



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. ciii.

An Act to amend “The *Killarney Junction Railway Act, 1846.*” [24th July 1851.]

WHEREAS an Act was passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Town of Mallow to the Town of Killarney, to be called “The Killarney Junction Railway,”* and which said Act is known or shortly referred to as “The *Killarney Junction Railway Act, 1846:*” And whereas by the said Act certain Persons therein referred to were incorporated by the Name of “The *Killarney Junction Railway Company,*” with Power to purchase and hold Lands for the Purposes of the Undertaking by the said Act authorized: And whereas by the said Act it was declared that the estimated Expense of making the said Railway was Three hundred and seventy-five thousand Pounds, and accordingly it was thereby enacted that the Capital of the said Company should be Three hundred and seventy-five thousand Pounds, and it was also thereby enacted that the Number of Shares into which the said Capital should be divided should be Fifteen thousand, and the Amount of each Share should be Twenty-five Pounds: And whereas it has been ascertained that a

[*Local.*] 18 R smaller

9 & 10 Vict.
c. 200.

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smaller Sum than the said Sum of Three hundred and seventy-five thousand Pounds, that is to say, the Sum of Two hundred and twenty-five thousand Pounds, will be sufficient for the Purpose of making and completing the Railway constituting the Undertaking of the Company, as authorized by the recited Act, and altered under the Provisions of this Act, and it is therefore expedient that the Capital of the said Company should be reduced to the said Sum of Two hundred and twenty-five thousand Pounds Sterling: And whereas it is expedient that the Company should be authorized to make the new or Deviation Line of Railway herein-after mentioned in lieu of a Portion of the Railway authorized to be made by the recited Act: And whereas the Construction and Completion of the said *Killarney Junction* Railway, with the said Deviation, will contribute to the Advantage and Improvement of the Counties of *Kerry* and *Cork* and Districts thereof adjoining or near to such Railway, and will tend to lessen the Amount of Poor's Rates therein, by affording increased Employment, and therefore it is expedient that such Counties and Districts thereof should to the Extent after mentioned pay or contribute towards the Payment of any Monies, and the Interest of any Monies, borrowed to complete such Railway, under the Provisions of this Act: And whereas it is expedient that some of the Provisions of the said Act should be altered and amended; but the same 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; (that is to say,)

Recited Act
and this Act
to be One
Act.

I. That the recited Act as altered and amended by this Act, and this Act, shall be construed as One Act, and shall be carried into execution accordingly.

8 & 9 Vict.
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incorporated
with this Act

II. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Provisions thereof as may be expressly altered by this Act.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, and all or any other Proceedings whatsoever, it shall be sufficient to use the Expression "The *Killarney Junction* Railway Act, 1851."

Capital.

IV. That the Capital of the *Killarney Junction* Railway Company shall be Two hundred and twenty-five thousand Pounds, and shall be

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be divided into Fifteen thousand Shares of Fifteen Pounds each, anything in the recited Act to the contrary contained notwithstanding.

V. That every Person or Corporation in whom any Share in the Capital of the Company shall be vested at the Time of the passing of this Act shall immediately after the passing of this Act stand and be possessed of One Share of the nominal Value of Fifteen Pounds in the Capital of the Company for every Share in such Capital of the nominal Value of Twenty-five Pounds held by him immediately before and at the Time of the passing of this Act, and upon the same Trusts, and subject to the same Provisions, Declarations, Agreements, Charges, and Incumbrances, to which every such Twenty-five Pound Share was subject and liable immediately before the passing of this Act, and so as to give Effect to and not revoke any Will or testamentary Instrument disposing of or affecting any such Twenty-five Pound Share.

Every Holder of a 25*l.* Share to become the Holder of a 15*l.* Share.

VI. That all Sums of Money which at the Time of the passing of this Act shall have been actually paid up on the Shares created under the Powers of the recited Act shall be deemed to have been paid up on the Shares to be substituted for the same in pursuance of the last preceding Enactment.

Calls paid on 25*l.* Shares to be deemed to have been paid on 15*l.* Shares.

VII. That within One Month after the passing of this Act the Secretary of the Company shall give Notice to every Shareholder, by Circular sent by Post in a Registered Letter to his last known Place of Abode or Business as described in the Shareholders Address Book, that he is required, within a Period to be fixed by the Directors and specified in the Notice, to forward the Certificates of all Shares in the Capital of the Company held by him to the Office of the Secretary, to be cancelled and exchanged; and the Company shall cause all Certificates of Shares forwarded to the Secretary in pursuance of such Notice to be cancelled, and shall cause to be forwarded to every such Shareholder, free of Expense, One new Certificate of the Proprietorship of an equal Number of Fifteen Pound Shares in lieu of each and every Certificate of Proprietorship of Twenty-five Pound Shares which shall have been received from him by the Secretary.

Certificates of 25*l.* Shares to be cancelled, and exchanged for 15*l.* Shares.

VIII. That nothing in this Act contained shall be deemed or construed to prejudice or affect the Right of the Company to enforce the Payment of Calls, or to declare Shares forfeited on Nonpayment of Calls, or to sue any Shareholder for any Amount which may from Time to Time be due from him in respect of Calls made before or at any Time subsequent to the passing of this Act, or to prevent the Recovery of such Amount, with lawful Interest, from the Day on which such Calls were payable, in the Manner provided by the

Powers for enforcing Payment of Calls not to be prejudiced, and Actions not to abate.

“ Companies

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“Companies Clauses Consolidation Act, 1845,” incorporated with the first-recited Act; and no Action, Suit, or other Proceeding at Law or in Equity commenced by the Company at any Time before the passing of this Act against any Shareholder, for the Recovery of any Amount which may be due from him in respect of Calls, shall abate or be discontinued or prejudicially affected by reason of anything in this Act contained.

Power to make a Railway in deviation of a Portion of Line authorized by recited Act.

IX. That it shall be lawful for the Company to make a new or Deviation Line of Railway in lieu of a Portion of the Railway authorized to be made by the recited Act; and such new or Deviation Railway shall commence by a Junction with the *Great Southern and Western* Railway at a Point at or near the *Mallow* Viaduct in the Townland of *Ballydahin* in the Parish of *Mallow* and County of *Cork*, and shall terminate by a Junction with the Line of the *Killarney Junction* Railway authorized to be made by the recited Act at a Point near *Wallis's Bridge*, and in or near the Townland of *Dooneens*, in the Parish of *Drishane* and in the County of *Cork*.

Power to make Deviation according to deposited Plans.

X. Whereas a Plan and Section of the said new or Deviation Line of Railway, showing the Line and Levels thereof, and also a Book of Reference to such Plan, containing the Names of the Owners or reputed Owners, and Lessees or reputed Lessees, and of the Occupiers of the Lands to be taken for the Purposes of the said Deviation Line of Railway, have been deposited for public Inspection with the Clerk of the Peace of the County of *Cork*: Be it enacted, That, subject to the Powers of Deviation in the “Railways Clauses Consolidation Act, 1845,” contained, the said Deviation Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject to the Provisions of the recited Act and this Act, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

Level Crossings of Roads.

XI. That, subject to the Provisions in the “Railways Clauses Consolidation Act, 1845,” contained with respect to the crossing of Roads on the Level, it shall be lawful for the Company to carry and maintain the said new or Deviation Line of Railway by this Act authorized to be made across the Roads or Highways numbered as herein-after mentioned on the Plans deposited as aforesaid on the Level of the said Roads or Highways respectively; that is to say,

Public Road numbered 20 in the Townland of *Kilvealaton West* and Parish of *Kilshannig* in the County of *Cork*:

Public Road numbered 7 in the Townland of *Newberry* and Parish of *Kilshannig* in the County of *Cork*:

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Public Road numbered 23 in the Townland of *Lombardstown* and Parish of *Kilshannig* in the County of *Cork* :

Public Road numbered 17 in the Townland of *Gortroe* and Parish of *Kilshannig* in the County of *Cork* :

Public Road numbered 68 in the Townland of *Gortmore* and Parish of *Clonmeen* in the County of *Cork* :

Public Road numbered 11 in the Townland of *Gougane* and Parish of *Clonmeen* in the County of *Cork* :

Public Road numbered 21 in the Townland of *Banteer* and Parish of *Clonmeen* in the County of *Cork* :

Public Road numbered 17 in the Townland of *Garrane* and Parish of *Clonmeen* in the County of *Cork* :

Public Road numbered 12 in the Townland of *Rathcool* and Parish of *Dromtarriff* in the County of *Cork* :

Public Road numbered 19 in the Townland of *Rathcool* and Parish of *Dromtarriff* in the County of *Cork* :

Public Road numbered 17 in the Townland of *Dooneens* and Parish of *Drishane*.

XII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Station or Lodge to be erected at level Crossings, and abide by Rules, &c. of Commissioners of Railways.

Penalty on Company for Neglect.

XIII. That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the said Roads either over or under the said Railway by means of a Bridge or Arch, in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from such level Crossing; but where any such Road shall be so carried either under or over the Railway, it shall not be necessary for the Company

Commissioners of Railways may require Bridges in lieu of level Crossings.

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to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereof, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

As to Deposit of Plans with Clerks of Unions.

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

Power to abandon Part of original Line.

XV. That the Company shall abandon the Formation of so much of the *Killarney Junction* Railway authorized to be made by the recited Act as will be rendered useless or unnecessary in consequence of the Formation of the new or Deviation Line of Railway by this Act authorized; that is to say, the Portion of Railway authorized by the said Act to be constructed between the Line of the *Great Southern and Western* Railway at or near the Town of *Mallow* in the Townland of *Ballybeg* in the Parish of *Buttevant* in the County of *Cork* and a Point at or near the First Furlong of the Twenty-second Mile as shown upon the Plans referred to in the said Act near *Wallis's Bridge*, and in or near the Townland of *Dooneens* in the Parish of *Drishane* and County of *Cork*.

Compensation to be made where

XVI. That in any Case where before the passing of this Act any Contract has been entered into or Notice given from the Company for purchasing

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purchasing any Lands which they were by the recited Act empowered to purchase, for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed, pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Contracts entered into or Notice given.

XVII. That the Authority by this Act given for abandoning the Formation of the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained; but the Company shall not be liable to make Compensation in any of the Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months from the passing of this Act.

Saving Rights of Owners, &c. to Compensation for Entry to survey, take Levels, &c.

XVIII. That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of making the new or Deviation Line of Railway by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for compulsory Purchase of Lands limited.

XIX. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and maintaining the said new or Deviation Line of Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

Railway to be completed in Five Years, or Powers to cease.

XX. That it shall be lawful for the Company to demand and receive, in respect of the said new or Deviation Line of Railway by this Act authorized to be made, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Rates of Tolls and Charges authorized by the recited Acts.

Company to take same Tolls as on original Line.

XXI. That every Passenger travelling upon the new or Deviation Railway by this Act authorized to be made may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for

Passengers Luggage.

First-

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First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers; without any Charge being made for the Conveyance thereof.

Power to borrow Money on Mortgage.

XXII. That, notwithstanding anything in the recited Act to the contrary contained, it shall be lawful for the Company, at any Time or from Time to Time, to borrow any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and twenty-five thousand Pounds, and to mortgage, convey, assign, and assure all future Calls upon the Shareholders in the Company, and also all and every the Railway Undertaking authorized to be constructed by the Company, and the Works, Lands, Property, Chattels, and Effects of the Company connected therewith, and all Rates, Tolls, Profits, and Receipts accruing and hereafter to accrue to or for the Use of the Company, and all other Works and Property of or to which the Company now are or hereafter may be seised, possessed, or entitled in any Manner howsoever, for securing the Repayment of any Sum or Sums of Money which shall be so borrowed as aforesaid, or to give Bonds for the same, and all and every Part of the Monies so to be borrowed shall be applied exclusively on and for the Purposes authorized by this and the said recited Act.

Certain Baronies to pay Interest on Loan in certain Events.

XXIII. That if any Monies shall be borrowed by the Company under the Provisions of this Act, then a Sum equal to the half-yearly Interest on the Sum or Sums so borrowed and remaining unpaid, but not exceeding the Rate of Four Pounds *per Centum per Annum* on such Sum or Sums, shall (subject as herein-after mentioned) be paid half-yearly to the said Company by so much of the Barony of *Duhallow* in the County of *Cork* as is included within the Parishes of *Clonmeen*, *Dromtarriffe*, *Cullen*, *Drishane*, and *Nohavaldaly*, and within that Portion of the Parish of *Kilmeen* in the County of *Cork* which is comprised in the Poor Law Union of *Mill Street*, and so much of the Barony of *West Muskerry* in the County of *Cork* as is included within the said Poor Law Union of *Mill Street*, and by the several Baronies of *Magonihy*, *Dunkerron*, *Iveragh*, *Glanerought*, *Trughenacmy*, *Corkaguiny*, *Clanmaurice*, and *Iraghticonnor* in the County of *Kerry*, rateably and in the Proportions to be ascertained as herein-after mentioned: Provided nevertheless, that if, after the said Railway or any Part thereof shall have been opened, there shall be any Profit arising from the said Railway in any Half Year (such Profit to be ascertained as herein-after mentioned), then the Amount thereof shall be deducted from the half-yearly Amount which would otherwise be payable by such Baronies or Portions of Baronies, and if such Profit shall equal or exceed the Amount so to be paid, then no such Payment shall be made by such Baronies or Portions of Baronies, for such Half Year: Provided also, that if the Profit in any Half Year shall exceed the Amount of Interest payable by such Baronies or

Portions

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Portions of Baronies, then the Amount of surplus Profit shall be deducted from the half-yearly Amount payable by such Baronies or Portions of Baronies for the next subsequent Half Year: Provided further, that no Liability to any of such Payments shall attach to any of the said Baronies or Portions of Baronies until the said Railway shall have been completed and opened for public Traffic, and that the Amount to be paid by the said Portions of the said Baronies in the County of *Cork* shall not in any One Year exceed One Fifth Part of the entire Amount so payable to the said Company as aforesaid, nor in any Case exceed the Sum of One thousand Pounds a Year.

XXIV. That for the Purpose of ascertaining the Proportions in which such Baronies or Portions of Baronies shall pay the said Sum so to be paid half-yearly as aforesaid, and during such Time as the same shall be payable, it shall be lawful for the Commissioners of Railways (at or upon the Request of the said Company) from Time to Time, by Warrant under the Hand of their Secretary for the Time being, to appoint as Arbitrators the County Surveyor for the Time being of the East Riding of the County of *Cork*, together with the County Surveyor for the Time being of the County of *Kerry*, and One other Person to be selected by the said Commissioners; and such Persons shall by their Award in Writing assess and determine the relative Proportions in which such Sum shall be paid and made up by the said several Baronies or Portions of Baronies, such Arbitrators taking into consideration the Benefit or supposed Benefit (immediate or prospective) which such Baronies or Portions of Baronies may, in their Opinion, be likely to derive from the Formation and opening of the said Railway; and the Award of such Arbitrators, under their Hands, or under the Hands of any Two of them (in case all the said Arbitrators shall be unable to agree), shall, when allowed by the said Commissioners, by Writing under the Hand of their Secretary to be endorsed upon the said Award, be in all respects final and binding on the said Baronies and Portions of Baronies; and from and immediately after the Allowance of such Award by the said Commissioners the said several Baronies and Portions of Baronies, and all Lands, Tenements, and Hereditaments therein respectively, shall be and are hereby charged and made chargeable with the Payment of such Sum in the several Proportions specified and set forth in such Award; and after such Award shall have been allowed in manner aforesaid, the same, and such Duplicate thereof as may be necessary, shall be delivered to the Company, upon their Request, and upon Payment by them to the said Arbitrators of such Remuneration, if any, for his or their Trouble in making such Award, as the said Commissioners shall determine.

Commissioners of Railways to appoint Arbitrators to determine Proportion to be paid by each Barony, &c.

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XXV. That

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Commissioners of Railways to appoint Auditors of Accounts.

XXV. That the Commissioners of Railways shall and they are hereby authorized and required from Time to Time to appoint a fit and proper Person or fit and proper Persons (not exceeding Three in Number) as Auditor or Auditors, to audit the Accounts of the said Company, and to make Certificates, in pursuance of the Directions hereinafter contained; and it shall and may be lawful to and for the said Commissioners from Time to Time to revoke the Appointment of such Auditor or Auditors or any of them, and such Auditor or Auditors from Time to Time to remove, and his or their Powers and Authorities to revoke, and any other Person or Persons in the Place of such Person or Persons so displaced, or of any Person dying, to appoint, with the same Powers or Authorities; and the said Company shall pay to each of the Auditors so appointed such a Sum for his Trouble in making such Audit, and in relation thereto, as the said Commissioners shall from Time to Time fix and determine.

Company to keep Accounts of Profits.

XXVI. That for the Purpose of ascertaining the Amount of net Profits (if any) of the said Railway the said Company shall from Time to Time and at all Times, and within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, make out or cause to be made out and rendered to the said Auditor or Auditors a full, true, and distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway and every Part thereof, which Account the said Auditor or Auditors shall and he or they is and are hereby authorized and empowered to examine with the Documents and Vouchers evidencing the same (which Documents and Vouchers, and all Books, Papers, and Accounts in the Custody or Control of the said Company relating to the Business of the said Company, shall, upon the Request of the said Auditor or Auditors, be forthwith produced by the said Company to such Auditor or Auditors, who shall be at liberty to examine the same); and for the Purpose of judging of the Accuracy of such Account such Auditor or Auditors shall and may and he and they is and are hereby empowered to examine all the Accounts of the said Company, which said Accounts, and the Vouchers relating to the same, the said Company are hereby directed to keep and produce during such Time as aforesaid as the said Auditor or Auditors shall direct; and such Auditor or Auditors shall adjust and balance such Accounts, and as to all other Matters relating to the said Accounts, or what shall be considered as Profit, their Decision shall in all respects be final and conclusive on all Parties.

Auditor to ascertain Payments

XXVII. That on the Completion of every half-yearly Audit such Auditor or Auditors shall ascertain and determine whether the said
Company

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Company have, by themselves or otherwise, for the preceding Half Year, made such half-yearly Payments as by virtue of the Security or Securities for any such Loan or Loans the said Company shall be liable to pay, and shall ascertain and determine the Amount (if any) of Profit which shall appear on such Account to have been made during such Half Year.

made by
Company,
and Amount
of Profit.

XXVIII. That after the said Railway shall have been completed and opened for public Traffic, when and as often as such Auditor or Auditors shall find that the said Company have made such Payments as aforesaid for the preceding Half Year, and not before then, he or they shall, by a Certificate under his or their Hand or Hands, certify the same, and also the Amount of Profit (if any) appearing on such Account as aforesaid, and after deducting such Profit (if any) from the Amount of the said half-yearly Payments of Two Pounds *per Centum*, or such other and lesser Sum as aforesaid, to be paid by such Baronies as aforesaid, the said Auditor or Auditors shall in such Certificate ascertain and state the proportionate Part of such Installments which is to be raised and levied in each such Barony or Portion of a Barony, such proportionate Parts to be ascertained and determined according to the several Proportions to be specified and set forth in the Award of the Arbitrator or Arbitrators, as herein-before mentioned: Provided nevertheless, that when and so often as the Profit on any such Account as aforesaid shall equal or exceed the said half-yearly Payment of Two Pounds *per Centum*, or such other and lesser Sum as aforesaid, to be paid by such Baronies and Portions of Baronies, then such Auditor or Auditors shall state the same in such Certificate, and that consequently for such Half Year no Payment is to be made in respect of such half-yearly Payments secured to be made by the said Baronies and Portions of Baronies; and every such Certificate shall be final and binding on all Parties; provided also, that whenever in any Half Year the Amount of Profit shall not equal the Amount of Interest payable by such Baronies and Portions of Baronies, the said Auditor shall and he is hereby required to take into account the surplus Profit, if any, of the next preceding Half Year, and to deduct from the Amount to be paid by such Baronies the Amount of such surplus Profit, and shall state in the said Certificate the Amount of surplus Profit so deducted.

Auditor to
certify Sums
payable by
Baronies.

XXIX. That in taking and keeping the aforesaid Account of Profit and Loss no Payment by the said Company, nor any Receipts by the said Company in respect of such half-yearly Payments of Two Pounds *per Centum*, or such other and lesser Sum as aforesaid, shall be taken into account as Profit or Loss, but the same shall solely contain the Amount of Income and Expenditure relating to the aforesaid Railway.

Provisions
with respect
to Profit and
Loss Ac-
count.

XXX. That

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Auditors to deliver Certificate to Company.

XXX. That the said Auditor or Auditors shall, on the Request of the said Company, and within One Calendar Month after the Date of every such Certificate, deliver the said Certificate, and a Duplicate or Duplicates thereof, to the said Company.

Sums mentioned in Auditors Certificate to be presented by Grand Jury, and paid by Treasurer.

XXXI. That the said Company shall from Time to Time deliver such Certificate or such Duplicate thereof as aforesaid to the Secretary of the Grand Jury of each County in which any such Barony or Portion of a Barony as aforesaid shall be situate, and each Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of such County at the Assizes next after he shall have received the same; and it shall be lawful for such Grand Jury and they are hereby required, from Time to Time, and without Application to Presentment Sessions, to present the Sum mentioned in every such Certificate relating to such County or Barony or Portion of a Barony to be raised and levied off such respective Baronies and Portions of Baronies in each of the said Counties, and the same shall be raised and levied accordingly, together with and in like Manner and subject to like Provisions as other Monies presented by such Grand Jury at the same Assizes are raised and levied; and the Treasurer of such County, out of the First Monies collected and remaining in his Hands after Repayment of Government Advances, Gaol Expenses, and Salaries of public Officers payable by him, shall pay the Sum so presented by the Grand Jury unto the said Company, or in such other Manner as the said Company shall direct; and if the Grand Jury of either of the said Counties shall fail to present the Sum or any Part thereof contained in any such Certificate relating to such County, Barony or Portion of a Barony, the Treasurer of such County shall and he is hereby required to insert such Sum or such omitted Part thereof in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-before mentioned off the respective Baronies and Portions of Baronies chargeable therewith as aforesaid, and the same shall be raised and levied off such Barony or Portion of a Barony accordingly, as if the same had been so presented; and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided, as if such Money had been presented by such Grand Jury.

Condition of Bonds by Collectors of Grand Jury Cess.

XXXII. That the Condition of every Bond of a Collector of Grand Jury Cess within the said Counties of *Cork* and *Kerry*, to be hereafter given or executed by way of Security for duly collecting and paying Public Money, shall contain a Condition for his duly collecting and paying to the Treasurer of the County in which such Collector shall act, on or before each next succeeding Assizes, all such Money as he shall from Time to Time be authorized to levy under

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under this Act, and such Bond shall be subject to all Provisions now applicable to Bonds given or executed by Collectors of Grand Jury Cess.

XXXIII. That the Grand Jury of the County in which any such Presentment shall be made as aforesaid shall also present such Sum of Money to be levied off any such Barony or Portion of a Barony as aforesaid, to be paid to any such Collector as aforesaid, for his Remuneration in the Collection of such Assessment, as is payable in the Case of the Collection of Grand Jury Cess.

Remuneration to Collector to be presented by Grand Jury.

XXXIV. That if at any Time before the Expiration of Twenty-three Years from the passing of this Act it shall appear to the said Auditor or Auditors that the net Profits of the Company in any Year ending on the Thirty-first Day of *December* within Five Years from any Period at which any such Payment as aforesaid shall have been made shall have amounted to such a Sum as to leave a Surplus, after deducting a Sum sufficient to pay the Interest for that Year upon the then existing Mortgage or Bond Debt of the Company, and also after deducting a Sum sufficient for paying to the Shareholders a Dividend at the Rate of Four Pounds *per Centum per Annum* on the then paid-up Capital of the Company, the said Auditor or Auditors shall and he or they is or are hereby required forthwith to certify such Fact, by Writing under his or their Hand or Hands, stating the Amount of any such Surplus, to each of the Treasurers for the Time being of the said Counties, and thereupon the said Treasurers shall be entitled to receive from the Company the said Surplus, to an Extent not exceeding the aggregate Amount of Payments made by the Baronies or Portions of Baronies in their respective Counties since the passing of this Act, and in such Proportion as the aggregate Amount of Payments which shall have been made by the Baronies or Portions of Baronies in each such County since the passing of this Act shall bear to the aggregate Amount of Payments which shall have been made by the Baronies or Portions of Baronies in both Counties during the same Period; and if any Payment shall have been made under the Provisions of this Act by the said Baronies or Portions of Baronies during the said Period of Twenty-three Years (but not otherwise), then, after the Expiration of the said Period of Twenty-three Years, whenever it shall appear to the said Auditor or Auditors that the net Profits of the Company in any Year ending on the Thirty-first Day of *December* shall have amounted to such a Sum as to leave a Surplus, after deducting Five thousand Pounds for the Use of the Company, the said Auditor or Auditors shall and he or they is or are hereby required to certify such last-mentioned Fact by Writing under his or their Hand or Hands, stating the Amount of any such last-mentioned Surplus, to each of the Treasurers for the Time being of the said Counties,

In the event of Profits amounting to certain Sums, Auditor to certify the same to Treasurers of Counties, who shall receive from Company the said Surplus, &c.

Application of Surplus.

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and thereupon the said Treasurers shall be entitled in such Proportions as aforesaid to receive from the Company such Surplus to an Extent not exceeding the Sum of Five hundred Pounds, as a Rent-charge upon the Undertaking of the Company; and the said Treasurers shall apply the Sums so received by them in aid of the County Cess upon the Baronies or Portions of Baronies within their respective Counties which shall have made such Payments, in such Proportion as the aggregate Amount which shall have been paid during the aforesaid Period by each Barony or Portion of a Barony shall bear to the aggregate Amount which shall have been paid during the same Period by the Baronies or Portions of Baronies within the County in which such Baronies or Portions of Baronies are included.

Auditor to certify to Treasurer of each County the Proportion of Surplus they are entitled to receive.

XXXV. That the Auditor or Auditors shall, within One Month from the Time at which he or they shall have certified as aforesaid to the Treasurers of the said Counties, deliver to each of the said Treasurers a Certificate in Writing under his or their Hand or Hands stating what Proportion of the said Surplus the Treasurer to whom such Certificate shall be given is (by virtue of the last preceding Enactment) entitled to receive; and the said Treasurers shall be entitled, on Demand, to receive from the Company the Amount mentioned in such Certificate, and, in default of Payment on Demand, to recover the same, with full Costs of Suit, by Action of Debt or on the Case in any Court of competent Jurisdiction; and in any such Action the Treasurer for the Time being of either of the said Counties shall be the nominal Plaintiff, and as such entitled to sue on behalf of the County for which he may be the Treasurer; and no such Proceeding shall abate or be discontinued by reason of the Death, Removal, or Resignation of any such Treasurer, but shall continue and proceed in the Name of any Treasurer from Time to Time appointed in the Stead of any such Treasurer who may die, be removed from or resign his Office, upon entering a Suggestion for that Purpose, by Leave of the Court in which any such Proceeding may be pending.

No Payments to be made by the Baronies after Expiration of 23 Years from passing of the Act.

XXXVI. That after the Expiration of Twenty-three Years from the passing of this Act no further Payment to the Company shall be made by the said Baronies or Portions of Baronies, or any of them, and from and after the Expiration of that Period all the Powers of this Act which relate to the Payments to be made by and the Rates to be levied upon the said Baronies and Portions of Baronies shall for ever cease and determine.

Company to make out Plans, &c., of Lands re-

XXXVII. And whereas it is expedient, for the Purpose of employing the Poor in the District traversed by the Railway, that the said Company shall be empowered to enter simultaneously into possession of

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of all the Lands required by them for the Purposes of their Undertaking, as authorized to be made by the recited Act and this Act: And whereas the said Company are willing to proceed with the Construction of the whole of the said Line of Railway without Delay, upon obtaining Possession of the Lands necessary for that Purpose: Be it therefore enacted, That it shall be lawful for the Company to cause to be made out by their Engineer, and to be signed by their Engineer and Secretary, Plans and Schedules of all or any of the Lands required by the Company for the Purposes of their Railway, as authorized to be made by the recited Act and this Act, and for the Purchase whereof the Company shall not have contracted prior to the passing of this Act, together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the gross annual Value and Value in Fee thereof respectively, (taking into consideration Damage by Severance, and any other Matters by "The Lands Clauses Consolidation Act, 1845," required to be considered, if necessary,) of all such Lands respectively; and every such Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet, and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers, and shall have put thereon a distinct Valuation to each Number; and the Company shall deposit a Copy of such Plans, Schedules, and Estimates at the Office of the Commissioners of Railways, and with each of the Clerks of the Peace of the Counties of *Cork* and *Kerry* respectively; and each such Clerk of the Peace is hereby required to retain the said Documents in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace to take the Custody of such Documents as shall be directed to be deposited with them by the Standing Orders of either Houses of Parliament.*

quired, for the Purpose of entering simultaneously into Possession of all the Lands required.

Plans to be deposited, and be open to Inspection, as required by 7 W. 4. & 1 Vict. c. 83.

Commissioners to appoint Arbitrator to consider Valuation.

XXXVIII. That the said Commissioners shall from Time to Time appoint an Arbitrator to consider and settle such Valuation, and for other the Purposes herein-after mentioned, and they may from Time to Time remove any such Arbitrator, and may appoint any other Arbitrator in the Place and Stead of any such Arbitrator who shall die, or shall be so removed as aforesaid, and shall determine what Salary or Remuneration, and travelling or other Expenses, shall be paid to every such Arbitrator so appointed as aforesaid.

XXXIX. That

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Expenses of Commissioners, &c. to be borne by Company.

XXXIX. That as well the Salary or Remuneration, travelling and other Expenses of every such Arbitrator as last aforesaid, as also all other Costs, Charges, and Expenses (if any) which shall be incurred by the said Commissioners, or by any of their ordinary Officers, in carrying the Provisions of this Act into execution, shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses by any Person or Persons authorized on behalf of the Company; and it shall be lawful for the Commissioners from Time to Time to require the Company to deposit any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and every Certificate of the said Commissioners certifying the Amount of such Costs, Charges, and Expenses shall be taken as Proof in all Proceedings at Law or in Equity of the Amount of such respective Costs, Charges, and Expenses, and the Amount so certified shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly.

Before Arbitrator proceeds to act, he shall make a Declaration that he will act impartially.

XL. That before any such Arbitrator as last aforesaid shall proceed to consider any Valuation referred to him as after mentioned, or to do any Act in pursuance of his Appointment, he shall deposit at the Office of the said Commissioners a Declaration in Writing signed by him, which Declaration shall be to the following Effect; (that is to say,) that he the said Arbitrator will act in all respects fairly and impartially in the Execution of his Duty, and that he will approve no Valuation without having previously satisfied himself that such Valuation is a fair and proper Valuation.

Plans, &c., approved by Arbitrator, to be deposited, and Notice of the same to be published.

XLI. That the Arbitrator so for the Time being appointed for the Purposes last aforesaid shall consider such of the said Valuations as shall be referred to him by the said Commissioners, and may, at his sole Direction, alter or vary the same, and may call for such further Information relating thereto as he shall think fit; and so soon as the said Arbitrator shall from Time to Time have signified in Writing his Approval and Sanction of any such Plans, Schedules, and Estimates deposited as aforesaid, or any Part thereof, the Company shall proceed to deposit Copies of so much of the said Plans, Schedules, and Estimates, so approved of as aforesaid, as relates to each Parish in which any of the said Lands shall be situate, with the Clerk of the Poor Law Union comprising such Parish; and thereupon the Company shall publish a Notice in the "*Dublin Gazette*," and once in each of the Three successive Weeks in some One and the same Newspaper circulating in the County in which such Lands shall be situate; and every such

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such Notice shall state the Time and Place of depositing such Copies of such Plans, Schedules, and Estimates with the Clerk of such Union, and the Sanction and Approval of the said Plans, Schedules, and Estimates by the said Arbitrator, and shall require each of the Persons claiming to have any Right to or Interest in the said Lands required for the Purpose of the said Railway in such Parish to deliver to the Company, or at their Office in the City of *Dublin*, on or before a Day to be named in such Notice, and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices, a short Statement in Writing of the Nature of such Claim or Right, and a short Abstract of the Title on which the same shall be founded, such Statement and Abstract to be paid for by the Company.

XLII. That within Thirty Days from the Delivery of every such Statement and Abstract as aforesaid the Company shall, when it shall appear to them that the Party so claiming as aforesaid is absolutely entitled to the Land claimed by him, deliver to such Party, on Demand, a Certificate under the Company's Seal, stating the Amount of the Valuation, approved by the said Arbitrator as aforesaid; and where it shall appear to the Company that there are different and concurrent Estates or Interests existing in the same Land, such as Estates in Joint Tenancy, Tenancy in Common, and the like, then the said Arbitrator shall apportion the Amount of the said Valuation according to such different Estates or Interests, and the Company shall deliver to each Party claiming such different Estates or Interests as aforesaid a Certificate under the Seal of the Company, stating the Valuation of the Estate or Interest to which such Party so claiming as aforesaid is in the Opinion of the said Arbitrator entitled; and where more Land than is included in One Number shall be claimed by the same Party, such Land, and the Valuations thereof, or of the Estates or Interests therein, may be included in One Certificate, if the Company shall think fit; and every such Certificate as aforesaid shall be prepared by and at the Costs of the Company.

Certificate to be delivered by Company to Parties entitled to Land, stating Amount of Valuation.

XLIII. That when and so soon as the Company shall have paid, either to the Party to whom any such Certificate as aforesaid shall have been given, or to Trustees, or into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, *Ireland*, in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificates to the Party to whom or in whose Favour the Certificate shall be given, his Executors, Administrators, or Assigns, it shall be lawful for the Company from Time to Time, for the Purposes of the said Railway, to enter upon any Lands in respect of which such Certificate shall have been given, and upon obtaining such Receipt for the same Monies as is herein-after men-

When Company shall have paid Amount mentioned in Certificate they may take Possession.

[*Local.*]

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tioned

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tioned thenceforth to hold the same in Fee, discharged of all Estates and Interests whatsoever of the Persons or Bodies in respect of whose Interests such Monies shall have been paid.

Receipt duly stamped to operate as Conveyance.

XLIV. That in every Case in which any Monies shall be paid on any such Certificate as aforesaid the Parties receiving such Monies shall give to the Company a Receipt for the same, and such Receipt shall have the Effect of a valid Grant, Release, and Conveyance of all the Estates and Interests of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies shall have been paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount paid for Severance and consequential Damages) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Company.

If Parties making Claims deemed not entitled, or be under Disability, or if Title not satisfactorily deduced, Monies to be paid to Trustees or into Bank.

XLV. That if it shall appear to the Company from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest in respect of which such Claim shall have been made, or shall be under any Disability, or if the Title to such Lands, Estate, or Interest shall not be deduced to the Satisfaction of the Company, then and in every such Case the Amount of such Valuation as aforesaid, or of any Monies to be recovered on any Traverse, as after mentioned, or payable in respect of any Judgment or Execution, as after mentioned, exceeding Twenty Pounds, shall, on Request of any Party claiming any Interest in the Lands included in such Valuation, or any Part thereof, or without such Request, if the Company shall think fit, be paid as follows; (that is to say,) if the same shall exceed Twenty Pounds and shall not amount to Two hundred Pounds, the same shall either be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, or to Two Trustees, who shall be nominated and shall apply the Money so paid to them in the Manner in that Behalf provided by "The Lands Clauses Consolidation Act, 1845;" and if the same shall amount to or exceed Two hundred Pounds, then the same shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in all respects as by "The Lands Clauses Consolidation Act, 1845," is provided in Cases of Sales by Parties under Disability; and all Monies paid into the Bank under this present Power shall be dealt with in all respects as if the same had been paid into the Bank in pursuance of the Provisions of the said last-mentioned Act, on a Sale of such Lands by a Party under Disability as defined by the same Act; and every such Sum not exceeding Twenty Pounds may be paid and applied to

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the Party who, under the "Lands Clauses Consolidation Act, 1845," would be entitled to receive the same in case the Lands in which he was entitled to any Estate or Interest had been taken under the Powers in "The Lands Clauses Consolidation Act, 1845," contained.

XLVI. That when and so often as the Company shall be desirous of taking Possession of any Lands under the Provisions in this Act contained, and no Claim shall have been made in respect thereof, or of some particular Estate or Interest therein, within the Time herein-before prescribed for making such Claim, or if any Party to whom any such Certificate shall have been given or tendered shall refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in either of such Cases the Company shall pay the Amount of the Valuation either of the Fee or of any other Estate or Interest (as the Case may be) in such Lands not claimed for as aforesaid, or the Amount specified in such Certificate, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in like Manner as is by "The Lands Clauses Consolidation Act, 1845," provided in Cases where Lands are taken possession of on no Title being shown; and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act is provided; and no Monies paid into the said Bank under this Act shall be liable to Usher's Poundage.

Where no Claim is made, or Parties refuse to accept Sum certified, Money to be paid into Bank of Ireland.

XLVII. That nothing herein-before contained shall prevent the Company from requiring any further Abstract of Title or Statement respecting any Lands included in any such Valuation as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they shall think fit, so as any such further Information be obtained at the Costs of the Company.

Nothing to prevent Company requiring further Evidence of Title.

XLVIII. That it shall be lawful for every Person lawfully claiming any Interest in any Monies so paid to Trustees or into the Bank of *Ireland* as aforesaid, who shall be dissatisfied with the Amount of the Valuation of the Lands in respect of which such Monies shall be so paid to Trustees or into the Bank of *Ireland* as aforesaid, or of any Interest therein, at the Assizes next following the Payment of such Monies to Trustees or into the Bank of *Ireland* as the Case may be, or at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes respectively to the Secretary of the Company, of the Amount of Compensation or Damages intended to be claimed, to have a Traverse for Compensation or Damages entered in the "Crown Book" in respect of such Claim by such Person, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had thereon, and the same shall be subject to such like Provisions as far as the same can be applied as in the Case of Traverses entered for Damages under the Acts for consolidating

Parties dissatisfied with Amount of Valuation may enter Traverse at Assizes.

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validating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Compensation or Damages shall in no Case exceed the Sum of Twenty Pounds; and further, that no Party shall have any Remedy for the Purpose of ascertaining the Amount of the Value of Lands to be taken under the Powers hereinbefore in this Act contained, or of impeaching the Amount of the Valuation put thereon as aforesaid, other than by means of such Traverse as aforesaid, anything in any of the aforesaid Acts, or any Acts incorporated therewith, or in this Act, to the contrary notwithstanding.

Verdict on
Traverse to
have Effect
of Judgment

XLIX. That in every such Traverse as aforesaid the Verdict of the Jury thereon shall be entered of Record in the Court of Queen's Bench in *Ireland*, and shall be and be deemed to be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment in an Action at Law obtained in the said Court of Queen's Bench in *Ireland* against the Company, or other Party against whom the Verdict shall be given, and may be enforced by like Remedies against or by the Company or other Party as in case of Judgments in Actions at Law by all Parties interested therein; and in every Case in which a Verdict for Compensation or Damages shall be given in respect of any Lands the Amount of the Valuation of which shall have been paid to Trustees or into the Bank of *Ireland*, then, if the Amount of such Compensation or Damages shall be less than the Amount paid to Trustees or into the Bank of *Ireland*, the Company shall, if the Amount has been paid into the said Bank, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Compensation or Damages and the Amount of the Monies paid into the Bank of *Ireland*; and if the Amount has been paid to Trustees, the Company shall be entitled to receive, on Demand, and in default of Payment on Demand to recover by Action at Law in any Court of competent Jurisdiction from such Trustees, the Difference between the Amount of such Compensation or Damages and the Amount so paid to such Trustees; but if the Amount of the Compensation or Damages shall exceed the Amount of the Monies paid to Trustees or into the Bank of *Ireland*, as the Case may be, then the Difference between the Amount so paid and the Compensation or Damages shall, at the Cost of the Company, be paid to the same Trustees or into the Bank of *Ireland*, as the Case may require; and the Payment of such Difference to the same Trustees or into the Bank of *Ireland*, as the Case may require, and the Payment of any Costs payable by the Company in respect of any such Traverse, shall be a good Discharge to the Company on any such Verdict in the Nature of a Judgment as aforesaid; and in either of the Cases aforesaid a

Receipt

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Receipt under the Hands of such Trustees for the Amount paid to them, or (as the Case may be) under the Hand of the Accountant General of the Court of Chancery in *Ireland* for the Amount paid into the Bank of *Ireland* (after adding or deducting as the Case may require) the Difference between the Amount of such Compensation or Damages and the Amount originally paid to such Trustees or into the Bank, as the Case may be, shall (if duly stamped as herein-before directed in the Case of Receipts given for Monies paid to Persons in Certificates given as aforesaid) have the Effect of a Release or Conveyance of the Interests of all Parties claiming under them in the Lands affected by such Traverse.

L. That the preceding Enactments relating to the Purchase of Lands shall not prejudice or affect any Contract or Agreement for the Purchase or taking of Lands entered into before the passing of this Act; and where before the passing of this Act any such Contract or Agreement has been entered into, or Notice given by the Company for purchasing, taking, or using any Lands for the Purposes of their Undertaking, every such Contract shall be construed and take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Existing
Contracts
not to be
prejudiced.

LI. That if any Dispute shall arise between the Company and any Occupier of Lands adjoining their Railway as to the Necessity, Kind, or Number of any Works for their Accommodation, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be referred to and determined by the Arbitrator for the Time being appointed as last aforesaid, whose Decision shall be final for and against all Parties, and such Arbitrator shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Differences
as to Accom-
modation
Works to be
settled by
Arbitration.

LII. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholders on the Amount of Calls made in respect of the Shares held by him in the Capital of the Company: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid up.

LIII. That the said Company shall not out of any Money by this Act, or any other Act relating to the Company, authorized to be raised

Deposits for
future Bills
not to be
paid out of

[Local.]

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raised

*The Killarney Junction Railway Act, 1851.*Company's
Capital.

raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway or execute any other Work or Undertaking.

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

LIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of such several Acts respectively, but such Provision shall be in force in respect to the said Railway and the said Company so far as the same are applicable thereto.

Railway not
exempt from
Provisions of
future Ge-
neral Acts.

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

Expenses
of Act.

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

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.