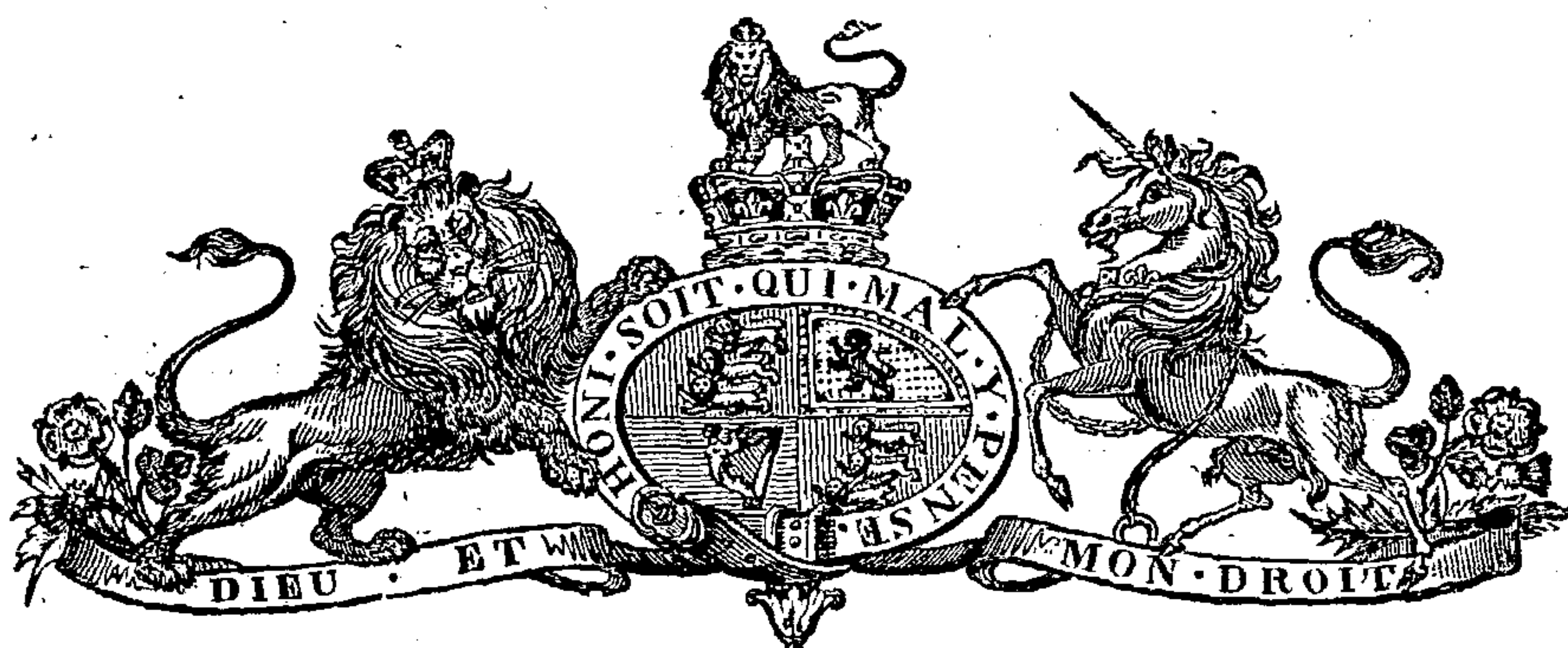




ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clix.

An Act to authorize the *Kilkenny Junction* Railway Company to abandon the Construction of their authorized *Kilpurcell* Branch Railway; and for other Purposes. [25th July 1867.]

WHEREAS by "The *Kilkenny Junction* Railway Act, 1860," the *Kilkenny Junction* Railway Company (in this Act called "the Company") were incorporated with a Share Capital of One hundred and forty thousand Pounds, and with Power to borrow on Mortgage or Bond Forty-six thousand Pounds; And whereas by "The *Kilkenny Junction* Railway Act, 1861," the Company were authorized to construct and maintain a Branch Railway (in this Act called "the *Kilpurcell* Branch") commencing from and out of the authorized Line of the *Kilkenny Junction* Railway in the Townland of *Grenan* in the Parish of *Attanagh* in *Queen's County*, and terminating by a Junction with the *Great Southern and Western* Railway in the Townland of *Kilpurcell* in the Parish of *Donaghmore* in the same County, and by the same Act they were authorized to make a Deviation from the Line of the *Kilkenny Junction* Railway authorized by "The *Kilkenny Junction* Railway Act, 1860:" And whereas by "The *Kilkenny Junction* Railway Act, 1861," the Company were authorized to raise any Sums not exceeding by the Creation and Issue of Ordinary Shares Sixty thousand Pounds, and by borrowing

[Local.] 29 C on

23 & 24 Vict.
c. cliii.

24 & 25 Vict.
c. ccxxxii.

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on Mortgage Twenty thousand Pounds, and were authorized (Section 32) to apply the Sums so raised for the Purposes of that Act and of the "*Kilkenny Junction Railway Act, 1860*:" And whereas the whole of the Capital authorized by the recited Acts of 1860 and 1861 has been issued, and more than One Half thereof has been paid up: And whereas by "*The Kilkenny Junction Railway Act, 1864*," the Company were authorized to raise further Sums not exceeding in the whole Seventy-four thousand Pounds by Shares (ordinary or preference), and Twenty-six thousand four hundred Pounds by borrowing on Mortgage, and were authorized (Section 21) to apply the Sums so raised for the Purposes of that Act, and of the therein and hereinbefore recited Acts, and of those Sums no Part has been raised: And whereas it is expedient that the Company should abandon the Construction of the *Kilpurcell Branch*, and that their Powers of raising Money be reduced by the Amount authorized to be raised under "*The Kilkenny Junction Railway Act, 1861*:" And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*Kilkenny Junction Railway (Abandonment of Kilpurcell Branch) Act, 1867*."

Company to
abandon
Kilpurcell
Branch.

2. The Company shall abandon the Construction of the whole of the *Kilpurcell Branch*.

Compensa-
tion for
Damage to
Land by
Entry, &c.
for Purposes
of Railway
Abandon-
ment.

3. The Abandonment by the Company under the Authority of this Act of the *Kilpurcell Branch* shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of "*The Lands Clauses Consolidation Act, 1845*," for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out the Line of Railway, and shall not prejudice the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions in that Behalf of "*The Railways Clauses Consolidation Act, 1845*," for such temporary Occupation, or for any Loss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or of the Exercise as regards such Land of any of the Powers contained in the last-mentioned Act or "*The Kilkenny Junction Railway Act, 1861*."

4. Where

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4. Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the Purchase of any Land for the Purposes of or in relation to any Portions of the Railway or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of the Company, full Compensation shall be made by the Company to the Owners and Occupiers, or other Persons interested in such Lands, for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice, and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation to be paid for Lands taken under the Provisions thereof.

Compensation to be made in respect of Portions of Railways abandoned.

5. The Company's Share Capital under "The *Kilkenny Junction Railway Act, 1864*," is hereby reduced by the Amount of Sixty thousand Pounds, and their Powers of borrowing Money on Mortgage or Bond under that Act are hereby reduced by the Amount of Twenty thousand Pounds, and that Act shall be read and have Effect as if the Sum thereby authorized to be raised by Shares were Fourteen thousand instead of Seventy-four thousand Pounds, and as if the Sum thereby authorized to be borrowed on Mortgage were Four thousand six hundred instead of Twenty-four thousand six hundred Pounds.

Reducing Capital, &c.

6. And whereas the Persons named in the Schedule to this Act are registered in the Company's Books as the Holders of the Shares in the Company's Capital mentioned in connexion with their respective Names in that Schedule, and it is alleged that those Shares were subscribed for in reliance on the Construction of the *Kilpurcell Branch*: Therefore if within Six Months from the passing of this Act the Persons or any or either of the Persons named in the Schedule to this Act, or the Executors, Administrators, or Assigns of any of those Persons, shall deliver to the Company the Certificates for the Shares mentioned in the Schedule to this Act in connexion with the Names of such Persons or Person, then the Company shall cancel the Certificates so delivered, and the Shares to which they relate, and shall repay to every Person so delivering any such Certificates the Sums paid up on the Shares to which the Certificates relate, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Payment thereof to the Company until Repayment thereof by them; and his Receipt shall be a sufficient Discharge to the Company for the Sums so paid to him: Provided always, that the Cancellation of any Shares, or any Reduction of Capital under the Authority of this Act, shall not in any way invalidate or prejudice any Mortgages or Bonds heretofore lawfully granted or made by the Company.

Power to cancel certain Shares and repay Sums paid thereon.

7. Any

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Voting by
Preference
Share-
holders.

7. Any Preference Shares created or to be created under the “*Kilkenny Junction Railway Act, 1864*,” shall (if any Meeting of the Company duly convened with Notice of this Object of the Meeting shall by a Majority of Three Fourths of the Votes of the Proprietors voting thereat in person or by proxy so resolve) confer the same Rights of Voting at Meetings of the Company as if they were Shares in the Capital of the Company created by the “*Kilkenny Junction Railway Act, 1860*.”

Railways
not exempt
from Pro-
visions of
present and
future Ge-
neral Acts.

8. Nothing in this Act shall exempt the Railways by the recited Acts authorized, or the Company, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of the Fares and Charges, or of the Tolls for small Parcels, authorized by the recited Act.

Expenses of
Act.

9. The Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Name of Proprietor.	Number of Shares held by him.	Numbers of the Shares in the Company's Books.	Amount paid up on Shares.
Robinson G. Perry -	20	3291 to 3310 (inclusive of both those Numbers).	£ s. d. 20 0 0
William Pilkington -	20	3321 to 3340 (inclusive of both those Numbers).	Nil
Joseph Wilson -	5	3756 to 3760 (inclusive of both those Numbers).	5 0 0
Richard Atkinson -	10	3311 to 3320 (inclusive of both those Numbers).	10 0 0
Henry G. Perry -	5	3266 to 3270 (inclusive of both those Numbers).	5 0 0

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