest Amount of a Call, and Three Months at the least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share.

Interest not to be paid on Calls paid up.

7. The Company shall not, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of 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 Capital.

8. The Company shall not, out of any Money by this Act authorized to be raised for the Purposes of this Act, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act to authorize the Company to construct any Railway, or to execute any other Work or Undertaking.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the aggregate Eight thousand Pounds, but no Part thereof shall be borrowed until the whole of the said Capital of Twenty-four thousand Pounds is subscribed for *bonâ fide*, and One Half thereof is paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of Shares are issued, and that Twenty *per Centum* was paid up on account of each separate Share at the Issue thereof, and that such Shares were taken *bonâ fide*, and are held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence).

Appointment of Receiver for Mortgagees.

10. The Mortgagees of the Company may enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Eight hundred Pounds in the whole.

11. All

Application of Monies raised under Act.

11. All and every Part of the Money raised under this Act, whether by Shares or by borrowing, shall be applied only for Purposes authorized by this Act.

First and other Meetings.

12. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act, and the Quorum for any General Meeting shall be Five Shareholders, present personally or by proxy, holding in the aggregate not less than One Tenth of the Capital of the Company.

Number and Qualification of Directors.

13. The Number of the Directors shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

First Directors.

14. The Lord *Dunkellin*, *Robert Francis Gordon*, and *Henry Pooley Bradley* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

15. At the First Ordinary Meeting of the Company to be held in every subsequent Year the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845," or by this Act, or either of them.

Quorum of Directors.

16. The Quorum of a Meeting of Directors shall be Two.

Power to make Railway and to acquire Lands.

17. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may make and maintain the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, according to the Line and Levels defined upon the Plans and Sections, and upon the Lands delineated upon the Plans, and described in the Book of Reference deposited as aforesaid, and the Company may enter upon, take, and use such of those Lands as they think necessary for the Purposes of this Act.

18. The

Description of Railway authorized by this Act.

18. The Railway shall commence at the Termination of the Line authorized by "The *Parsonstown and Portumna Bridge* Railway Act, 1861," on the East Bank of the River *Shannon* in the Townland of *Lehinch* in the Parish of *Lorrha* in the County of *Tipperary*, thence crossing the River *Shannon*, and terminate in the Townland of *Portumna* in the Parish of *Lickmolassy* in the County of *Galway* Fourteen Chains or thereabouts North-west of the Junction of *New Street* and *Main Street* in the Town of *Portumna*.

As to Deposit of Plans with Clerks of Unions.

19. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a Certificate of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmaster of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Therefore, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerks of the Unions," had been used and inserted in such Act in lieu of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmasters," as the Case may be.

Saving the Rights and Powers of the Commissioners of Public Works as regards the River Shannon.

20. Provided always, That nothing in this Act or in the Acts incorporated herewith, or in any of them, shall lessen, abridge, or interfere with the Powers and Authorities vested in the Commissioners of Public Works acting in execution of an Act made and passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River* Shannon, or any other Act respecting said River; and notwithstanding anything in this Act or in any of the said Acts contained, it shall not be lawful for the said Company to carry the said Railway, or any Works appertaining to the same, over, across, or alongside of the said River *Shannon*, or on or along any Part of the Land and Hereditaments now vested in the said Commissioners of Public Works, or being within the Jurisdiction of the said Commissioners, as heretofore defined under the Provisions of the said Act

for the Improvement of the Navigation of the River *Shannon*, or to make any Bridges or other Works in, over, or along any Part of the said River, or in any Manner to interfere with the Works now or hereafter to be executed under the said Act, or with the Navigation of the said River *Shannon*, except and upon such Terms, under such Restrictions, and according to such Plans, Elevations, and Sections, as shall be approved of, and so signified, by the Commissioners of Public Works in *Ireland*, or any Two of them, in Writing under their Hands for that Purpose.

Lands for extra-ordinary Purposes.

21. The Quantity of Land near or adjoining the Railway which the Company may purchase by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Half an Acre.

Limiting Time for compulsory Purchase of Land.

22. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Time for Completion of Railway.

23. The Railway shall be completed within Three Years from the passing of this Act, and upon the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Security for Completion of Railway within Time limited.

24. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, Two thousand two hundred Pounds Three *per Centum* Consolidated Bank Annuities, equal in Value to the Sum of One thousand nine hundred and twenty Pounds, being Eight *per Centum* upon Twenty-four thousand Pounds, the estimated Expense of the Railway by this Act authorized, has been transferred to the Account of the Accountant General of the Court of Chancery in *Ireland* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Stock, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital

Capital of Twenty-four thousand Pounds by this Act authorized to be raised by them by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Stock and the Interest and Dividends thereof shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of One thousand nine hundred and twenty Pounds shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of One thousand two hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by them by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Stock and the Interest or Dividends thereof shall be transferred and paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Stock and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

25. It

Tolls. **25.** It shall be lawful for the Company to levy and demand Rates, Tolls, and Duties for the Use of the Railway not exceeding the following; (that is to say,)

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

For Coals, and for all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, *per* Ton not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding One Penny:

For all Coke, Ironstone, Iron Ore, Pig Iron, Rod Iron, Bar Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and Rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fireclay, Cinders, Slag, and Stone, *per* Ton not exceeding Fourpence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding One Penny:

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, and Clay (except Fireclay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, and for all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton not exceeding Sixpence; and if conveyed in Carriages belonging to the Company, an additional Sum not exceeding Twopence:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, not exceeding One Shilling, and a Sum of Threepence for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh:

In respect of Passengers and Animals conveyed in Carriages on the Railway, as follows:

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

For every Horse, Mule, or other Beast of Draught or Burden, not exceeding Ninepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Twopence:

For every Ox, Cow, Bull, or Neat Cattle, not exceeding Sixpence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Calf or Pig, not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

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

Tolls for propelling Power.

26. The Toll which the Company may demand for the Use of Engines or other Power for propelling Carriages on the Railway shall not exceed One Third of the Sum herein-before allowed for the Use of the Railway for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to the Tolls.

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

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so on in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

28. And with respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels the Company may demand any Sum which they think fit, not exceeding the Rates following:

Not exceeding in Weight Seven Pounds, Twopence; exceeding Seven and not exceeding Fourteen Pounds, Threepence; exceeding Fourteen and not exceeding Twenty-eight Pounds, Fivepence; exceeding Twenty-eight and not exceeding Fifty-six Pounds, Sixpence; exceeding Fifty-six and not exceeding Five hundred Pounds, such Sum as they think proper: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Two Shillings *per* Ton:

For the Carriage of any single Piece of Timber, Stone, or Machinery, or other single Article, the Weight of which, including the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

29. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Rate of Charge for Passengers.

30. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in or upon a First-class Carriage, the Sum of Ninepence:

For every Passenger conveyed in or upon a Second-class Carriage, the Sum of Sixpence:

For every Passenger conveyed in or upon a Third-class Carriage, the Sum of Threepence.

Maximum Rates of Charges for Cattle, &c.

31. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made upon the Railway by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and for locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Horse or other Beast of Draught or Burden before classed with Horses, the Sum of One Shilling:

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Eightpence:

For every Calf or Pig, the Sum of Fourpence:

For every Sheep, Lamb, or other small Animal, not exceeding Twopence Halfpenny:

For every Carriage, the Sum of One Shilling and Sixpence:

For Coals, Dung, Compost, and all Sorts of Manure, and other Articles classed therewith, the Sum of Fourpence Halfpenny *per* Ton:

For Coke, Ironstone, and other Articles herein-before classed therewith, the Sum of Sixpence *per* Ton:

For Culm, Cotton, and other Articles herein-before classed therewith, the Sum of Ninepence *per* Ton.

Not to prevent Charges for Delivery and Collection, &c. of Goods, &c.

32. Nothing in this Act contained shall prevent the Company from demanding and receiving a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station, and for the Delivery and Collection of Goods, and for other Services incidental to the Business or Duty of a Carrier, where such Services shall be performed by the Company.

Restrictions as to Charges not to apply to Special Trains.

33. The Restriction as to Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railway, but shall apply to every Express and Ordinary Train appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the Railway.

Company may take increased Charges by Agreement.

34. Nothing herein contained shall be held to prevent the Company from taking an increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Railway not exempt from Provisions of present and future General Acts.

35. Nothing in this Act contained shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls for small Parcels, and of the maximum Rates of Fares and Charges authorized to be taken by the Company.

Expenses of Act.

36. The Costs, Charges, and Expenses of and attending the applying for and passing of this Act, or incident thereto, shall be paid by the Company.

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