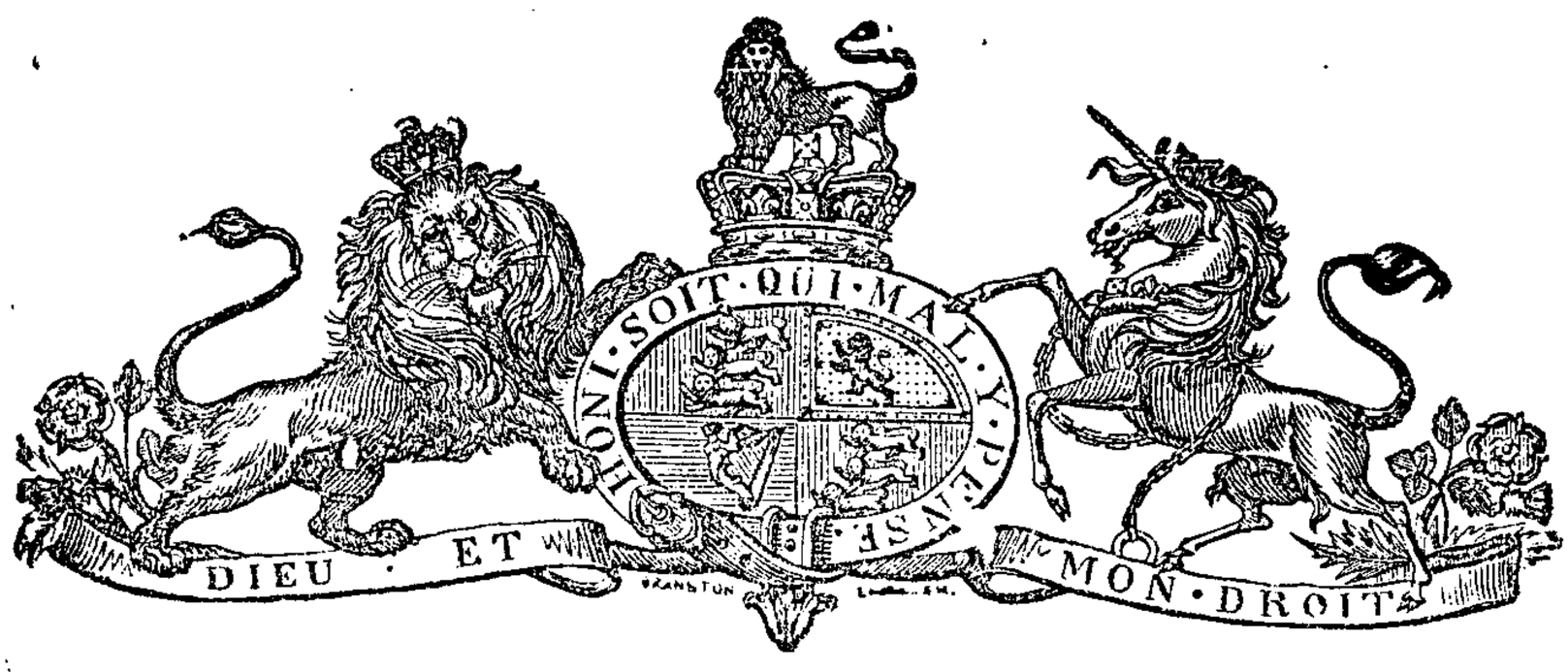


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxxxix.

An Act for making a Railway from *Tralee* to *Killarney*.

[15th *August* 1853.]

WHEREAS the making of a Railway from *Tralee* to *Killarney* in the County of *Kerry* would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places: And whereas the Persons herein-after named, with other Persons and Corporations, are willing at their own Expense to provide such Communication: And whereas such Purposes 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:

8 & 9 Vict. cc. 16., 18., and 20, and 14 & 15 Vict c. 70. incorporated.

I. That the Provisions of the following Acts of Parliament, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," so far as the same is not repealed or altered by "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and form Part of this Act.

Short Title.

II. 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 *Tralee and Killarney* Railway Act, 1853."

Subscribers incorporated.

III. That *William John Neligan* Esquire, Sir *James Dombrain* Knight, *Patrick David Jeffers*, and *William Dargan*, Esquires, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking hereby authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from the Town of *Tralee* to the Town of *Killarney* both in the County of *Kerry*, with proper Works and Conveniences belonging thereto, according to the Provisions of the herein-before mentioned Acts and of this Act, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Tralee and Killarney* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions herein and in the herein-before mentioned Acts contained.

Capital.

IV. And whereas the estimated Expense of making the said Railway is One hundred and ten thousand Pounds: Be it enacted, That the Capital of the Company shall be One hundred and ten thousand Pounds.

Application of Monies.

V. That all Monies raised by the Company under the Powers of this Act shall be applied only for the Purposes of this Act, and for no other Purpose whatsoever.

Number and Amount of Shares.

VI. That the Number of Shares into which the Capital shall be divided shall be Eleven thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company shall be authorized to make on the Shareholders; and One Third the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at least shall be the Interval between successive Calls.

Meetings of the Company.

VIII. That the First General Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *March* and *September* in every Year; and from and after the Date of the Amalgamation, Lease, or Purchase, as the Case may be, as herein-after mentioned, the Ordinary Meetings of the *Killarney Junction* Railway Company, in case they hereafter unite and amalgamate with or accept a Lease or Purchase from the Company, under and by virtue of the Provisions herein-after contained, shall also be held half-yearly in the Months of *March* and *September* in

in every Year; and all Meetings, whether Ordinary or Extraordinary, of the Company and Directors, shall be held at *Dublin*, or such convenient Place or Places as the Directors for the Time being shall appoint.

Quorum at Meetings of Company.

IX. That the Quorum for every Meeting of the Company, whether ordinary or extraordinary, shall be Ten Shareholders present personally or by Proxy, and holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meetings.

X. That the Number of Shareholders on whose Requisition Extraordinary Meetings may be required to be convened shall be Ten Shareholders, holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Scale of voting.

XI. That the Scale according to which the Shareholders may vote at Meetings of the Company in respect of their Shares shall be as follows; that is to say,

For every Share above Five Shares up to Fifty, One Vote:
For every Ten Shares beyond Fifty, One Vote.

Number and Qualification of Directors.

XII. That the Number of Directors to be appointed at the General Meetings herein-after mentioned shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to vary Number of Directors.

XIII. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Three.

First Directors.

XVI. That Sir *Edward Mc Donnel* Knight, *John Pennefather*, *George Roe*, *Simeon Hardy*, and *William Hartigan Barrington*, Esquires, shall be the Directors of the Company until the First General Meeting of the Company.

Quorum of Directors.

XV. That the Quorum of a Meeting of the Directors shall be Three.

Election of Directors at First General Meeting.

XVI. That the Directors appointed by this Act, or such of them as shall not die or resign or become disqualified or be removed, shall continue in Office until the First General Meeting 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 new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be re-elected; and at the First General Meeting to be held in every Year after the First

General Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Place of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," 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 the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Qualification of Auditors.

XVII. That every Auditor to be appointed under this Act shall have in his own Right at the least the same Number of Shares as are herein-before required to qualify for a Director.

Period for balancing Books.

XVIII. That the Periods to which the Books of the Company shall be brought to Balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year, and the Periods at which the Shareholders and Mortgagees and Bond Creditors of the Company shall be entitled to the Inspection of such Books, and also the Balance Sheets to be made up as provided by the "The Companies Clauses Consolidation Act, 1845," shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Line of Railway.

XIX. That the Railway shall commence by a Junction with the *Killarney Junction* Railway at a Point at or near the Town of *Killarney* in the Townland of *Avenue* in the Parish of *Killarney* and County of *Kerry*, and shall terminate at a Point near *Castle Street* in the Town of *Tralee* in a Field on the East Side of the public Road from *Tralee* to *Listowel* in the Townland of *Cloonalour* in the Parish of *Tralee* and County of *Kerry*, and shall pass from, in, through, or into the several Parishes, Townships, Townlands, and Extra-parochial and other Places following, or some of them; (that is to say,) the Townlands of *Avenue*, *Killarney*, *Ardshanavooly*, *Moyeightragh*, *Kilcoolaght*, *Ballydribbeen*, and *Derreen*, in the Parish of *Killarney* and County of *Kerry*; the Townlands of *Cleeny*, *Coolcorcoran*, *Coolgarriv*, *Knockeenduff*, *Knockasarnet*, *Gortnacarriga*, *Scarteen*, *Killeen*, and *Dromdoohigmore*, in the Parish of *Aghadoe* in the County of *Kerry*; the Townlands of *Doonryan*, *Gortnatona*, and *Ardagh*, in the Parish of *Kilcummin* in the County of *Kerry*; the Townlands of *Cloonydonigan Lower* and *Ballyhar* in the Parish of *Kilcredane* in the County of *Kerry*; the Townlands of *Dromdoohig-beg*, *Racomane East*, *Racomane West*, *Aglish*, *Ballinilane*, *Ballybrack*, and *Acres*, in the Parish of *Aglish* in the County of *Kerry*; the Townlands of *Lisheennacannina*, *Rusheen*, *Rossmore*, *Gortalassa*, *Ballybane*, *Gurteenroe*, *Dromore*, *Farranfore*, and *Gearha*, in the Parish of *Molahiffe* in the County of *Kerry*; the Townlands of *Ardcrone*, *Meanus*, *Farranamranagh*, *Urrohogal*, *Farrandoctor*, *Kilfallinga*, *Garraundarragh*,

darragh, and *Glanbane*, in the Parish of *Currans* in the County of *Kerry*; the Townlands of *Gortatlea*, *Martara*, *Flemby*, *Ash-hill*, *Ahane*, *Doonimlaghbeg*, *Bealagrellagh*, *Cahermore*, *Arabela*, *Gortagullane*, *Ballymacelligott*, *Coolnadead*, *Loughnacappagh*, *Cloghermore*, *Gortshanvally*, *Ballybeg*, *Knockavinnane*, *Kilquane*, *Clogherclemin*, *Curraghmacdonagh*, and *Caherbreagh*, in the Parish of *Ballymacelligott* in the County of *Kerry*; the Townlands of *Gortbrack East*, *Gortbrack West*, *Ballymacthomas*, *Ballycarty*, and *Curraghmacdonagh*, in the Parish of *Ballyseedy* in the County of *Kerry*; the Townlands of *Curraghleha East*, *Curraghleha West*, *Ballingowan*, *Manor East*, *Manor West*, *Ballinorig South*, *Ballinorig West*, *Ratass*, *Cloonmore*, *Clash East*, *Clash West*, and *Cloonalour*, in the Parish of *Ratass* in the County of *Kerry*; and the Townlands of *Cloonalour* and *Tralee* in the Parish of *Tralee* in the County of *Kerry*; and the Borough of *Tralee* in the County of *Kerry*.

Power to make Railway according to deposited Plans.

XX. And whereas a Plan and Sections of the proposed Railway, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Kerry*: It shall be lawful for the Company, subject to the Provisions in this Act, and "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," contained, to make and maintain the said Railway and Works between *Tralee* and *Killarney*, on the Line and upon the Lands delineated on the said Plan, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

As to Deposits of Plans with Clerks of Unions.

XXI. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters 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: Be it therefore enacted, That

with reference to this Act, in all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster" in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmaster of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

Roads to be crossed on a Level.

XXII. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to carry the said Railway across and on the Level of the several public Roads next herein-after mentioned; (that is to say,)

Public Road in the Townlands of *Moyeightragh* and *Ballydribbeen* in the Parish of *Killarney* and County of *Kerry*, at the Distance of Six Furlongs and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townland of *Killeen* in the Parish of *Aghadoe* and County of *Kerry*, at the Distance of Three Miles and Seven Furlongs and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townland of *Dromdoohigmore* in the Parish of *Aghadoe* and County of *Kerry*, at the Distance of Four Miles and Four Furlongs from Terminus at *Killarney*:

Public Road in the Townland of *Dromdoohigmore* in the Parish of *Aghadoe* and County of *Kerry*, at the Distance of Four Miles and Five Furlongs and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townland of *Ballyhar* in the Parish of *Kilcredane* and County of *Kerry*, at the Distance of Five Miles and Four Furlongs from Terminus at *Killarney*:

Public Road in the Townland of *Ballinilane* in the Parish of *Aglish* and County of *Kerry*, at the Distance of Six Miles and Three Furlongs from Terminus at *Killarney*:

Public Road in the Townland of *Ballybrack* in the Parish of *Aglish* and County of *Kerry*, at the Distance of Seven Miles and One Furlong from Terminus at *Killarney*:

Public Road in the Townland of *Ballybane* in the Parish of *Molahiffe* and County of *Kerry*, at the Distance of Nine Miles and One Furlong and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townlands of *Gurteenroe* and *Dromore* in the Parish of *Molahiffe* and County of *Kerry*, at the Distance of Ten Miles and Two Furlongs from Terminus at *Killarney*:

Public Road in the Townland of *Farranfore* in the Parish of *Molahiffe* and County of *Kerry*, at the Distance of Eleven Miles and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townlands of *Glanbane* in the Parish of *Currans* and *Gortatlea* in the Parish of *Ballymacelligott*, both in the

County of *Kerry*, at the Distance of Fourteen Miles and Seven Furlongs from the Terminus at *Killarney*:

Public Road in the Townland of *Ahane* in the Parish of *Ballymacelligott* and County of *Kerry*, at the Distance of Sixteen Miles and Three Furlongs and One Half Furlong from Terminus at *Killarney*:

Public Road in the Townlands of *Doonimlaghbeg* and *Bealagrellagh* in the Parish of *Ballymacelligott* and County of *Kerry*, at the Distance of Seventeen Miles and One Furlong from Terminus at *Killarney*:

Public Road in the Townland of *Ballinorig South* in the Parish of *Ratass* and County of *Kerry*, at the Distance of Nineteen Miles and Seven Furlongs from the Terminus at *Killarney*:

Public Road in the Townlands of *Ratass* and *Clash East* in the Parish of *Ratass* and County of *Kerry*, at the Distance of Twenty Miles and Seven Furlongs from the Terminus at *Killarney*:

Public Road in the Townlands of *Clash East* and *Clash West* in the Parish of *Ratass* and County of *Kerry*, at the Distance of Twenty-one Miles and Three Furlongs from the Terminus at *Killarney*:

Public Road in the Townland of *Cloonalour* in the Parish of *Tralee* and County of *Kerry*, at the Distance of Twenty-one Miles and Four Furlongs from the Terminus at *Killarney*.

Company to erect Stations or Lodges where Roads cross on the Level.

XXIII. 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 before-mentioned Roads shall be crossed on a Level, and the 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 Board of Trade; and if the 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 Rule or Regulation 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.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

XXIV. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway, by means of a Bridge or Arch, in lieu of crossing the same on the Level,

and

and to execute such other Works as, under the Circumstances of the Case, shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Lands for extraordinary Purposes.

XXV. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifteen Acres.

Period for compulsory Purchase of Lands limited.

XXVI. That the Powers of the 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 of this Act.

Period for Completion of Railway limited.

XXVII. That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this or the herein-before mentioned Acts granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railway as shall then be completed.

Power to take Tolls.

XXVIII. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things,

Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and for every Carriage, of whatever Description, and 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, *per* Mile not exceeding Sixpence:

And a Sum of Twopence *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence.

Tolls for Passengers and Cattle.

XXX. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for propelling Power.

XXXI. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls by this Act authorized to be taken.

Maximum Rates of Charges for Conveyance of Passengers.

XXXII. Provided always, That the maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the said 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 a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile;

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny per Mile.

Restrictions as to Charges not to apply to Special Trains.

XXXIII. Provided always, That the Restrictions as to Charges to be made for Passengers and Articles herein-before and herein-after mentioned, shall not extend to any Special Trains, but only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company.

Maximum Charges for Goods.

XXXIV. That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Description of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned; (that is to say,)

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

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence Halfpenny:

For every Carriage, of whatever Description, and not being adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sevenpence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Fourpence; and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Twopence:

And for every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile Three Farthings.

Regulations as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls as for Four Miles:

For

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction, in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

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 Weight, and so in proportion for any similar Quantity.

Tolls for small Parcels and Articles of great Weight.

XXXVI. 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 on the Railway or any Part thereof, that is to say, Parcels not exceeding Five hundred Pounds Weight each, the Company may demand:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight Eightpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcel exceeding Fifty-six Pounds in Weight, the Company may demand any Sum which they may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Articles, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Terms 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 Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Stone, Timber, Machinery, or other single Article, the Weight of which, with the Carriage, shall

shall exceed Eight Tons, the Company may demand such Sum as they may think fit.

Company may take increased Charges by Agreement.

XXXVII. Provided further, That nothing herein contained shall be held to prevent the Company from taking any 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 of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Passengers Luggage.

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

Killarney Junction Railway Company authorized to subscribe Fifty thousand Pounds.

XXXIX. And whereas the *Killarney Junction* Railway Company have agreed to subscribe the Sum of Fifty thousand Pounds towards the Undertaking hereby authorized, if empowered by Parliament so to do: Be it therefore enacted, That it shall be lawful for the said last-mentioned Company to subscribe towards and become Shareholders in the said Undertaking, either in their own Name, or in the Name or Names of any Person or Persons to be appointed by them, to the Extent so agreed to be subscribed by them as aforesaid, or to any less Extent.

Power to borrow on Mortgage.

XL. That when and so soon as the whole of said Sum of One hundred and ten thousand Pounds shall have been subscribed, it shall be lawful for the Company, at any Time, or from Time to Time, to borrow, in the Manner and under the Restrictions herein-after limited, any Sum or Sums of Money not exceeding in the whole the Sum of Fifty-five thousand Pounds, and to mortgage, convey, assign, and assure all and every the Railway Undertaking by this Act authorized to be constructed by the Company, and the Works, Lands, Property, and Chattels and Effects of the Company connected therewith, and all Rates, Tolls, Profits, and Receipts accruing and hereafter to accrue to or for the Use of the Company, and all other Works and Property of or to which the Company now are or hereafter may be seised, possessed, or entitled in any Manner howsoever, for securing the Repayment of any Sum or Sums of Money which shall be so borrowed as aforesaid, or to give Bonds for same, in manner herein-after mentioned: Provided always, that no Part of said Sum of Fifty-five thousand Pounds shall be borrowed until One Fourth of such entire Capital shall have been paid up; and no greater Amount

than One Fourth of said Sum of Fifty-five thousand Pounds shall be borrowed until One Half of such entire Capital shall have been paid up; and provided always, that all and every Part of the Monies so to be borrowed shall be applied exclusively on and for the Purposes authorized by this Act.

As to Settlement of Disputes by Arbitration.

XLI. That if any Dispute or Difference shall arise between the Company hereby incorporated and any other Company or Companies using the Railway and Works hereby authorized to be made concerning the Tolls to be charged for the Use thereof, or concerning the Time or Method for forwarding the Traffic thereon, or concerning any other Cause, Matter, or Thing wherein the Convenience of the Public or the Interest of the Company hereby incorporated may be concerned, such Disputes or Differences shall, at the Request of either Party, be referred to Arbitration, under the Provisions of "The Railways Clauses Consolidation Act, 1845."

Power to unite with Killarney Junction Railway Company.

XLII. That it shall be lawful for the Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors of Shares in the Company, who shall be present either personally or by Proxy at some Extraordinary General Meeting of the Company specially convened for the Purpose, to unite and amalgamate with the *Killarney Junction* Railway Company, either in respect of all or of Part only of their Undertaking, upon such Terms as shall be agreed upon; and for the *Killarney Junction* Railway Company, by and with the like Authority and Approbation, on the Part of the Proprietors of Shares in such last-mentioned Company, to concur in such Union or Amalgamation; and that it shall be lawful for the Companies entering into such Union or Amalgamation to make and carry into execution and give effect to such Agreements respecting the same as they shall deem expedient; and that after such Union and Amalgamation shall have been entered into (of which a Deed under the Common Seal of the Companies who shall enter into the same shall be Evidence for all Purposes) the Powers then vested in the Company shall and may be exercised by and under the Authority and Direction of the Companies entering into such Union or Amalgamation, in such Manner as shall be agreed on, as fully and effectually as they might have been by the Company by virtue of this Act or otherwise.

Power to lease to the Killarney Junction Railway Company.

XLIII. That it shall be lawful for the Company, with the Approbation of Three Fifths in Value of the Proprietors of Shares in the Company, present personally or by Proxy at some Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions as shall be agreed upon, the Railway and other Works by this

Act authorized, and all other the Undertakings of the Company, or any Part or Parts thereof, either before or after the Completion thereof respectively, unto the *Killarney Junction* Railway Company, for any Term which shall be agreed upon; and the *Killarney Junction* Railway Company are hereby authorized, if they think proper, with the like Authority and Approbation on the Part of their Proprietors, to enter into and accept such Lease; and such Lease shall entitle the *Killarney Junction* Railway Company to the free Use and Enjoyment of the Railway of the Company, and the Works connected therewith, or such Parts thereof respectively as shall be so leased; and during the Continuance of any such Lease all the Powers and Authorities granted to, and which are or might be held, used, exercised, and enjoyed by the Company, or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of this Act, or otherwise, shall, in like Manner and to the same Extent in all respects, apply to and be held, used, exercised, and enjoyed by the *Killarney Junction* Railway Company, and the Directors thereof, their Officers, Agents, and Servants, under the same Regulations and Restrictions as are or shall be granted to or imposed upon the Company by this Act or otherwise.

Power to sell to the Killarney Junction Railway Company.

XLIV. That it shall be lawful for the Company, with the Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Meeting of the Company specially convened for the Purpose, to sell and transfer to the *Killarney Junction* Railway Company, and for the *Killarney Junction* Railway Company, by and with the like Authority on the Part of the Proprietors of Shares in that Company, to purchase the Undertaking of the Company, or any Share or Interest therein, or any Portion or Portions thereof, and either before or after the Completion thereof, (but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase (of which Completion, or Transfer or Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and the respective Corporate Seals of the Company and of the *Killarney Junction* Railway Company, shall be sufficient Evidence,) the *Killarney Junction* Railway Company may have and hold the said Undertaking, or the Share therein, or Portion thereof, purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, or Enjoyment of all the Rights, Powers, and Privileges conferred by this Act or otherwise on the Company; and for such Purposes it shall be lawful for the *Killarney Junction* Railway Company, if they shall see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow such Sum of Money as may be necessary for completing such Purchase, or for constructing or completing the said Railway and Works, or so much thereof as shall be purchased, and working the same; provided

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the Amount to be raised by such Number of additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purposes of the said Undertaking; and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital; and that no Money whatever shall be borrowed until the whole of the Money to be raised by Shares under this or any former Act shall have been subscribed, and One Half thereof shall have been actually paid up: Provided always, that in the event of any Portion of the Undertaking of the Company being purchased by the *Killarney Junction* Railway Company, then, from and after the Completion of such Purchase, all the Powers and Authorities granted by this Act may be exercised so far as they are applicable by the *Killarney Junction* Railway Company, and the Corporate Seal of that Company may be used when necessary in reference thereto, in like Manner as though such last-mentioned Company had been originally authorized to carry the same into effect in lieu of the Company, and in the event of the whole of the Undertaking of the Company being purchased as aforesaid, then, from and after the Completion of such Purchase, the Company shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and their general Settlement of their Affairs.

Arrears may be enforced by Appointment of a Receiver.

XLV. That it shall be lawful for the Mortgagee or Mortgagees, or Bond Creditor or Creditors of the Company, to enforce the Payment of the Arrears of Principal and Interest due on such Mortgages or Bonds by the Appointment of a Receiver; but in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages or Bonds not being duly paid, the Amount owing to the Creditors, whether by Mortgage or Bond, by whom such Application shall be made, shall not be less than Twenty thousand Pounds in the whole.

Interest or Dividend no to be paid out of Capital.

XLVI. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be made by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholders on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: Provided always, that the Company may pay to any Shareholder such Interest on any 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.

XLVII. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament

ment 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 authorizing the Company to construct any Railway or execute any other Work or Undertaking.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55, 7 & 8 Vict c. 85., 9 & 10 Vict. cc. 57. 105., and 14 & 15 Vict. c. 64.

XLVIII. That nothing in this Act contained shall be held to exempt the Railway hereby authorized, or the Company, from the Provisions of the following Acts respectively; but such Provisions shall be in force in respect of the Railway and the Company so far as the same shall be applicable thereto; (that is to say,) an Act 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;* an Act passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* an Act passed in the Sixth Year of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* an Act passed in the Eighth Year of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of certain Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* and another Act passed in the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways.*

Railway, &c. not exempt from Provisions of future General Acts.

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

Expenses of Act.

L. That the Expenses, Costs, and Charges of preparing and passing this Act, and preparatory and incidental thereto, shall be paid by the Company.

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