



CHAPTER cxcvii.

An Act to authorise the Cork Blackrock and Passage Railway Company to extend their Railway to Crosshaven and to confer further powers on the Company in relation to their undertaking and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS by the Cork Blackrock and Passage Railway Act 1846 (in this Act called "the Act of 1846") the Cork Blackrock and Passage Railway Company (in this Act called "the Company") were incorporated and authorised to make a railway from the borough of Cork to Passage West in the county of Cork: 9 & 10 Vict.
c. cxlviii.

And whereas by the Cork Blackrock and Passage Railway Extension to Monkstown and Amendment Act 1847 the Company were authorised to extend their railway to Monkstown in the said county of Cork and to abandon the construction of a certain portion of their authorised railway and other provisions were made in relation to the Company's undertaking but such extension to Monkstown was never constructed: 10 & 11 Vict.
c. lix.

And whereas by the Cork Improvement Act 1868 (in this Act called "the Act of 1868") certain alterations of the railways of the Company were authorised which have since been made: 31 & 32 Vict.
c. xxxiii.

And whereas by the Cork Blackrock and Passage Railway (Steam Vessels) Act 1881 (in this Act called "the Act of 1881") the Company were authorised to provide and use steam and other vessels for the conveyance of passengers animals minerals goods merchandise and things between the several towns and places within the limits of the port river and harbour of Cork and of any river or creek communicating therewith or between such of those towns and places respectively as the Company might from time to time deem expedient: 44 & 45 Vict.
c. cxxv.

And whereas an extension of the Company's railway to Crosshaven in the county of Cork would be of public and local advantage and it

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A.D. 1896. — is expedient that the Company should for that purpose be empowered to make and maintain the railways herein-after described :

And whereas it is expedient having regard to the nature of the district traversed and the probable traffic that the railways so to be authorised should be constructed on a gauge of three feet :

And whereas it is expedient for the sake of economy in working that the Company should be empowered to alter the gauge of their existing railways to a similar gauge as the new railways and to make all necessary alterations of their stations sidings and works incidental thereto :

And whereas it is expedient that the limits within which the Company may run their steam vessels under the Act of 1881 should be extended :

And whereas it is expedient that the Company should be authorised to provide and maintain hotels and refreshment places in connexion with their railways :

And whereas the interest on the Company's debenture stock is now payable on the tenth day of December and the tenth day of June in each year for the half year ending on the last days of those months respectively and it is expedient that the date of payment of such interest should be altered and that the interest should not in future be payable until the expiration of the half year in respect of which it is payable :

And whereas a sum of two thousand pounds five per cent. preference shares were issued by the Company under the powers and for the purposes of the Act of 1868 and are still outstanding and it is expedient that the Company should be empowered to purchase and cancel the same :

And whereas it is expedient that the Company should be empowered to divide their ordinary shares into preferred and deferred half shares in manner herein-after provided :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and to pay interest out of capital upon the moneys authorised by this Act to be raised during the construction of the railways hereby authorised and that the other provisions herein-after contained should be made in relation to the Company and their undertaking :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act 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

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deposited with the clerk of the peace for the east riding of the county of Cork and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Cork Blackrock and Passage Railway Act 1896. Short title.

2. Sections 14 15 and 28 of the Harbours Docks and Piers Clauses Act 1847 so far as regards the works specified in sub-section 1 of section 22 of this Act the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act the Lands Clauses Acts (so far as not inconsistent with or altered by the last-mentioned Acts or any of them) Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :— Incorporation of general Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by

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As to
deposit of
plans with
clerks of
unions.

3. With reference to this Act all the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 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" as the case may be had been used and inserted in such sections in lieu of the expression "the 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.

Interpreta-
tion.

4. In this Act unless there is something in the subject or context repugnant to such construction—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression "the Company" means the Cork Blackrock and Passage Railway Company :

And in the Acts wholly or partially incorporated with this Act—

The expressions "the railway" and "works" and other like expressions mean respectively the railways by this Act authorised or any of them ;

The expressions "the Company" and "the promoters of the undertaking" mean the Company ;

The expression "the special Act" means this Act.

PART II.—NEW WORKS AND POWERS.

Power to
make rail-
ways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

(1) A railway (herein-after called "Railway No. 1") two miles and 6·37 chains in length commencing in the townland of Pembroke in the parish of Marmullane in the county of Cork at a point on the Company's railway at Passage and terminating in the townland of Monkstown (Castlefarm) in the parish of Monkstown in the said county of Cork :

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(2) A railway (herein-after called "Railway No. 2") three miles three furlongs and 6·63 chains in length commencing by a junction with Railway No. 1 at the point of termination thereof and terminating at Carrigaline in the townland of Carrigaline (Middle) in the parish of Carrigaline in the said county of Cork: A.D. 1896.

(3) A railway (herein-after called "Railway No. 3") four miles two furlongs and 0·60 chains in length commencing by a junction with Railway No. 2 at the point of termination thereof and terminating at Crosshaven in the townland of Knocknagore in the parish of Templebreedy in the said county of Cork.

6. The railways by this Act authorised may be constructed and thereafter maintained and used for the conveyance of passengers as well as goods and animals on a gauge of three feet anything in the Act 9 and 10 Vict. cap. 57. to the contrary notwithstanding. Gauge of new rail-ways.

7. The Company may notwithstanding the provisions of the Railways Clauses Consolidation Act 1845 or any other Act deviate from the lines of the several railways authorised by this Act as delineated on the deposited plans to any extent within the limits of deviation shown on such plans and may (without prejudice to any powers of vertical deviation exerciseable under the provisions of the above-mentioned Acts in respect of any of the railways by this Act authorised) deviate upwards or downwards from the levels as shown on the deposited sections of Railway No. 3 in the townlands of Hoddersfield and Knocknagore to an extent of five feet and to any further extent which may be agreed upon with the owners of any lands through which and with the owners lessees and occupiers of any house affected by or through the curtilage of which any such deviation is intended to be made and may alter the gradients of the said railway accordingly provided that no gradient shall be steeper than one foot in seventy feet Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Powers of lateral and vertical deviation.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall Power to take easements &c. by agreement.

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extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Stopping up
portion of
passage and
level cross-
ing.

9. The Company may in connexion with the construction of Railway No. 1 stop up the passage and level crossing numbered on the deposited plans 11 in the townland of Pembroke and parish of Marmullane so far as the same may for the time being be bounded on both sides by the property of the Company and all rights of way over and along such passage and level crossing when so stopped up shall be extinguished and the site and soil thereof shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway be vested in and belong to the Company as part of their undertaking. Provided that before the Company shall stop up such passage and level crossing they shall re-open the subway under their railway in the existing station yard at passage and shall raise the level of the ground through such subway to the same level as the existing level of the ground at the entrance to the subway at the quay side thereof and increase the clear headway of such subway throughout to at least eight feet and dedicate such subway to the use of the public.

Power to
cross roads
on the level.

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

No. on deposited Plans.	Townland.	Parish.	Description of Road.
RAILWAY NO. 1.			
24	Pembroke	- Marmullane	} Public road.
59	Pembroke	- Marmullane	
1	Maulbaun	- Monkstown	
45	Maulbaun	- Monkstown	
RAILWAY NO. 2.			
5	Shanbally	- Carrigaline	Public road.

Provided that the Company shall provide and maintain to the reasonable satisfaction of the surveyor of the east riding of the county of Cork a footbridge over Railway No. 1 at each place where that railway crosses the said public roads on the level.

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11. The Company shall make and maintain to the satisfaction of the Cork Harbour Commissioners level crossings over Railway No. 1 available for foot and vehicular traffic from the public road to the Glenbrook Pier the Monkstown Pier and the Monkstown Promenade Pier and Loading Quay numbered respectively on the deposited plans 3 in the townland of Lackaroe 12 in the townland of Monkstown and 20 in that townland and 2 and 3 in the townland of Monkstown (Castlefarm) all in the parish of Monkstown with a good and sufficient iron footbridge at each crossing over the said railway for the free use of the public and the provisions of the Railways Clauses Consolidation Act 1845 relating to crossings of roads on the level shall apply to the level crossings hereby authorised as if the same were crossings by the said Railway No. 1 of public carriage roads.

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Company to provide certain crossings over Railway No. 1 to give access to piers.

12. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

Inclination of roads.

No. on deposited Plans.	Townland.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 2.				
32	Raffeen - -	Liscleary -	Public road -	1 in 20.
16	Ballyhemiken -	Liscleary -	Public road -	1 in 20.

13. The Company may make the arches of the bridges for carrying the railway herein-after mentioned over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Height and span of bridges.

No. on deposited Plans.	Townland.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 3.					
34	Carrigaline (Middle)	Carrigaline -	Public road	15 feet	20 feet.
2	Hoddersfield - -	Templebreedy	Public road	15 feet	20 feet.

14. The Company may make the roadway over the bridges by which the following roads will be carried over the railway herein-after mentioned of such width between the fences thereof as the

Width of certain roadways.

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A.D. 1896. Company think fit not being less than the width herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plans.	Townland.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY No. 2.				
32	Raffeen - -	Liscleary -	Public road -	20 feet.
16	Ballyhemiken -	Liscleary -	Public road -	20 feet.

Power to stop up portions of existing roads where roads altered &c.

15. Where any new portion of road authorised by the provisions of the Railways Clauses Consolidation Act 1845 to be formed in lieu of existing roads altered or diverted under the powers of such Act is completed to the satisfaction of two justices and opened to the public the Company may stop up and cause to be discontinued as a road the portion of existing road for which such new portion of road is substituted and all rights of way over the same shall cease and the site of any portion of road so stopped up when and so far as the same shall be bounded on both sides by property of the Company shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway belong to and be vested in the Company and any such new portion of road shall as respects management and maintenance and in all other respects be held as part of and be subject to the same provisions as the existing road for which the same is substituted Provided that where any such new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

Owners may be required to sell parts only of certain properties.

16. And whereas in the construction of the railways hereby authorised or some of them or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons

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interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the opinion of the arbitrator to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided that if in any case in the opinion of the arbitrator as aforesaid any such premises cannot be severed from the remainder of such property without material detriment thereto the Company may at any time within one month after the date of the final decision of such arbitrator withdraw their notice to treat for the property required by them and thereupon they shall pay to the owner of and other parties interested in the property in respect of which or of any portion of which they have given notice to treat for any loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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17. The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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Lands for
extra-
ordinary
purposes.

18. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for
compulsory
purchase of
lands.

19. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
completion
of works.

20. If the railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For the pro-
tection of
the Cork
Guardians.

21. For the protection of the guardians of the poor of the Poor Law Union of Cork (in this section called "the guardians") the following provisions shall unless otherwise agreed between the Company and the guardians apply and have effect (that is to say):—

(1) If the Company require in the construction of the railways and works by this Act authorised to remove or to raise sink or otherwise alter the position of any existing sewers drains water mains or pipes of the guardians the Company shall at their own expense in all things before they remove or alter any such sewers drains water mains or pipes construct or lay down under the supervision and to the reasonable satisfaction of the engineer of the guardians and according to plans and specifications to be previously agreed upon by the guardians and the Company or in case of difference to be approved by an engineer as herein-after mentioned new altered or substituted sewers drains water mains or pipes in lieu of and of equal capacity with the sewers drains water mains or pipes so proposed to be removed or altered and shall properly connect such new altered or substituted sewers drains water mains or pipes with the existing sewers drains water mains or pipes and such new altered or substituted sewers drains water mains or pipes shall when completed and connected as aforesaid belong to the guardians as part of the sewers drains water mains and pipes under their management:

(2) Wherever the Company shall construct the railways and works by this Act authorised or any of them over under

across or in front of any sewer drain water main or pipe of the guardians without removing or altering the position thereof as aforesaid the Company shall at their own expense in all things make proper provision under the supervision and to the reasonable satisfaction of the guardians or their engineer or in case of difference between them and the Company to the satisfaction of an engineer as herein-after mentioned for protecting such sewer drain water main or pipe from injury and for the proper ventilation thereof and for affording access thereto for the repair and maintenance thereof and for the proper and free discharge thereof :

- (3) The guardians may at any time on giving fourteen days previous notice in writing to the Company lay down under any of the railways and works by this Act authorised any additional sewers drains water mains or pipes for the purposes of the sewerage or drainage of their district and the supply of water within the Cork Union or repair subsisting sewers drains water mains and pipes at such places as shall be agreed upon between the guardians and the Company or in case of difference as shall be determined by an engineer as herein-after mentioned Provided that all works of the guardians under this sub-section shall be executed at their expense and in a good substantial and workmanlike manner and so as to interfere as little as possible during the carrying out of such works with the continuous working of the traffic on the said railways and shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the Company and according to plans and specifications to be agreed upon by the Company and the guardians or in case of difference to be approved by an engineer as herein-after mentioned :
- (4) If any difference shall arise between the guardians and the Company as to any plans or specifications or the mode of executing any works or as regards any other matter under this section the same shall be determined by an engineer to be appointed by the Board of Trade on the application of either party and the decision of such engineer shall be final and binding on both parties and the costs of any such reference shall be borne and paid as such engineer shall direct :
- (5) In case of any default on behalf of the Company in carrying out any works directed by such engineer to be carried out by the Company it shall be lawful for the guardians on giving seven days notice to the Company to execute such works by their own officers at the expense of the Company and to

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recover the amount thereof from the Company with costs in any court of competent jurisdiction provided that in the carrying out of such works the continuous working of the traffic on the said railways shall be interfered with as little as possible.

For the protection of the Cork Harbour Commissioners and the public interests.

22. Notwithstanding anything in this Act contained or shown on the deposited plans and sections to the contrary the following provisions shall (unless otherwise agreed between the Company and the Cork Harbour Commissioners) apply and have effect for the protection of the Cork Harbour Commissioners (herein-after referred to as "the harbour commissioners") including their successors and the public interests and may be enforced by the harbour commissioners (that is to say):—

- (1) It shall be lawful for the harbour commissioners subject to the approval of the Board of Trade at any time to construct build and provide quays piers jetties landing-places or other works on the river side of Railway No. 1 and Railway No. 2 at any place or places between the Glenbrook Club Boat House numbered on the deposited plans 46 in the townland of Maulbaun and parish of Monkstown and the eastern boundary of the townland of Raffeen where they consider expedient and in the event of the harbour commissioners constructing building or providing any such quay pier jetty landing-place or other work the Company shall provide and thereafter maintain such sufficient means of access from the public road to such quay pier jetty landing-place or other work by means of a level crossing over the railway or otherwise as may be required by the harbour commissioners and the Board of Trade:
- (2) The Company shall before opening Railway No. 1 for traffic rebuild in a good and sufficient manner and to the satisfaction of the harbour commissioners the front or river face of the loading quay at Monkstown numbered on the deposited plans 3 in the townland of Monkstown (Castlefarm) and parish of Monkstown:
- (3) The Company shall before opening Railway No. 1 for traffic construct for the use of the public an extension of the promenade quay at Monkstown numbered on the deposited plans 2 and 3 in the townland of Monkstown (Castlefarm) and parish of Monkstown on the river or eastern side of such quay so as to provide at least as large an area of quay on the river side of the said railway as the area of the existing promenade quay and shall form the front or river face of such

extension with a pitched slope and so that the toe of the slope or pitching shall not extend as far as the face of the loading quay mentioned in the last preceding sub-section and the Company shall provide on such extension a sufficient mooring post to the satisfaction of the harbour commissioners. A.D. 1896.

(4) The Company shall alter the boat slip at Monkstown numbered on the deposited plans 13 in the townland of Monkstown and parish of Monkstown to make it available for the use of the public after the construction of Railway No. 1 in such manner as the harbour commissioners may approve:

(5) The Company shall to the satisfaction of the harbour commissioners provide and maintain a footbridge over Railway No. 2 at the foot of the hill between Kilmarnock Lodge and Bellevue Terrace in the parish of Monkstown and townland of Monkstown and shall construct and maintain good and sufficient steps on the southern or river side of the said railway embankment at this point to the satisfaction of the harbour commissioners for the free use of the public:

(6) Between the Glenbrook Club Boat House numbered on the deposited plans 46 in the townland of Maulbaun and parish of Monkstown and the house near Raffeen numbered on the deposited plans 18 in the townland of Monkstown (Castlefarm) and parish of Monkstown the Company shall not construct Railway No. 2 so that any part thereof shall be on a higher level than the existing public road except where necessary for the proper construction of the railway and in no case shall it between those points be at a higher level than eighteen inches above the said road and between the said points every space between the said railway and the public road shall be filled up by the Company to the formation level of the railway:

(7) The Company shall provide and thereafter maintain a good and sufficient footbridge over Railway No. 2 as a means of access from the public road to the bathing place at the Giant's Stairs numbered on the deposited plans 9 in the townland of Monkstown (Castlefarm) and parish of Monkstown for the free use of the public:

(8) The Company shall not unless otherwise required by the Board of Trade construct at any point between the said Glenbrook Boat House and the eastern boundary of the townland of Raffeen any wall of greater height on the outer or river side of Railway No. 1 and of Railway No. 2 than two

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feet nor any wall or fence between the said railways and the public road of a greater height than four feet :

(9) Any station buildings to be erected by the Company on the foreshore at Glenbrook or Monkstown shall not be more than twenty feet in height so as not to unduly obstruct the view and any such station buildings shall be ornamental in design and built and constructed to the satisfaction of the harbour commissioners Provided that the Company shall not be required to expend a greater sum than five hundred pounds on either of the said station buildings :

(10) Wherever any level crossings or footbridges are constructed by the Company in pursuance of this section sufficient approaches by means of well constructed steps shall be provided and maintained by the Company on the outer face of the railway embankment where such embankment abuts on the river to the satisfaction of the harbour commissioners and for the free use of the public :

(11) The bridge for carrying Railway No. 3 over the Owenaboy River shall be constructed with two spans of sixty feet each with a clear headway of at least fifteen feet above high-water mark at ordinary spring tides over the navigable portion of the said river :

(12) The Company shall when required by the harbour commissioners contribute a sum not exceeding six hundred pounds for the erection of a quay in the vicinity of Carrigaline whenever the requirements of the trade of Carrigaline in the opinion of the harbour commissioners shall require the construction of such a quay :

(13) The Company shall in constructing Railway No. 3 between the point marked on the deposited plans three furlongs from the commencement of Railway No. 3 and the point marked on such plans four furlongs from the said commencement leave a clear space of at least twenty feet between the northern toe of the embankment of the railway and the face of the southern river wall of the River Owenaboy :

(14) The Company shall before opening Railway No. 3 for traffic provide and thereafter maintain for the free use of the public access to the satisfaction of the harbour commissioners from the public road at Carrigaline to the land lying between Railway No. 3 and the River Owenaboy between the points specified in the last preceding sub-section by means of an accommodation bridge under the railway near the said point marked three furlongs on the deposited plans :

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- (15) Railway No. 3 shall be constructed at the narrow point of the River Owenaboy above Drakes Pool in front of the lodge of Aghamarta House numbered on the deposited plans 16 in the townland of Frenchfurze and parish of Carrigaline so that the centre line thereof shall not be more than twenty feet to the northward of the existing road wall at that point : A.D. 1896.
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- (16) The Company shall in constructing the said railways make sufficient provision for the flow of water in all waterways where they are crossed or affected by the said railways and shall make and maintain all proper culverts over the same to the satisfaction of the harbour commissioners :
- (17) All works by this section required to be executed by the Company shall be carried out at their own expense and in the event of any dispute arising between the harbour commissioners and the Company upon any of the provisions of this section or as to the reasonableness of any requirements of the harbour commissioners thereunder such dispute shall be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either party who shall have authority to determine by whom the costs of such reference shall be paid and whose decision shall be final and binding upon all parties.

23. The following provisions shall apply and have effect for the protection of property in the townland of Knocknagore and parish of Templebreedy in the county of Cork of which Thomas Hayes of Crosshaven House in the said county is or claims to be the owner and he his heirs and assigns or other the owner or owners for the time being of the said property or any part thereof are in this section meant by and included in the expression "the owner":— For the protection of Thomas Hayes and his assigns.

- (1) Notwithstanding anything in this Act contained the Company shall not take or acquire for any purpose any portion of that part of the field belonging to the owner numbered on the deposited plans 15 in the townland of Knocknagore and parish of Templebreedy coloured pink on a plan signed by the said Thomas Hayes and by Richard T. Perry C.E. on behalf of the Company and dated the twenty-third day of March one thousand eight hundred and ninety-six :
- (2) The owner shall be entitled to full and free liberty and right of way and passage and of ingress and egress to and for himself and his family friends clerks apprentices workmen and servants over and across the passage coloured blue on the said plan and for all persons going to and coming from any lands or houses belonging to him or any of his tenants or under-

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tenants and also for his and their cattle horses cars carts carriages and other vehicles :

- (3) If the Company require in the construction of Railway No. 3 within the said Field No. 15 to remove or to raise sink or otherwise alter the position of any existing sewer drain water main or water pipe they shall before they remove raise sink or otherwise alter any such sewer drain water main or pipe construct or lay down under the supervision and to the reasonable satisfaction of the owner a new altered or substituted sewer drain water main or pipe in lieu of and of equal capacity with the sewer drain water main or pipe so proposed to be removed raised sunk or altered and shall properly connect such new altered or substituted sewer drain water main or pipe with the existing sewer drain water main or pipe :
- (4) Wherever the Company shall construct any portion of Railway No. 3 within the said Field No. 15 over across or in front of any water main or pipe laid in the said field without altering or removing the position thereof the Company shall under the supervision and to the reasonable satisfaction of the owner make proper provision for protecting such water main or pipe from injury and for affording access thereto for the repair and maintenance thereof :
- (5) The owner may at any time and from time to time on giving fourteen days previous notice in writing to the Company lay down under any railway constructed in the said Field No. 15 any additional and necessary sewers drains water mains or pipes for the purposes of the sewerage or drainage of any houses to be erected in the said Field No. 15 and the supply of water thereto Provided that all works of the owner under this sub-section shall be executed at his expense and in a good substantial and workmanlike manner and so as not to interfere during the carrying out of such works with the continuous working of the traffic on the said railway and shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the Company :
- (6) It shall not be lawful for the owner or any of his tenants or under-tenants to build or erect any houses or buildings whatsoever in that portion of the said Field No. 15 coloured yellow on the plan herein-before referred to during such time as the powers of compulsory purchase of lands by the Company shall be in force under the provisions of this Act :
- (7) Nothing in this section shall limit prejudice or affect the right of the owner to compensation in respect of any matter not provided for by this section or in respect of any land or

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property belonging to the owner which may be taken or acquired by the Company or may be injuriously affected by the execution of any works by this Act authorised and the protection by this section given to the owner shall be in addition to and not in substitution for the rights and protection given to owners of property by this Act and the Acts incorporated therewith or any of them :

- (8) If any difference shall arise between the Company and the owner or their respective engineers as to any works under this section or the mode of executing the same such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of either party and the decision of such engineer shall be final and binding on both parties and the costs of any such reference shall be borne and paid as such engineer shall direct.

24. Wherever the existing public road shall be or may be in any way or to any extent diverted or altered for the purpose of the construction of Railways Nos. 1 2 and 3 the Company shall before the said railways be opened for traffic erect and cause to be erected to the satisfaction of the county surveyor for the time being of the district good sufficient and substantial supports and embankments at either side of the public road in order to properly support such road or to prevent any adjoining land from falling on the same or impeding or endangering the traffic thereon and shall thereafter at all times well and sufficiently maintain and keep the said supports and embankments so that the said public road shall at all times in all respects and to the full extent of the same be available for the purpose of public traffic.

For the protection of the grand jury of the county of Cork.

25. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and

Works below high-water mark not to be commenced without consent of Board of Trade.

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charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Accesses to
and from
shore &c.

26. During the construction of the railways by this Act authorised and also after the completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the railways for giving access to and from the shore as the Board of Trade may from time to time direct or approve.

Penalty
imposed
unless the
railways are
opened
within the
time limited.

27. If the Company fail within the period limited by this Act to complete the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for the conveyance of passengers or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of any railway not so completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Accountant-General of the Supreme Court in Ireland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as is herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railways by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

28. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other person whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate

compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

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29. For the purposes of maximum rates and charges for merchandise traffic including perishable merchandise by passenger train the railways by this Act authorised shall be part of the railways of the Company as if they had been part of those railways at the date of the passing of the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 and shall for the purposes of all other tolls rates fares and charges and for all other purposes be part of the undertaking of the Company as if the same had been authorised by the Act of 1846 Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Tolls rates
and charges.

30. Notwithstanding anything in section 25 of the Act of 1846 or in the Act 9 and 10 Vict. cap. 57. the Company may convert their existing railways to the same gauge as the gauge of the railways by this Act authorised and may thereafter maintain and use the same on such gauge for the conveyance of passengers as well as goods and animals and may make such alterations in their stations platforms signals and other works as may be necessary for the purposes of such conversion Provided that subject to such conversion all the provisions of the Acts relating to such railways shall continue to apply thereto after such conversion and that such conversion and alterations shall be carried out in manner approved by the Board of Trade and so as to interfere as little as may be with the use of the said railways for public traffic during such conversion and alterations.

Gauge of
existing
railways
may be
altered.

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Company to
provide
plant for
narrow
gauge.

31. Upon the conversion of their said existing railways as aforesaid the Company shall build purchase hire or otherwise provide engines carriages waggons trucks rolling stock and other plant and equip their said railways for working as narrow gauge railways.

Extension of
limits for
working
steam
vessels.

32. The provisions of section 4 of the Act of 1881 are hereby extended and from and after the passing of this Act the Company may from time to time convey and carry passengers in and by any steam vessels belonging to or employed by them under the powers of the Act of 1881 on short sea trips beyond the limits defined by the said Act and may charge such rates and sums for such sea trips as they think fit and such rates and sums may be recovered in the same manner as rates and sums are recoverable under that Act.

Power to
provide
hotels and
refreshment
places.

33. The Company may acquire build or otherwise provide and hold hotels at Glenbrook Monkstown Crosshaven Queenstown and Aghada or any of those places and refreshment places wherever they consider expedient in connexion with their railways or acquire or hold any interest therein and may furnish stock manage and conduct the same and the business thereof and employ managers and servants therein or in connexion therewith and may in the name of the Company or of any officer or servant of the Company or other person apply for obtain and hold any excise and other necessary or usual licences in connexion with and for the purpose of such hotels and refreshment places and may apply their funds for the purposes of this section or any of them but so that capital shall be applied only to purposes to which capital is properly applicable Any expenditure already incurred by the Company in connexion with any refreshment places is hereby sanctioned and confirmed.

PART III.—FINANCIAL.

Alteration of
date of pay-
ment of
debenture
stock
interest.

34. From and after the passing of this Act and notwithstanding anything in the certificates of the debenture stock granted by the Company or in the resolutions authorising the creation and issue of such debenture stock or otherwise the interest on the existing debenture stock of the Company shall (subject as herein-after provided) be payable by the Company on the first day of January and the first day of July in each year for the half year immediately preceding and the first half-yearly payment of interest under this section after the passing of this Act shall be in full of all interest accrued on the stock since the then last payment of interest by the Company Provided that if any person holding any such debenture stock at the time of the passing of this Act shall give notice to the

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Company to continue to pay the interest on his stock upon the dates on which the same is now payable the Company shall pay the same on such dates so long as such person shall hold such stock or until such notice shall be withdrawn.

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35. The Company may from time to time by agreement with the respective holders thereof purchase all or any of the five per cent. preference shares created and issued by the Company under the Act of 1868 and any such shares when so purchased by the Company shall be cancelled and extinguished.

Power to purchase and cancel certain preference shares.

36. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may empower the directors on the application in writing of the holder of any fully paid up share in their existing ordinary capital or of any ordinary share to be hereafter created and issued by the Company under this Act when the amount payable in respect of the same has been fully paid up to divide such share into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share."

Power to divide ordinary shares into preferred and deferred half shares.

37. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend on the preferred half share at such rate not exceeding five pounds per centum per annum as shall be determined once for all at the general meeting of the Company herein-before mentioned at which such division was authorised and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

38. Each preferred half share shall be entitled out of the profits of each half year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any half year ending the thirtieth day of June or the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that half year no part of the deficiency shall be made good out of the profits of any subsequent half year or out of any other funds of the Company.

Dividend on preferred shares to be paid out of the profits of half year only.

39. Upon the creation of any half shares the same shall be registered by the directors and each half share shall bear the same

Half shares to be registered and

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certificates
issued.

number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate has been destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of
issue to be
stated on
certificate.

40. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Rights of
preferred
and deferred
half shares.

41. The several half shares under this Act shall be half shares in the capital of the Company but from and after the division of any share in the existing ordinary capital of the Company or any ordinary share to be hereafter created and issued by them the provisions of section twelve of the Act of 1846 with respect to voting shall no longer apply to the share so divided but in lieu thereof the scale according to which the holders of preferred half shares may vote in respect of their half shares shall be as follows (that is to say):—

For two and not exceeding five half shares one vote;

For six and not exceeding ten half shares two votes; and

For more than ten half shares an additional vote for every ten half shares:

And the scale according to which the holders of deferred half shares may vote in respect of their half shares shall be as follows (that is to say):—

For not less than seventy half shares one vote;

For not less than one hundred and forty half shares two votes; and

For more than one hundred and forty half shares an additional vote for every one hundred and forty half shares:

And subject to the provisions herein-before contained every two half shares (whether preferred or deferred or one of each) held by the same person shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share Provided that the qualification of a director in respect of a holding of half shares shall be the possession in his own right of twenty preferred half shares and of twenty deferred half shares or of such an equal number of both preferred half shares and deferred half shares as with any entire ordinary shares held by him is equivalent in nominal value to twenty entire ordinary shares.

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42. The Company may make such charges in respect of the division of any shares into half shares as herein-before provided as will relieve them from expense and afford them a reasonable remuneration for the trouble incurred in connexion therewith and such charges shall be payable by the holders of the ordinary shares applying for such division.

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Company may make charges in respect of division.

43. Any preferred half share and deferred half share into which any entire share shall be divided under this Act shall respectively be held on the same trusts and subject to the same charges and liabilities as those on and subject to which the entire share was held immediately before the division and so as to give effect to any testamentary or other disposition of or affecting such entire share.

Half shares to be held on same trusts as entire share.

44. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the transfer and transmission of shares shall apply mutatis mutandis to the half shares created under this Act.

Application of provisions of Companies Clauses Act as to transfers &c.

45. The Company shall notwithstanding the division under the powers of this Act of any ordinary share continue to ascertain and declare their dividends on the amount of ordinary share capital which would at the time have been entitled to dividend if no such division had taken place and the dividend so declared shall for all purposes including the Trustee Act 1893 or any other Act for the time being regulating the investment of trust funds be held to be the dividend upon the ordinary share capital of the Company.

Dividends to be declared on ordinary shares as if undivided.

46. The Company may for the purposes of this Act from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and ten thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any ordinary share of less nominal value than twenty pounds nor any preference share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to raise additional capital.

47. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same

Except as otherwise provided new shares or stock to be subject to the same incidents as

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other shares
or stock :

class or description and the new shares or stock were shares or stock in such capital.

And to form
part of capital
of Company.

48. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends
on new
shares or
stock.

49. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time paid or in the case of any shares or stock issued at a discount deemed to be paid on such new shares or stock as the case may be.

Votes in re-
spect of new
shares or
stock.

50. Each holder of new shares or stock in the capital by this Act authorised to be raised by the Company shall except as herein otherwise provided as regards half shares be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital of the Company would have conferred upon him. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned except holders of preferred half shares by this Act authorised.

New shares
or stock
raised under
this Act and
any Act
already
passed may
be of same
class.

51. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to
borrow for
purposes of
Act.

52. The Company may in respect of the additional capital of one hundred and ten thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part of any such sum shall be borrowed until shares or stock or shares and stock for the whole of the portion of the said additional capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half of such portion of capital is paid up and the Company 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 or stock

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or shares and stock for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share and the whole amount payable in respect of the stock in the said portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares or stock or shares and stock as the case may be were issued and accepted and such one half of the said portion of capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons to whom the same were issued or their executors administrators successors or assigns and also in so far as the said portion of capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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53. Every provision with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest in any Act passed before the present session of Parliament whereby the Company is authorised to raise money by borrowing for the purposes of their undertaking shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision.

Repeal of previous Acts with respect to appointment of receiver.

54. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver but in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

For appointment of a receiver.

55. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the

Debenture stock.

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A.D. 1896. — stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

56. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were granted have priority over any mortgages granted by the Company after the passing of this Act whether by virtue of this Act or any other Act.

Application of moneys.

57. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Power to apply to purposes of Act funds not required for other purposes.

58. The Company may apply towards the purposes authorised by this Act or any of them to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them under any former Act and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Power to pay interest out of capital during construction.

59. Notwithstanding anything in this Act or in any Act incorporated therewith it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of shares or stock in the capital of the Company by this Act authorised on the amount from time to time paid or in the case of any shares or stock issued at a discount deemed to be paid on the shares or stock held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the railways by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by persons who or whose executors administrators or assigns are legally liable for the same :

- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed five thousand pounds and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company under this Act may be exercised but such borrowing powers shall be reduced accordingly :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares or stock to be issued under the powers of this Act and in every certificate of such shares or stock :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any holder of shares or stock of the Company on the amount of the calls made in respect of his shares or the amount paid up in respect of his stock as the case may be but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

PART IV.—MISCELLANEOUS.

60. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving
rights of the
Crown in the
foreshore.

61. The Company shall not out of any money which they are by this Act authorised to raise pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application

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

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A.D. 1896. to Parliament for the purpose of obtaining an Act authorising the construction of any other railway or the execution of any other work or undertaking.

Provision as to general Railway Acts.

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

Expenses of Act.

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

SCHEDULE referred to in the foregoing Act.

Townlands and Parishes.	Nos. on deposited Plans.
RAILWAY No. 2.	
Townland of Shanbally parish of Carrigaline - - - - -	9 10
RAILWAY No. 3.	
Townland of Carrigaline (Middle) parish of Carrigaline - - - - -	29

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FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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