



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xxvii.

An Act for enabling the *Dublin and Kingstown* Railway Company to make an Extension of their present Line of Railway, and for altering and amending the Act for making the said Railway.

[22d May 1834.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railroad from Westland Row in the City of Dublin to the Head of the Western Pier of the Royal Harbour of Kingstown in the County of Dublin, with Branches to communicate therewith*; and by such Act certain Persons therein named and described were erected into a Company and created one Body Corporate by the Name and Style of "*The Dublin and Kingstown Railway Company*," and were authorized to make and maintain a Railway or Railways, with proper Works and Conveniences, as delineated on the Plans and described in the Books of Reference by such Act referred to, and deposited with the Clerks of the Peace for the County and City of *Dublin* respectively, as in the said Act mentioned: And whereas the Railway by the said recited Act authorized to be made has been for the most Part formed under Contracts entered into for that Purpose, and the same is now in progress of Completion: And whereas the said Undertaking would be likely to prove more beneficial to the Public if the same was extended for the Purpose and in the Situation and Manner herein-

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c. 69.

[*Local.*]

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after

after mentioned : And whereas the King's most Excellent Majesty, in Right of his Crown, is entitled to certain Lands in the Parish of *Monkstown* over which the extended Line of Railway or some Part thereof is intended to pass : And whereas it is expedient that some of the Powers and Provisions of the said recited Act should be amended and enlarged, and that other and further Powers should be granted : And whereas the several Purposes herein-before mentioned cannot be carried into execution without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King'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, That the said recited Act of the First and Second Years of His said present Majesty, and all the Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein respectively contained, shall (except so far as the same or any of them may be varied by or inconsistent with or repugnant to the Provisions of this Act) remain and continue in force, and be good, valid, applicable, and effectual for carrying this Act and the said recited Act into execution, to all Intents and Purposes.

Extending Powers of former Act to this Act.

Company may extend the Railway in manner delineated in Map and described in Book of Reference.

II. And be it further enacted, That it shall and may be lawful for the said *Dublin* and *Kingstown* Railway Company and they are hereby empowered to vary the Line of the said Railway, and to extend the same from the Termination thereof as authorized by the said Act in such Manner and Direction and within such Limits as are delineated on the Plan and described in the Book of Reference herein-after mentioned ; that is to say, to vary the same from the Place called *Old Dunleary* to the Place between *Salt Hill* and the Sea, and also to extend the said Railway Eastward from the Termination thereof as authorized by the aforesaid Act, commencing at the Termination of the said Railway as authorized by the aforesaid Act at or near to the End of the Western Pier of the Royal Harbour of *Kingstown* adjoining to the old Harbour of *Dunleary*, and running across close to the Northern Side of the Martello Tower, and then along some Ground partially occupied by the Tram Road belonging to the Commissioners of the Royal Harbour of *Kingstown* in front of *Crofton Terrace*, leaving the inclosed Ground attached to the Battery to the North, and passing along another Portion of similarly occupied Ground lying between the public Road and the Shore of the said Royal Harbour, and also in or over a small Part of the said Royal Harbour between High and Low Water Lines, afterwards passing close to the Southward of the Admiralty Stores, and in the Line of and upon the Site of the Buildings occupied as a Police Station, and terminating upon a Piece of Ground lying between the Road commonly called or known by the Name of the *Forty-foot* Road and the new Wharf building by the Commissioners of the said Royal Harbour, all which Places are delineated on the said Plan and described in said Book of Reference, and all which before-named Places are in the Parish of *Monkstown* and County of *Dublin*.

Provisions of recited Act to apply to extended Lines of Railway.

III. And be it further enacted, That all and every the Provisions, Conditions, and Regulations by the said recited Act provided with respect to the Manner of making, maintaining, altering, repairing, using, and fencing the said original Line of Railway, and for the making and constructing Roads,

Roads, Ways, Warehouses, Toll Houses, Landing Places, Wharfs, and other Works and Conveniences, and for altering the Course of any Streams, and for the crossing of public Highways or Turnpike Roads, and for constructing Bridges, and making Excavations and Embankments, and for erecting and maintaining Gates, as prescribed or authorized by the said recited Act, shall apply and extend to the said extended and varied Lines of Railway and other Works by this Act authorized as fully to all Intents and Purposes as if herein specially enacted.

IV. And be it further enacted, That the said Company shall make, set up, repair, and maintain such and so many convenient Passages for Cars, Carts, Waggon, Coaches, or other Carriages as any Two or more of the Commissioners for making and erecting the Royal Harbour of *Kingstown* otherwise *Dunleary* shall deem fit and necessary across the said Railway, and extended and varied Lines of Railway where the same shall pass between the Western and Eastern Piers of the said Royal Harbour, at such Places as they may think proper to require, and shall make, repair, and maintain a Passage or Bridge for Carriages and Passengers at or near the Abutment of the Western Pier forming the Royal Harbour of *Kingstown* across the said Railway, and also a like Bridge or Passage across the said Railway at or near the old Harbour of *Dunleary*; and that the said Company shall erect, make, repair, and maintain along the said Railway, as it passes along from the Western towards the Eastern Pier of said Harbour of *Kingstown*, such Screen or Fence as shall be approved of by said Commissioners.

Company to make Passages across the Railway where public Roads, &c. abut thereon.

V. And whereas it was by the said recited Act provided that nothing therein contained should authorize or empower the said Company to compel the Right Honourable *Valentine* Lord Baron *Cloncurry* or the Reverend Sir *Harcourt Lees* Baronet to sell or dispose of to the said Company any Part of the Surface of the Lands belonging to or forming Part or the entire of the Demesne Lands called *Maritimo*, the Residence of the said Lord Baron *Cloncurry*, or of *Black Rock*, the Residence of the said Sir *Harcourt Lees*, without his and their Consent and Approbation: And whereas the said Lord Baron *Cloncurry* and Sir *Harcourt Lees* have respectively consented and agreed that the Passage for the said Railway should be made through their said respective Lands and Demesnes partly by a Tunnel or underground Passage and partly by an open cut, and with such Consent and Agreement and in pursuance thereof a Passage has been made for the said Railway partly by a Tunnel and partly by an open Cut, and the Line of the said Railway is thereby much improved and the Expence thereof diminished; be it therefore enacted, That the said Tunnel and open Cut shall be and the same is hereby authorized and directed to be maintained, used, and continued as the Passage for such Railway instead of the Tunnel or underground Passage by the said recited Act appointed to be made in or through such Lands, and that the making such part Tunnel and part open Cut or Passage shall be deemed and taken to be and to have been alike lawful and valid to all Intents and Purposes as if the same had been authorized and required to be made by the said recited Act instead of such Tunnel, and that such part Tunnel and part open Cut shall be and remain for ever the Property of the said *Dublin* and *Kingstown* Railway Company: Provided always, that such part Tunnel and part open Cut or Passage shall be maintained and

An open Cut or Passage authorized to be made through certain Lands instead of a Tunnel.

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fenced off from the said respective Demesnes in such Manner as has been agreed upon between the said *Dublin* and *Kingstown* Railway Company and the said Lord *Cloncurry* and Sir *Harcourt Lees* respectively.

Company to construct a Stone Bridge instead of a Swivel Bridge over Grand Canal Dock, if the Grand Canal Company consent thereto.

VI. And whereas it was by the said recited Act provided that the said Company should make an Iron Swivel Bridge over that Part of the Grand Canal Dock intersected with the said Railway, and it has been agreed by and between the said Railway Company and the said Grand Canal Company that a good and perfect Causeway and Stone Bridge shall be constructed, instead of such Iron Swivel Bridge, across the Water of the Docks of the said Grand Canal Company in the City of *Dublin*, of a certain Span and Height, and of certain Dimensions, and in a Manner mutually agreed upon between them; be it therefore enacted, That it shall and may be lawful for the said Railway Company to make and construct such Causeway and Stone Bridge and the Approaches thereto over the Quay of the said Docks, in the Manner, and of such Span, Height, and Dimensions, as agreed upon between the said Grand Canal Company and the said Railway Company, and that the same shall be made instead of such Iron Swivel Bridge, and the Causeway and other Approaches thereto, mentioned in said recited Act, and that the making such Causeway, Stone Bridge, and Approaches to and connected with the same, as so agreed upon, shall be deemed and taken to be alike valid and lawful as if the same had been mentioned in the said recited Act instead of the said Iron Swivel Bridge, and that such Causeway and Stone Bridge shall be and remain for ever the Property of the said Company.

Company may take Lands for Purposes of this Act.

VII. And be it further enacted, That for the Purposes of this and said recited Act, and the Construction of the said original and extended Line of Railway, and the Variation and Deviation of the said original Line of Railway, and the Formation of the said open Cut or Passage, and the other Works by this and said recited Act authorized, the said Company shall and they are hereby empowered to enter into and upon any Lands, Tenements, and Hereditaments of His most Gracious Majesty, His Heirs and Successors, and all Persons in Trust for His most Gracious Majesty, His Heirs and Successors, His Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings of His Majesty, and also of any Person, or Body Politic or Corporate or Collegiate whatsoever, according to the Provisions and Restrictions of this and the said recited Act, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this and the said recited Act such Parts thereof as they are by this or said recited Act empowered to use for the Purpose of this or said recited Act, and shall for that Purpose have, use, and exercise all such Powers and Authorities in doing all Matters and Things necessary or convenient for making, maintaining, altering, repairing, and using the said original or extended Lines of Railway, and the other Works by this or said recited Act authorized, subject to such and the like Conditions, Restrictions, and Regulations as by the said recited Act provided in respect of the Lands, Tenements, or Hereditaments needed, taken, or used for the Construction of the said original Line of Railway and the other Works thereby authorized; and that all and every the Clauses and Provisions of the said recited Act authorizing the Purchase of any Lands, Tenements, and Hereditaments, and empowering all Bodies Politic, Corporate, and Collegiate, Corporations

rations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of His most Gracious Majesty, His Heirs and Successors, and all Persons in Trust for His most Gracious Majesty, His Heirs and Successors, as well as His Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, the Master General and principal Officers of His Majesty's Board of Ordnance, and of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femmes Covert, or other Persons, and all Femmes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons, whether His most Gracious Majesty or other Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey the same or any Part thereof to the said Company for the Construction of the said original Line of Railway and other Works, and to the Form and Manner of conveying the same, and to the Expence of such Conveyance, shall extend and apply to the Lands, Tenements, and Hereditaments necessary for the Construction of the said original or extended Lines of Railway, and the Variations and Deviations of the said original Line of Railway, and the said open Cut or Passage, and the other Works by this or said recited Act authorized, as fully and completely to all Intents and Purposes as if herein particularly inserted and enacted.

VIII. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to contract with His most Gracious Majesty, His Heirs or Successors, and all Persons holding in Trust for His most Gracious Majesty, His Heirs or Successors, as well as His Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, the Master General and principal Officers of His Majesty's Board of Ordnance, and also with any Person, or any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Quarries, Lands, Tenements, and Hereditaments not exceeding in the whole Fifteen Statute Acres (in addition to the Ten Statute Acres by the said recited Act authorized to be purchased), in such Place or Places as shall be deemed eligible, for the Purpose of making and providing Coal and other Yards, Staiths, Wharfs, Warehouses, Baths, Bathing Sheds, and other Buildings, Erections, Passages, and Conveniences, and also for the Purpose of working such Quarries, and of receiving, depositing, conveying, and keeping any Goods, Merchandize, or other Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any Purpose whatsoever connected with the said Quarries, Baths, Bathing Places, or Railway which the said Company shall deem requisite and necessary; and it shall be lawful for His most Gracious Majesty, His Heirs and Successors, and all Persons holding in Trust for His most Gracious Majesty, His Heirs and Successors, as well as His Majesty's Commissioners of Woods, Forests, Land

Power to purchase additional Quantity of Land for Warehouses and other Purposes.

Revenues, Works, and Buildings, the Master General and principal Officers of His Majesty's Ordnance, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, to sell and grant and convey to the said Company and their Successors any Quarry, Strand, or Sea Shore, Parcel of Land, Tenements, or Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in like Manner and Form, and with and subject, in respect of the said Fifteen additional Acres, to the like Powers, Provisions, Limitations, Reservations, and Restrictions (so far as the same will apply) as are mentioned and contained in the said recited Act respecting the said Ten Statute Acres of Land by the same Act authorized to be purchased.

Company may at their Discretion require a Special Jury for settling Differences.

IX. Provided always, and be it enacted, That if for settling any Differences which may arise between the said Company and the several Owners of or Persons interested in any Quarries, Strand, or Sea Shore, Lands, Tenements, or Hereditaments, which shall or may be required, taken, used, damaged, or injuriously affected by the Execution of any of the Powers by this Act or by the said recited Act granted, the said Company shall issue any such Warrant as in the said recited Act mentioned for the impannelling, summoning, and returning a Jury, it shall and may be lawful for said Company or the Directors thereof, at their Discretion, to command the Sheriff, Coroner, or other Person to whom such Warrant may be directed to impanel, summon, and return a Jury of at least Forty-eight Men qualified according to the Laws of this Realm to serve as Special Jurors for the Trial of Issues in His Majesty's Courts of Record at *Dublin*, and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the Sheriff, Coroner, or other Person at such Time and Place as in such Warrant directed, and to attend from Day to Day until duly discharged; and a Jury of Twelve Men shall be drawn by Ballot by the said Sheriff, Coroner, or other Person in such Manner as Jurors for the Trial of Issues joined in His Majesty's Courts of Record at *Dublin* are or may be by Law directed to be drawn, and thereupon, and in the Case of a Default of Jurors, all such and the like Proceedings as the said recited Act authorized and directed shall be had and taken for the Settlement of such Differences as aforesaid.

Plan and Book of Reference of the extended Line and Deviations to be kept by the Clerk of the Peace, and be open to Inspection.

X. And whereas a Map or Plan describing the Line of the proposed extended Line of Railway and of the said Deviations from the original Line of Railway by the said recited Act authorized to be made, and of the part Tunnel and part open Cut or Passage made instead of the Tunnel or underground Passage by said recited Act required to be made, and of the Lands, Messuages, and Tenements through and under which the same is now forming and intended to be made or carried, together with a Book of Reference thereto containing a List of the Names of the Owners or reputed Owners and of the Occupiers of such Lands and Premises, hath been deposited in the Office of the Clerk of the Peace for the County of *Dublin*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace among the Records of the County of *Dublin*, and all Persons interested in any Manner in such Strand or Sea Shore, Lands, Messuages, or Tenements, shall at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, paying to such Clerk of the Peace the Sum

of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the same; and the said Plan and Book of Reference, or true Copies thereof or of so much thereof as shall relate to any Matter that may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the said Company, in making the said Railway and extended Lines of Railway, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Plan, and the said Company shall not make any Deviation or Extension into any Lands or Tenements not mentioned in the said Book of Reference.

Not to deviate more than 100 Yards from Plan.

XI. Provided also, and be it further enacted, That no Advantage shall be taken of or against the said Company, their Successors or Assigns, or any Interruption be given to the making of the said Railway and other Works hereby authorized to be made, on account of any Error or Omission in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the County of *Dublin*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken of any Error or Omission in Book of Reference.

XII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person acting by or under their Authority, to make use of, bore under, injure, or damage, for the Purpose of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* in the Year One thousand eight hundred and thirty-three, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein respectively, other than and except such as are specified in the said Plan or Map and Book of Reference, or the Schedule to this Act annexed.

Houses and Gardens not to be used without Consent, unless specified in the Schedule.

XIII. Provided always, and be it further enacted, That if the said Company shall not within the Space of Three Years, to be computed from the passing of this Act, agree for and cause to be valued, and shall pay for, as in the said first-recited Act is mentioned, the Lands, Houses, Buildings, or other Premises which they are by this Act empowered to purchase (or so much thereof as shall be deemed necessary or proper for the Purpose of this Act), then from thenceforth all the Powers which are hereby granted to them for such Purpose only shall cease and determine, and be utterly null and void.

If Land not contracted for within Three Years, Power of purchasing to cease.

XIV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of all or any of the Quarries, Houses, Strand, or Sea Shore, Lands or Hereditaments, hereby required or authorized to be purchased, or any Part or Parts thereof respectively, in like Manner as expressed and authorized with respect to any Lands or Hereditaments in the former Act mentioned or referred to.

Power to resell any Surplus of Lands if not wanted.

XV. And

Power to purchase the Release of Lands wanted from Rents charged thereon.

XV. And be it further enacted, That where any Lands intended to be purchased by the said Company shall be subject, solely or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, also (where necessary) for an Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum of Money as shall be agreed upon between the said Company and the Party who, under the Provisions of this or the said recited Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this or said recited Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury (if required) in like Manner as the Price of Lands is by this and said recited Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance, as herein-before mentioned; according to the respective Values of the Lands intended to be purchased and of the Lands not intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Party as afore-said respecting such Release (and which may be of the like Form as by the said recited Act is directed to be used in the Case of Conveyance of Lands) shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when any of the Lands purchased by the Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument declaring what Part of the Lands were originally subject to such Payment or Incumbrance as shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

Purchase Money not to be lodged in Bank if Parties en-

XVI. Provided always, and be it enacted, That in case any Person or Persons to whom any Money shall be awarded for the Purchase of any Lands, Tenements, and Hereditaments to be taken or used under or by virtue of the Powers of the said recited Act or of this Act shall be absent from

from *Ireland*, or unable to make a good Title to the Premises, and shall by Writing under his, her, or their Hand or Hands, signify his, her, or their Desire that the said Company shall delay paying into the Bank of *Ireland* the Money so awarded for Two Calendar Months, or such further Time as he, she, or they shall by such Writing signify his, her, or their Consent; and in such Case it shall and may be lawful for the said Company to enter upon such Lands, Tenements, and Hereditaments, and the same shall thenceforth be vested in and become the sole Property of the said Company, to and for such the Purposes of this Act and of the said recited Act, and all outstanding Terms shall be respectively merged and barred; to all Intents and Purposes, as if such Money had been actually paid into the Bank of *Ireland*, as by the said recited Act is provided.

titled object
to such
Lodgment.

XVII. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken for the Purposes of this or the said recited Act as to the Amount or Value of the Damages done by the said Company, their Agents or Workmen, to such Property in the Execution of any of the Powers of this or the said recited Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount for Compensation which shall be payable by the said Company, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damage for the Space of Ten Days after the same shall become due, to levy such Damage and Charges respecting the same by Distress and Sale of any Goods and Chattels of the said Company, in the same Manner as by this or said recited Act is directed with respect to the Recovery of Compensation for the other Damages done by the said Company.

For settling
Disputes as
to Damages
to a small
Amount.

XVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be seised in Fee of, or entitled to dispose of absolutely, any Quarries, Strand, Sea Shore, or Lands authorized to be purchased for the Purposes of this or said recited Act, and who shall be willing to sell the same for a perpetual annual Rent-charge in lieu of a Sum in gross, to sell and convey the same or any Part thereof unto the said Company for and in consideration of an annual Rent-charge, payable by the said Company, their Successors and Assigns, to the Person so selling and conveying, and to his Heirs and Assigns; and all such Sales and Conveyances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; *videlicet*,

Power to
purchase
Lands on
Chief Rents.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the *Dublin* and *Kingstown* Railway Company, established and incorporated by an Act of Parliament passed in the First, and Second Years of the Reign of His present Majesty King *William* the
[Local.] 9 D Fourth,

Form of
Conveyance.

‘ Fourth, intituled *An Act* [*here set forth the Title of the Act*], do hereby
 ‘ convey to the said Company, their Successors and Assigns, all
 ‘ [*describing the Premises to be conveyed*], together with all Ways,
 ‘ Rights, and Appurtenances thereto belonging, and all such Estate,
 ‘ Right, Title, and Interest in and to the same and every Part thereof as
 ‘ I am or shall become seised of or entitled; to hold the said Premises to
 ‘ the said Company, their Successors and Assigns, for ever, according to
 ‘ the true Intent and Meaning of the said Act, they the said Company,
 ‘ their Successors and Assigns, yielding and paying unto me, my Heirs
 ‘ and Assigns, One Annuity or clear yearly Rent of £
 ‘ by equal [*quarterly or half-yearly, as the Case may be agreed on,*]
 ‘ Portions, henceforth on the [*stating the Days*], clear of all Taxes and
 ‘ Deductions. In witness whereof I have hereunto set my Hand and
 ‘ Seal the Day of in the Year of our
 ‘ Lord ’

And all such Conveyances as aforesaid shall be valid and effectual to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed.

Yearly Rents
charged on
the Rates.

XIX. And be it further enacted, That all such yearly Rents or Sums as shall be agreed on between the said Company and the Parties interested in such Lands as aforesaid be charged on the Rates arising by virtue of this Act and said recited Act, and shall be paid by the said Company as the same shall become due and payable; and in case the same shall not be paid within Sixty Days after the same shall become due and payable it shall be lawful for the Person to whom such yearly Rents or Sums shall be due and owing as aforesaid to sue for and recover the same from the said Company, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Engines, Carriages, or any other Goods or Effects of the said Company which shall be found upon the said Railway, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, Information of such Distress being immediately given to the said Company by Notice in Writing, and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Ten Days after making the same, and Notice thereof given in Writing as aforesaid, then such Engines, Carriages, or other Goods or Effects so distrained shall or may be sold or disposed of in such Manner as the Law directs in case of Distress for Rent.

Compensation to be made for temporary Damage.

XX. And whereas in making and executing the said Railway and the several other Works by this and the said recited Act authorized it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing thereon the Earth, Clay, and other Materials which shall have been taken out in excavating deep Cuttings, or of manufacturing such Clay into Bricks, or of getting and procuring Earth and Materials from such adjoining Lands for forming Embankments, dressing Stone, or for making Bricks; but inasmuch as a Jury

summoned

summoned and directed by this and the said recited Act to assess a Compensation for the Damage and Injury to such adjoining Lands by the Exercise of the Powers and Authorities by this and said recited Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which shall be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, shall be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this and the said recited Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway, and the Works by this and the said recited Act authorized to be made and maintained, or any of them or any Part thereof respectively, for the Purpose of depositing or manufacturing upon such Lands, or upon any Part thereof respectively, any Soil, Gravel, Clay, and Stone, or other Materials which shall have been excavated, dug, or got in making the said Railway or other Works, or which may be taken or dug out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to dig, cut, get, take, remove, and carry away out of and from such adjoining Lands or any Part thereof any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found thereon, and which may be requisite or convenient for making the said Railway and other Works, and to manufacture the same, without having previously made such Payment, Tender, or Investment as herein-before mentioned, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of the said Lands to the Owners or Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in cases of Disputes as to Damages to a small Amount: Provided always, that the said Company shall and they are hereby required, within One Calendar Month after the Execution of such Railway and other Work, to make such Compensation and Satisfaction for the permanent Damage and Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers or Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Company: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings and Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided always, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Five hundred Yards from the said Railway, nor to make Bricks or place a Steam Engine upon any of such Lands at any Place which shall not be distant at least Eight hundred Yards from any
Mansion,

Mansion, without the Leave of the Owner or Occupier of such Mansion, in Writing, first obtained for that Purpose.

Receipt of any One Proprietor of a Share to be a sufficient Discharge.

XXI. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company, or to the Directors or Treasurer for the Time being of the said Company, for any Dividend or other Sum of Money which shall become payable and be paid for in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor sufficient Discharge.

XXII. And be it further enacted, That in all Cases where Money shall be payable, under the Provisions of this or said recited Act, to any Proprietor who shall be an Infant, Idiot, or Lunatic, or Person under other Incapacity, the Receipt of the Guardian of any such Infant, or of the Committee of such Idiot or Lunatic, or of some Person to be for that Purpose nominated by the Court of Chancery, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Company empowered to provide or charge for locomotive or other propelling Power.

XXIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive Engines or other Power for drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway, and to receive, demand, and recover such reasonable Sum or Sums of Money for the Use of such Engine or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this and the said recited Act authorized to be taken.

Carriages employed in conveying Materials for constructing of Railway not necessary to be licensed.

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XXIV. And be it further enacted, That it shall and may be lawful for any Architect, Builder, or other Person employed by or contracting with the said *Dublin* and *Kingstown* Railway Company in, for, or about the Construction of the said Railway and Works by this and the said recited Act authorized, to have, use, and employ, in carrying any Brick, Stones, Sand, Gravel, Lime, Wood, Iron, or other Material whatsoever necessary or proper for the Construction of such Railway and other Works, any Cart, Dray, Car, Truck, or other Carriage, without such Licence as by an Act made in the Parliament of *Ireland* in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of Dublin, its Suburbs and Liberties, and within Seven Miles thereof*, required to be possessed by Persons owning, keeping, or driving any Cart, Car, Dray, or other Carriage plying or carrying for Hire any Load taken up within the City of *Dublin*, its Suburbs and Liberties, or within Three Miles or any other Distance thereof, or in the Carriage of any Matter or Thing sold, used, or employed by such Persons in their respective Trades and Occupations, or bringing or drawing into or out of the said Suburbs or Liberties to any Distance whatsoever any Bricks, Stones, Sand, Gravel, Lime, or other Material whatsoever; and that nothing in the said recited Act contained shall extend or be deemed to extend to Persons having, using, or employing any Cart, Car, Dray, Waggon,

Waggon, Truck, or other Carriage, being constructed as aforesaid, for the Conveyance of any Material or Thing for the Construction of the said Railway and other Works.

XXV. And be it further enacted, That the said *Dublin and Kingstown* Railway Company shall not, nor shall any Person or Persons, Corporation or Company, be or be deemed liable to any Penalty whatsoever for or by reason of using, having, or employing any locomotive or other Engine, or any Cart, Car, Waggon, Dray, Truck, or other Carriage whatsoever, plying to or from or moving upon and along the said Railway, or the said extended and varied Lines of Railway, or to or from the same, or upon or along or to or from any Tramroad constructed by or belonging to or used and employed by the said Company under Authority of this or the said recited Act, without possessing such a Licence as in said recited Act of the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third is mentioned; and that the said recited Act shall not be deemed or taken to extend, nor any of the Regulations thereof, to any such locomotive or other Engine, nor to any such Cart, Car, Waggon, Dray, Truck, or other Carriage, of what Form or Construction soever, whether employed for the Carriage of Goods, Wares, and Commodities, or any other Matters or Things, or for the Conveyance of Passengers, any thing in the said recited Act contained to the contrary notwithstanding.

Carriages plying on the Railway to be exempted from Licence.

XXVI. Provided always, and be it further enacted, That nothing in this or said recited Act contained shall be construed to prevent the said Company from making any Agreement with any Person for the Hire or Use of any locomotive Engine, or of any Carriage, and to charge for the same such reasonable Sum as may be agreed on between the said Company and such Person, any thing herein or in said recited Act contained to the contrary thereof notwithstanding.

Act not to prevent Company from hiring locomotive Engines.

XXVII. And be it further enacted, That in case any Fiat of Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, it shall be lawful for any Person who shall from Time to Time in that Behalf be appointed by Writing under the Hand of any One or more of the Directors of the said Company for the Time being, to appear and he is hereby authorized to appear and act in respect of any Debt, Claim, or Demand before the Commissioners on behalf of the said Company under any such Fiat of Bankruptcy, either personally or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Person so to be appointed shall in all such Cases be admitted and allowed to make Proof or tender a Claim under such Commission on behalf of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person being a Creditor of such Bankrupt in his own Right would have in respect of the Debt proved by him under such Fiat.

How Debts may be proved in Cases of Bankruptcy.

Directors not personally answerable for Acts legally done as Directors.

XXVIII. And be it further enacted, That none of the Directors of the said Company already appointed or hereafter to be appointed under the Authority of this or said recited Act shall, by reason or means or on account of his being Party to, or making, signing, or executing in his Capacity of Director of the said Company, pursuant to this or said recited Act, any Contract or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this or said recited Act, to be subject to or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity, or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors or any of them shall not, by reason or on account or in consequence of any such Contract or other Instrument so entered into or made or signed as aforesaid, or any other lawful Act which shall be done by them or any of them, or executed by them or any of them, in the Execution of any of the Powers and Authorities given to them or any of them by this or said recited Act, be liable to be arrested, seized, or detained or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Director thereof under or by virtue of any such Contract or Instrument, or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

Rates to be paid to the Company for Goods placed in their Wharfs.

XXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, for the Wharfage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things loaded, landed, or placed in or upon the Landing Places or public Wharfs, or any of them, belonging to the said Company, the Rates or Sums following; that is to say, for every Ton of Coals, Culm, Lime, Limestone, and other Minerals, Timber, Stone, Clay, Bricks, Tiles, Slates, Goods, Merchandize, or other Things which shall be loaded, landed, or placed in or upon the said Wharfs or any of them, and shall continue thereupon for a longer Space of Time than Two Hours and not exceeding Twenty-four Hours, any Sum not exceeding the Sum of One Penny *per* Ton, and so in proportion for any less Quantity than a Ton; and in case the said last-mentioned Articles or any of them shall be left and remain in and upon any of the Wharfs or Warehouses belonging to the said Company over and above or beyond the said Space of Twenty-four Hours, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of Three-pence *per* Ton for the Wharfage and One Shilling *per* Ton for the Warehousing thereof for the next or succeeding Week, and the like Sum of One Shilling respectively *per* Ton for every further or subsequent Week such Articles shall remain upon the Wharfs or Warehouses after the Expiration of the said first-mentioned Week, and so after that Proportion for any less Period than a Week; and it shall be lawful for the said Company to ask, demand, receive, and take, for the Use of the Cranes to be erected or made in pursuance of or under the Authority of this or said recited Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding for any Weight to be raised at one single Lift of the Crane being less than Two
Tons

Tons the Sum of Sixpence *per* Ton, for any Weight to be raised at one single Lift of Two Tons and less than Three Tons the Sum of One Shilling *per* Ton, for any Weight to be raised at one single Lift of Three Tons and less than Four Tons the Sum of One Shilling and Sixpence *per* Ton, and so progressively advancing Sixpence *per* Ton on each additional Weight of One Ton to be raised at one single Lift of the Crane.

XXX. Provided always, and be it further enacted, That if the Owner or Owners of any Goods, Commodities, Wares, Merchandizes, Articles, Matters, or Things shall permit the same to remain in or upon the Wharfs or Warehouses belonging to the said Company beyond the Space of Fourteen Days, and shall neglect or refuse to remove the same and every Part thereof after Twenty-four Hours Notice to do so, such Owner or Owners shall forfeit and pay to the said Company, for each and every Day any such Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things shall be permitted to remain after the Expiration of such Notice, a Sum not exceeding Two Shillings and Sixpence *per* Ton.

Owners of Goods not removing them after Notice to forfeit Two Shillings and Sixpence *per* Ton.

XXXI. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time and at all Times hereafter to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of all Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway extended, diverted, altered, varied, or deviated according to the Provisions of this Act, all or any of the Rates, Tolls, or Sums authorized to be taken by virtue of the said recited Act for or in respect of all or any of the Articles, Matters, or Things which shall be carried or conveyed upon or along the said original Railway, and that all and every the Powers, Provisions, and Regulations in the said recited Act contained with respect to Tolls to be taken upon the said original Line of Railway shall apply and extend to the Tolls to be taken on the said extended, varied, or diverted Lines of Railway as fully to all Intents and Purposes as if herein specifically inserted and enacted.

Same Tolls to be taken upon new as upon original Line of Railway, and subject to same Regulations.

XXXII. And be it further enacted, That all and every the Powers, Provisions, Conditions, and Regulations by the said recited Act conferred, provided, and enacted for the raising or borrowing of Money, by Mortgage, Annuity, Assignment, or otherwise, on the Credit of or in respect of the Undertaking, or of any Tolls, Rents, Receipts, Funds, or Profits arising or accruing thereout, by the said recited Act authorized, shall be deemed and taken to apply and extend to the said Undertaking as extended, reduced, or varied by this Act, and to all Tolls, Rents, Receipts, Funds, or Profits arising or accruing thereout, in like Manner to all Intents and Purposes as to the said original Undertaking, and the Tolls, Rents, Receipts, Funds, and Profits arising or accruing thereout; and that the said Capital Sum of Two hundred thousand Pounds by the said first-recited Act authorized to be raised shall be deemed and taken to be and shall be the Capital Stock of the said *Dublin and Kingstown* Railway Company, and the same or a sufficient Part thereof shall be laid out and applied in and to the making, carrying on, and completing and maintaining of the said Railway, and extended or varied Lines of Railway, and working the Granite Quarries of *Dalkey* and *Killiney*, building and erecting

Provisions of said recited Act for raising Money by Mortgage to apply to this Act.

Baths

Baths and Bathing Places, and the other Purposes by this Act or by the said recited Act authorized.

Commissioners for Royal Harbour of Kingstown may make Roads across the Railway.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to make, in such Places as they may think fit, any additional Road or Roads, or Bridges, across or over the said Railway or extended Lines of Railway by this and the said recited Act authorized to be made, in such Part or Parts thereof as may pass between the Western and Eastern Piers of the said Royal Harbour of *Kingstown*, and to use such Road or Roads for such Purposes and in such Manner as they may require, so that such Road or Roads do not prevent the free Passage over, upon, and along the said Railway or extended Line of Railway by this Act and the said recited Act authorized to be made.

Company not to purchase Land belonging to Commissioners of Kingstown Harbour without Consent.

XXXIV. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed to extend to enable the said Company to take, enter upon, or purchase any Lands, Tenements, or Hereditaments belonging to or in possession of the Commissioners for the Construction and Improvement of the Royal Harbour of *Kingstown* otherwise *Dunleary*, other than the Lands or Premises lying and being in the Line of the Railway or extended and varied Line of Railway by this Act and the said recited Act authorized to be made, without the Consent in Writing of the said Commissioners first had and obtained.

Company not to deviate from the Line, so far as affects said Royal Harbour of Kingstown, without Consent of Commissioners of Kingstown Harbour.

XXXV. Provided also, and be it further enacted, That the said Company, in constructing the said Railway, so far as the same shall be connected with the said Royal Harbour of *Kingstown*, shall not deviate between the said Western and Eastern Piers from the Line delineated on the said Map or Plan so deposited with the Clerk of the Peace for the County of *Dublin*, without the Consent in Writing of Two or more Commissioners of the said Royal Harbour of *Kingstown* first had and obtained; and provided further, that it shall be lawful for the said Commissioners from Time to Time, if necessary, to limit the Rate or Speed at which Carriages or Engines shall travel or be propelled upon or along such Parts of said Railway as shall pass through or over any Lands or Premises lying between the Eastern and Western Piers of the Royal Harbour of *Kingstown* as aforesaid; and no Carriage or Engine shall travel or be propelled upon or along such Parts at a quicker Rate or Speed than the Rate or Speed so from Time to Time limited by the said Commissioners.

Company so to construct their Works as not to occasion any Nuisance to the Harbours of *Dunleary* or *Kingstown*.

XXXVI. Provided also, and be it further enacted, That the said Railway, so far as the same may be connected with the said old Harbour of *Dunleary*, or with the said Royal Harbour of *Kingstown*, and all Embankments, Drains, Culverts, and other Works appertaining thereto, shall be constructed in such Manner and of such Materials as the said Commissioners shall, with the Consent and subject to the Control and Direction of the Lords Commissioners of the Admiralty, declare to be proper, and as they shall from Time to Time, if they should find necessary, appoint and require for the Avoidance of any Injury, Deposit, or other Nuisance arising or being occasioned to the said Harbours: Provided always, that nothing herein contained shall be deemed or taken to authorize or empower the said Company, in making or constructing the said Railway, to encroach upon

or

or within the High-water Mark of the Harbour of *Dunleary*, without the Sanction and Permission of the Lords Commissioners of the Admiralty being first had and obtained, and then only to the Extent and Manner prescribed by said Lords Commissioners.

XXXVII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid and discharged by the said Directors out of the Profits or Capital Stock of the said Corporation. Expences of the Act how to be paid.

XXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

The SCHEDULE referred to by the preceding Act.

No. on Plan.	Owners.	Lessees and Occupiers.	Description of Property.
EXTENSION.			
1.	Corporation for preserving and improving the Port of Dublin -	Same -	Old Harbour of Dunleary, Quays, waste or uninclosed Ground lying between the public Road and Royal Harbour of Kingstown.
2.	The Crown -	The Honourable Board of Ordnance	The Martello Tower and Ground surrounding it, lying on the Eastern Side of the old Harbour of Dunleary.
3.	Ditto -	Ditto -	The Battery and Ground attached to it, opposite Crofton Terrace and adjoining the Royal Harbour.
4.	Lords Longford and De Vesce -	Mr. Warburton - Mr. Andrews - Mr. Lovatt - Mr. Thomas - Mr. Crofton - H. B. Hautenville Esquire -	Ground in front of the Houses called Crofton Terrace.
5.	- - -	- - -	The public Road running along the Southern Side of the Royal Harbour of Kingstown.
6.	The Commissioners of the Royal Harbour of Kingstown; the Constabulary; the Water Guard; the Admiralty Board -	Same -	The Tramroad leading from Killiney to the Harbour Works, uninclosed Ground lying between the public Road and Royal Harbour, also a Part of the said Harbour lying between High and Low Water Lines, several Buildings occupied by the Constabulary, an old Limekiln and Yard occupied by the Water Guard, and the Buildings occupied by the Admiralty Board as Navy Stores, &c. &c.
DEVIATION.			
1.	Clarinda M. Byrne -	Right Honourable Lord Cloncurry -	Part of Lawn, Strand, &c.
	Ditto -	Reverend Sir Harcourt Lees Bart. -	Ditto.
	Lords Longford and De Vesce -	Dublin and Kingstown Railway Company - William Dargan -	Lawn, Gardens, &c. &c.