



## CHAPTER xciv.

An Act for enabling the Great Southern and Western Railway Company to acquire additional Lands for the purposes of their Undertaking; to widen, remove, and replace certain of their Bridges; and for vesting in that Company the Undertaking of the Castleisland Railway Company; and for other purposes. [3d July 1879.]

A.D. 1879.

**W**HEREAS it is expedient that the Great Southern and Western Railway Company (in this Act called "the Company") should be empowered to widen the bridges and execute the other works in this Act mentioned, and to acquire for such purposes, and for other purposes connected with their undertaking, the lands and buildings in this Act also mentioned :

And whereas plans and sections of the works (other than the embankments and the fixed bridges over the Slatty and Belvelly channels) by this Act authorised to be made, and plans of the lands above referred to and by this Act authorised to be acquired and appropriated, and also books of reference 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 several clerks of the peace for the several counties within which those works will be constructed and those lands are situate, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the deposited plans and sections comprised a plan and section of viaducts and drawbridges carrying the Queenstown branch of the Company over the portions of the estuary of the River Lee known as the Belvelly Channel and the Slatty Channel, and of certain embankments and fixed bridges of the span indicated upon such section to be substituted for such viaducts and drawbridges :

And whereas the Cork Harbour Commissioners (in this Act called "the commissioners") objected to the construction of the said

[Ch. xciv.] *Great Southern and Western Railway* [42 & 43 VICT.]  
(*Additional Powers*) Act, 1879.

A.D. 1879. — works over the said channels in the manner shown on the deposited plans and sections, as being likely to cause inconvenience to the navigation of vessels resorting to the port and harbour of Cork, which is under their jurisdiction :

And whereas both the Company and the commissioners are willing that embankments and bridges constructed in accordance with the amended plans and sections herein-after mentioned, but in the line or situation shown on the deposited plans, should, subject to the provisions of this Act, be substituted for the said viaducts and drawbridges over the said channels :

And whereas amended plans and sections showing the said embankments and fixed bridges as by this Act authorised were on the twenty-sixth day of April one thousand eight hundred and seventy-nine deposited with the clerk of the peace for the county of Cork, and it is expedient that such embankments and bridges be constructed accordingly :

35 & 36 Vict.  
c. vii. And whereas by the Castleisland Railway Act, 1872, (in this Act called "the Act of 1872,") the Castleisland Railway Company (in this Act called "the Castleisland Company") were incorporated for making a railway in the county of Kerry from Castleisland to join the railway of the Company at Gortatlea :

And whereas by the Act of 1872 the Castleisland Company were authorised to raise twenty thousand pounds by shares and ten thousand pounds by borrowing, and it was thereby provided that a baronial guarantee by the barony of Trughenackmy, in the county of Kerry, should be attached to the sum of ten thousand pounds so authorised to be borrowed :

37 & 38 Vict.  
c. xxv. And whereas by the Castleisland Railway Amendment Act, 1874, (in this Act called "the Act of 1874,") the Castleisland Railway Company were authorised to raise a further sum of five thousand pounds by shares, and to issue as preference shares the sum of eleven thousand pounds remaining unissued of the share capital authorised to be issued by the Act of 1872, and the Act of 1872 was amended, and the guarantee, instead of being attached to the sum of ten thousand pounds which the Castleisland Company were by that Act authorised to borrow, was attached to the sums of eleven thousand pounds and five thousand pounds which the Castleisland Company were authorised to raise by shares :

And whereas the Castleisland Company have not borrowed any portion of the said sum of ten thousand pounds :

And whereas the railway of the Castleisland Company is completed and opened for public traffic, and might be worked with advantage by the Company as part of their system :

[42 & 43 VICT.] *Great Southern and Western Railway* [Ch. xciv.]  
(*Additional Powers*) Act, 1879.

And whereas the Company and the Castleisland Company have agreed for the vesting in the former Company of the undertaking of the latter Company, and it would be of public and local advantage if the undertaking of the Castleisland Company were transferred to and vested in the Company on the terms in this Act specified :

A.D. 1879.

And whereas the Company have by their various Acts been authorised to raise the sum of six millions three hundred and nine thousand nine hundred and forty pounds by shares :

And whereas the authorised loan capital of the Company consists of the sum of one million and three thousand nine hundred and sixty-five pounds :

And whereas it is expedient that the Company should be authorised to raise the capital necessary for the purposes of this Act by a further issue of debenture stock :

And whereas the objects aforesaid 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 :

1. This Act may be cited for all purposes as the Great Southern and Western Railway (Additional Powers) Act, 1879. Short title.

2. So much of Part I. of the Railways Clauses Act, 1863, as relates to alteration of engineering works and protection of navigation, and Part III., relating to debenture stock, of the Companies Clauses Act, 1863, are, except where expressly varied by this Act, incorporated with and form part of this Act. Incorporation of general Acts.  
26 & 27 Vict.  
c. 92.  
26 & 27 Vict.  
c. 118.

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

4. 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 union," had been used and inserted throughout those sections. As to deposit of plans with clerks of unions.  
8 & 9 Vict.  
c. 20.

[Ch. xciv.] *Great Southern and Western Railway* [42 & 43 VICT.]  
(*Additional Powers*) Act, 1879.

A.D. 1879.

Power  
to widen  
bridges and  
remove via-  
duct, &c. ac-  
cording to de-  
posited plan.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works described in this section, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes; (that is to say,)

They may widen the bridge which carries the railway over the public road leading from the city of Cork to the village of Carrignavar :

They may remove the viaduct which carries the Queenstown branch of the Company's railway over the estuary of the River Lee, which lies to the south-west side of Harpers Island, and may substitute therefor an embankment and bridge :

They may widen the bridge which carries the railway over the public road leading from the village of Carrigaloe to the town of Queenstown :

They may widen the bridge which carries the aforesaid Queenstown branch over the public road leading from the village of Carrigaloe to the town of Middleton.

Alteration of  
Queenstown  
branch at  
the Slatty  
and Belvelly  
channels.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the amended plans and sections herein-before mentioned, the works described in this section, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes :

They may remove the viaduct and drawbridge which carries the aforesaid Queenstown branch over that portion of the estuary of the River Lee known as the Slatty Channel, and may substitute therefor embankments and a fixed iron girder bridge of six openings, with a span of seventy feet each, measured from centre to centre of the piers, and a height in the fourth opening from Foaty Station of not less than 52.54 feet from the under side of the girders to the datum line as delineated on the amended plans, and each pier shall (unless otherwise agreed between the Company and the commissioners) consist of three cylinders, and the diameter of each cylinder shall not exceed five feet :

They may remove the viaduct and drawbridge which carries the aforesaid Queenstown branch over that portion of the estuary of the River Lee known as the Belvelly Channel, and may substitute therefor embankments and an iron girder bridge of three openings, the central opening of which shall have a span of seventy feet measured from centre to centre of the piers, and

[42 & 43 Vict.] *Great Southern and Western Railway* [Ch. xciv.]  
(*Additional Powers*) Act, 1879.

a height of not less than 51·44 feet from the under side of the girders to the datum line as delineated on the amended plans, and the openings on either side a span of sixty feet measured from centre to centre of the piers, and each pier shall (unless otherwise agreed between the Company and the commissioners) consist of three cylinders, and the diameter of each cylinder shall not exceed five feet.

A.D. 1879.

7. The embankments and bridges by this Act authorised in substitution for the viaducts and drawbridges over the said Slatty and Belvelly channels shall be constructed in accordance with a plan, elevation, and drawings submitted to and approved in writing by the commissioners, and shall not be altered without the like consent.

Works to be approved by the commissioners.

8. Subject to the provisions of this Act, and in addition to the other lands which they are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate to purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively; (that is to say,)

Power to acquire lands for general purposes of undertaking.

Certain lands situate wholly in the townland of Harpers Island and parish of Little Island, in the county of Cork, adjoining the railway and on the east side thereof:

Certain lands situate wholly in the townland of Marino and parish of Clonmel, in the county of Cork, and adjoining the railway and on the east side thereof:

Certain lands situate wholly in the townland of Ballynoe and parish of Clonmel, in the county of Cork, adjoining and on the south side of the bridge which carries the railway over the public road leading from the village of Carrigaloe to the town of Midleton:

Certain lands situate wholly in the townland of Ringacoltig and parish of Clonmel, in the county of Cork, adjoining the railway on the south-west side thereof:

Certain lands situate wholly in the township of Ballyvolane, in the parish of Saint Anne's Shandon and county of Cork, adjoining the railway on the east side thereof:

Certain lands in the townland of Gotoon, in the parish of Ballin-gaddy and county of Limerick, situate on the north side of the Kilmallock Station of the Company, lying between the road leading to the town of Kilmallock and the level crossing lately closed adjacent to the said station:

Certain lands in the townland of Coolboy, in the parish of Emly and county of Tipperary, situate on both sides of the Company's

[Ch. xciv.] *Great Southern and Western Railway* [42 & 43 VICT.]  
(*Additional Powers*) Act, 1879.

A.D. 1879.

railway and to the west of the public road which crosses the railway between the one hundred and thirteen and a quarter and one hundred and thirteen and a half mileposts on the said railway :

Certain lands in the townland of Cappagh and parish of Clondalkin and county of Dublin, adjoining the railway on the south side thereof, and lying between the bridge which carries the public road from Rathcoole leading to Lucan over the railway, at the western end of the railway station at Clondalkin, and the boundary of the said townland of Cappagh on the western side of the fifth milepost on the said railway.

Secretary of State for War to have right of way over substituted road.

9. The Company shall not stop up or interfere with the use of the road numbered on the deposited plans three, in the townland of Marino and parish of Clonmel, until they have acquired the site for and provided a new road equal to and in substitution for that road, and over which new or substituted road Her Majesty's Secretary of State for War shall be entitled to exercise the same rights of way as he at present has, exercises, and enjoys over the road which the Company are by this Act authorised to stop up and acquire.

Period for compulsory purchase of lands.

10. 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.

Power to raise debenture stock for purposes of Act.

11. The Company may create and issue debenture stock, not exceeding in the whole one hundred thousand pounds, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Power to apply corporate funds.

12. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application of moneys.

13. All moneys raised under this Act by debenture stock shall be applied only for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

Defining undertaking of Castle-

14. The undertaking of the Castleisland Company to which the provisions of this Act shall apply is hereby declared to consist of a

[42 & 43 VICT.] *Great Southern and Western Railway* [Ch. xciv.]  
(*Additional Powers*) Act, 1879.

railway from Castleisland to Gortatlea, and the stations, sidings, approaches, buildings, fixed and moveable plant, and all other works, and all the land and all other the property, estate, money, and effects, whether real or personal (except only the balance on revenue account up to the thirtieth day of April one thousand eight hundred and seventy-nine), which at that date belonged to or were vested in the Castleisland Company, or held in trust for them for any estate whatsoever.

A.D. 1879.  
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island  
Company.

**15.** On and immediately after the passing of this Act the undertaking of the Castleisland Company shall be, as from the first day of May one thousand eight hundred and seventy-nine, by this Act well and effectually amalgamated with and shall form part of the undertaking of the Company, but subject to the provisions of this Act: Provided always, and it is hereby enacted, that within six months next after the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly executed by the Castleisland Company, in which the purchase or consideration money shall be fully and truly stated and set forth, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration to be paid to the Castleisland Company; and if the Company shall not within six months of the passing of the Act produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the expiration of such period of six months until the day of payment, shall be recoverable from the Company with full costs of suit, and all costs and charges attending the same.

Amalgamating Castleisland Company's undertaking with the undertaking of the Company.

**16.** Part V. (relating to amalgamation) of the Railways Clauses Act, 1863, is (except where expressly varied by this Act) incorporated with and forms part of this Act; and in construing the same for the purposes of this Act the time of amalgamation referred to in the incorporated part of the said Act means the first day of April one thousand eight hundred and seventy-nine, and the amalgamated Company means the Company, and the said part of the same Act shall be read and have effect as though the dissolution of the Castleisland Company were to take place on the passing of this Act, instead of at the period in that behalf prescribed by this Act.

Incorporation of Part V. of 26 & 27 Vict. c. 92.

**17.** The Company shall within one month after the passing of this Act pay to the Castleisland Company the sum of eighteen thousand pounds, and the Castleisland Company shall distribute the

Payment to Castleisland Company.

[Ch. xciv.] *Great Southern and Western Railway* [42 & 43 VICT.]  
(*Additional Powers*) Act, 1879.

A.D. 1879. — same amongst the holders of the shares in that company according to their legal rights and priorities.

Receipt of directors of Castleisland Company for purchase money.

18. The receipt in writing of three of the directors of the Castleisland Company for the sum of eighteen thousand pounds to be paid to them by the Company shall effectually discharge the Company from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Extinguishing powers of Castleisland Company to raise capital.

19. On the amalgamation all the powers of the Castleisland Company for raising capital by shares or by borrowing shall be and the same are hereby extinguished.

Castleisland Company to continue to exercise powers necessary for winding up its affairs.

20. Notwithstanding the amalgamation, the Castleisland Company shall, until its dissolution as herein-after provided, retain and be entitled to exercise all such powers and authorities as are requisite for the payment of their debts and liabilities, and for distributing among its guaranteed and ordinary shareholders the said sum of eighteen thousand pounds, or the balance of that sum which may remain after discharging all such debts and liabilities, and for the winding up of its affairs in accordance with the provisions of this Act.

Debts to be paid by Castleisland Company.

21. Notwithstanding the amalgamation, all simple contract debts which immediately before the time of amalgamation were owing to the Castleisland Company or to any person on their behalf shall be paid to that company, with all interest (if any) due or payable or accruing for the same, and all simple contract debts and liabilities which immediately before the time of amalgamation were owing by or recoverable from the Castleisland Company, or for the payment of which they were or but for this Act would be liable, shall, as between the Company and the Castleisland Company, be paid and satisfied by the Castleisland Company.

Dissolution of Castleisland Company.

22. When all the debts, liabilities, and engagements of the Castleisland Company by this Act made payable by them are paid, satisfied, or discharged, and the said sum of eighteen thousand pounds has been paid and distributed in accordance with the provisions of this Act, and their affairs are wound up, the Castleisland Company shall be by this Act dissolved, and shall wholly cease to exist.

Baronial guarantee to remain in force.

23. Notwithstanding the transfer to and vesting in the Company of the undertaking of the Castleisland Company, the sum or amount required to pay a dividend of five pounds per centum per annum on the sum of sixteen thousand pounds, part of the cost of constructing



[42 & 43 VICT.] *Great Southern and Western Railway* [Ch. xciv.]  
(*Additional Powers*) Act, 1879.

the Castleisland Railway, shall be payable to the Company half yearly in manner provided by the Act of 1874 by the barony of Trughenackmy; and the provisions of that Act as to ascertaining the net profits of the railway, and as to ascertaining the half-yearly sum to be paid by the said barony, shall remain in full force and effect, and the Company shall for such purposes keep all such accounts of expenditure and receipts as the Castleisland Company were by that Act required to keep.

A.D. 1879.

24. It shall not be lawful for the Company (out of any money by this Act or any other Act relating to them respectively authorised to be raised by calls in respect of shares or by the exercise of any power of borrowing) to pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as shall be in conformity with the provisions of the Companies Clauses Consolidation Act, 1845, in that behalf contained.

Interest or dividend not to be paid on calls.

8 & 9 Vict. c. 16.

25. It shall not be lawful for the Company (out of any money by any existing Act relating to them authorised to be raised for the purpose of such Act) to 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 authorising the Company to construct any other railway or execute any other work or undertaking.

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

26. Nothing herein contained shall be deemed or construed to exempt the railway 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 this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates for small parcels, authorised by any Act relating to the two companies respectively.

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

27. All the costs, charges, and expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

Expenses of Act.

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