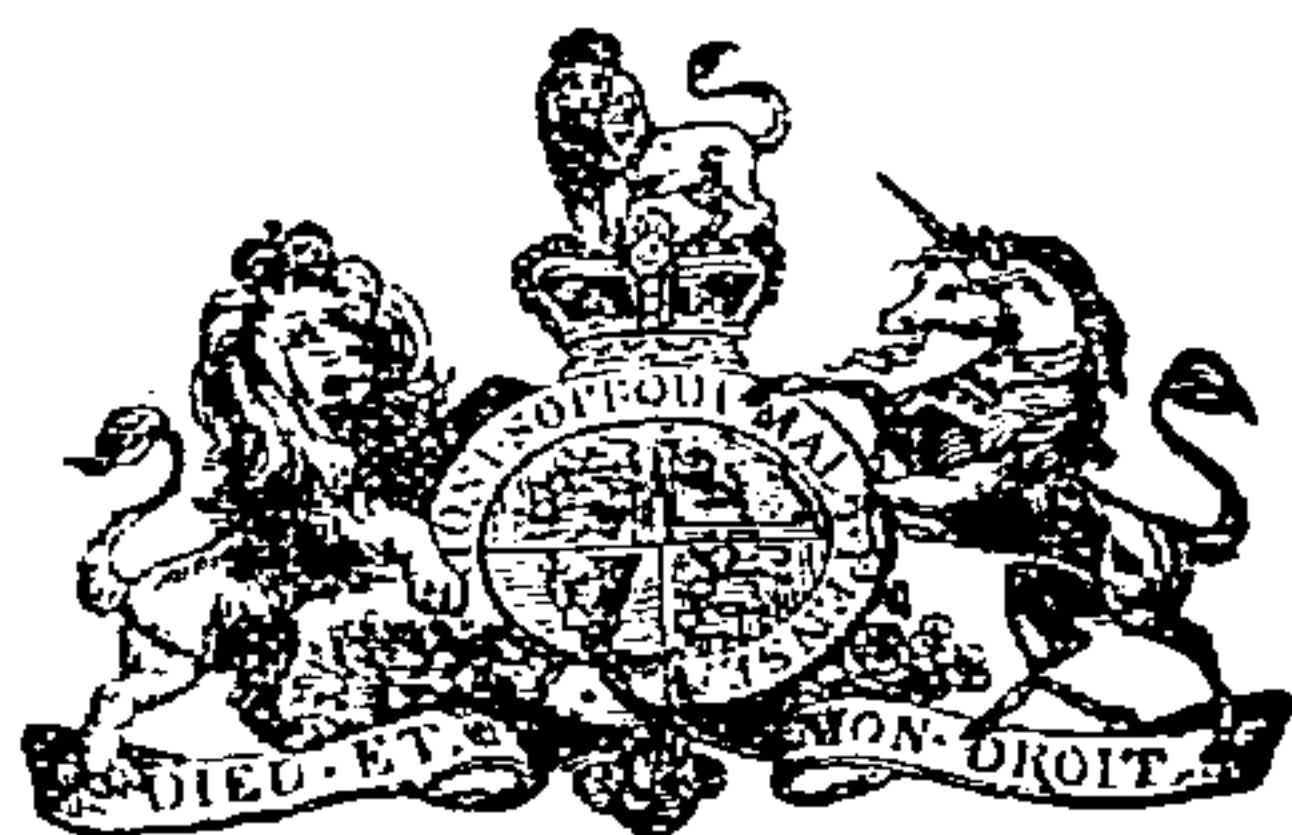


[44 & 45 VICT.] *Cork Blackrock and Passage* [Ch. cxxv.]
Railway (Steam Vessels) Act, 1881.



CHAPTER cxxv.

An Act for empowering the Cork Blackrock and Passage A.D. 1881.
 Railway Company to provide and use Steam and other
 Vessels and for other purposes. [18th July 1881.]

WHEREAS by the preamble of the Cork Blackrock and 9 & 10 Vict.
 Passage Railway Act 1846 (hereinafter referred to as "the c. cxlviii.
 Act of 1846") it is recited that "the making of a railway from
 the borough or city of Cork through the townland or district of
 Blackrock in the county of Cork to the town of Passage West in
 the said county of Cork would be of great public advantage by
 opening an additional certain and expeditious means of communica-
 tion between the said places and also by facilitating communication
 between more distant towns and places" and the Company by the
 Act of 1846 incorporated (and hereinafter referred to as "the
 Company") were authorised (section 22) to make a line of railway
 commencing at Market Street in the borough of Cork and termi-
 nating at or near the new steam-packet pier or quay at the town of
 Passage West in the county of Cork :

And whereas by the Cork Blackrock and Passage Railway 10 & 11 Vict.
 Extension to Monkstown and Amendment Act 1847 (hereinafter c. lix.
 referred to as "the Act of 1847") the powers of the Company for
 the construction of works and otherwise were enlarged but the
 powers of the Act of 1847 except the works mentioned in the
 18th and 19th sections of the said Act have not been exercised :

And whereas by the Cork Improvement Act 1868 and the Cork 31 & 32 Vict.
 Improvement Act 1872 (hereinafter together referred to as "the c. xxxiii.
 Improvement Acts") the mayor aldermen and burgesses of the 35 & 36 Vict.
 borough of Cork were authorised for the convenience of the trade c. viii.
 of the port and upon other grounds of local and public advantage to
 set back from the position in which it had been constructed under
 the Act of 1846 a portion of the railway of the Company and to
 make a new and substituted railway in lieu thereof without loss

A.D. 1881. or cost to the Company except the sum of two thousand pounds stipulated to be paid by them to the Corporation in manner in the Improvement Acts mentioned :

And whereas the facilities for communication afforded by the undertaking of the Company would be increased if the Company were empowered subject as in this Act mentioned to provide and use steam and other vessels between the towns and places in this Act mentioned within the harbour of Cork and in connection therewith to improve and construct piers and landing places for the convenience of passengers :

And whereas the original share capital of the Company authorised by the Act of 1846 consisted of the sum of one hundred and thirty thousand pounds the whole of which has been raised with the exception of a sum of eleven thousand six hundred pounds still unissued and the Company have borrowed the sum of forty-three thousand three hundred and thirty pounds authorised by that Act :

And whereas by the Act of 1847 the Company were authorised to raise the further sum of forty thousand pounds by the creation of shares and thirteen thousand three hundred and thirty-three pounds by borrowing for the execution of the works in that Act mentioned but no part of the capital so authorised was created or issued :

And whereas under and by virtue of the powers in that behalf contained in the Improvement Acts the Company have raised by means of preference shares and paid over to the mayor aldermen and burgesses of Cork the sum of two thousand pounds which they were authorised and required by those Acts to contribute towards the substituted railway and works :

And whereas it is expedient that the unexercised powers as to the capital of the Acts of 1846 and 1847 should cease and should be replaced by the powers in that behalf which are hereinafter contained :

And whereas it is expedient that the Company should be enabled to reduce the number of directors and to hold their ordinary meetings at periods more nearly according to the general usage of railway companies :

And whereas it is expedient that the provisions of the Acts of 1846 and 1847 should be in some respects amended and made applicable to the purposes of this Act :

But the objects aforesaid cannot be attained 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

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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 : A.D. 1881.

1. This Act may be cited for all purposes as the Cork Blackrock and Passage Railway (Steam Vessels) Act 1881. Short title.

2. The following Acts or parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely : Incorporation of general Acts.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters that is to say : 8 & 9 Vict. c. 16.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act.

Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as

amended by the Railway Companies Act 1867 and the Companies Clauses Act 1869. 26 & 27 Vict. c. 118.

Part I. (relating to protection of navigation) and Part IV. (relating to steam vessels) of the Railways Clauses Act 1863 and 30 & 31 Vict. c. 127.

The Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon 32 & 33 Vict. c. 48.

lands by the promoters of the undertaking) and the Lands 26 & 27 Vict. c. 92.

Clauses Consolidation Acts Amendment Act 1860 as amended 8 & 9 Vict. c. 18.

by the Railways (Ireland) Act 1851. 23 & 24 Vict. c. 106.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be some- 14 & 15 Vict. c. 70. Interpretation of terms.

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A.D. 1881. thing in the subject or context repugnant to such construction and the expression "the Company" means the Cork Blackrock and Passage Railway Company.

Company may provide and work steam and other vessels.

4. Subject and without prejudice to the rights of property and revenue and to the powers jurisdiction and authorities of the Cork Harbour Commissioners and to the rules bye laws and regulations now made or which shall hereafter be made by them and duly sanctioned the Company may build purchase hire and provide or may subscribe towards building purchasing hiring and providing steam and other vessels of every or any description and may hold charter navigate let to hire work use employ and maintain the same and may therein and thereby convey and carry passengers animals minerals goods merchandise and things of every description between the several towns and places situate within the limits of the port river and harbour of Cork and of any river or creek communicating therewith or between such of those towns and places respectively as the Company from time to time may deem expedient And subject as aforesaid the Company may do all acts that may be necessary to enable them to carry fully into effect the purposes aforesaid.

Company may make charges for conveyance of traffic.

5. The Company may ask demand and recover for the conveyance of passengers animals minerals goods merchandise and other things in the steam or other vessels so provided and used by them such reasonable rates or sums as they shall think fit: Provided always that the rates or sums to be demanded by them for the conveyance of passengers and merchandise shall not exceed the rates or sums authorised to be taken by them for the conveyance of passengers and merchandise upon their railway for a like distance: Provided also that it shall be lawful for every first-class passenger conveyed in such vessels to take with him without extra charge his ordinary luggage not exceeding one hundred and twenty pounds in weight and for every second-class passenger not exceeding one hundred pounds in weight and for every third-class passenger not exceeding sixty pounds in weight.

Company may acquire and hold shares in steam vessels, &c.

6. The Company may by agreement purchase and acquire the shares and interests of any other shareholders or proprietors in any steam and other vessel or vessels in which they have acquired and immediately before the passing of this Act hold any share or shares or in or as to which they have acquired any interest and they may lawfully hold and continue to hold the vessels or the shares or interests so acquired by them whether before or after the passing of this Act.

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7. The Company are hereby empowered from time to time to enter into any contract or agreement with any steamboat proprietors or company or with any other company or persons in relation to the maintenance working use and management of such vessels and of the traffic passing in or upon the same within the limits aforesaid and as to any other matter or thing connected therewith but so that no such agreement shall be inconsistent with the provisions of this Act and that the same shall have no effect until approved by the Board of Trade.

Company may make agreements with respect to steam vessels, &c.

8. It shall be lawful for the Company from time to time as may be deemed necessary for the purposes of the traffic of the Company to acquire by agreement additional lands not exceeding three acres within the harbour of Cork or adjacent thereto and to erect thereon piers quays jetties and landing-places at such convenient places between such points and of such form and construction as shall be approved by the Cork Harbour Commissioners such approval to be signified in writing sealed with the common seal of the said Commissioners.

Company may when necessary acquire additional lands and erect piers &c. thereon.

9. Provided always that no new pier quay jetty or landing-place shall be erected by the Company on the northern and eastern bank of the river at any point between the existing Cork Blackrock and Passage steamboat pier or landing-stage at Queenstown and the city of Cork.

Limitation upon erection of new piers.

10. All piers quays jetties or landing-places acquired or erected by the Company under the provisions of this Act shall be maintained and kept in repair by them for ever or until they shall be taken down and the structure wholly removed by the Company : Provided that the Company may at any time dedicate to the public first placing it in perfect repair and condition to the satisfaction of the Cork Harbour Commissioners any such pier quay jetty or landing-place After every such dedication all ownership right and interest of the Company in the subject so dedicated shall cease and the same shall become as the case may be a public pier quay jetty or landing-place and after such dedication the Company shall no longer be bound to sustain or repair it.

Maintenance and repair of piers, &c.

11. All moneys expended by the Company before the passing of this Act in or towards the purchasing hiring providing maintaining using or working of steam or other vessels between the several towns and places hereinbefore mentioned or any of them shall be deemed to have been lawfully expended and the application of such moneys to the purposes aforesaid and all or any acts of the Company or of any persons in their behalf for or

Confirmation of application of moneys towards steam vessels, &c.

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A.D. 1881. in connection with the purposes aforesaid are hereby sanctioned and confirmed.

Capital under
10 & 11 Vict.
c. lix.
and by
unissued
ordinary
shares under
9 & 10 Vict.
c. cxlviii.
cancelled.

Power to
raise addi-
tional capital.

12. The said sum of eleven thousand six hundred pounds unissued ordinary shares forming part of the capital of the Company under the Act of 1846 together with the whole of the capital authorised by the Act of 1847 is hereby cancelled and all liabilities and rights in respect thereof respectively shall from the passing of this Act be absolutely extinguished.

13. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking any further capital not exceeding in the whole twenty-six thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively. Provided always that in the latter event the Company may by resolution fix the terms and conditions on which such preference shares or stock shall be issued and may if they think fit provide for the redemption of the same within a period and at a price to be limited in that behalf in the resolution.

Power to
issue shares
for redeem-
ing redeem-
able shares.

14. The Company may for the purpose of redeeming such preference shares or stock within the time so limited as aforesaid (but only for such purpose) raise by the creation and issue of new preference shares or stock the amount of capital required for such redemption including the amount of premium (if any) mentioned in such resolution as aforesaid.

Any preference shares or stock which may be redeemed as aforesaid by means of the creation and issue of new and substituted preference shares or stock shall thereupon be deemed to have been cancelled and extinguished.

Dividend on
preference
capital.

15. The prescribed rate of dividend on any preference shares issued by the Company under the powers of this Act shall not in any one year exceed the rate of five pounds for every one hundred pounds actually paid up of such capital.

Shares not
to be issued
until one
fifth paid.

16. The Company shall not issue any share created under the authority of this Act of less nominal value than twenty pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

New shares
to be sub-
ject to same

17. Except as is by this Act otherwise provided the capital in new shares created by the Company under this Act and the new

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shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

incidents as
other shares.

18. Every person who becomes entitled to new shares created by the Company under this Act shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Dividends on
new shares.

19. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Restriction
as to votes
in respect of
preferential
shares.

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

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

21. The Company may in respect of the additional capital of twenty-six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage for the purposes of this Act and the general purposes of the Company any sum not exceeding in the whole eight thousand six hundred pounds but no part thereof shall be borrowed until the whole of the said additional capital of twenty-six thousand pounds by this Act authorised to be raised is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of the said additional capital of twenty-six thousand pounds has been issued and accepted and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their

Power to
borrow.

A.D. 1881. executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

22. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repeal of provisions of former Acts with respect to appointment of a receiver.

23. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal or interest or principal and interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

Appointment of a receiver.

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

Debenture stock.

25. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

26. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and the general purposes of the Company only.

Company may apply corporate

27. The Company may from time to time apply to the purposes of this Act any moneys from time to time raised by them and which

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are not by any of the Acts relating to the Company made applicable to any special purpose or which being so made applicable are not required for the special purpose.

funds to
purposes of
Act.

28. If any money is payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in
case of per-
sons not sui
juris.

29. So much of section 9 of the Act of 1846 as requires the ordinary half-yearly meetings of the Company to be held in the months of May and November is hereby repealed and in lieu thereof such meeting shall from and after the passing of this Act be held in the months of February and August respectively.

Half-yearly
meetings.

30. From and after the passing of this Act the prescribed period to which the accounts of the Company shall be made up and the books balanced half-yearly shall be the 30th of June and the 31st of December in each and every year instead of the 30th of April and 31st of October as heretofore and the first account which shall be so made up to the 30th of June or 31st of December as the case may be next ensuing after the passing of this Act shall for the purposes of all or any Acts relating to the Company be deemed a half-yearly account although in fact extending over a lesser or greater period of time than six calendar months from the date of the last preceding half-yearly account of the Company.

Date of
half-yearly
accounts.

31. According as any of the existing directors die or resign or become disqualified or incompetent to act as a director or cease to be a director by any other cause than that of going out of office by rotation the vacancy so created shall not be filled until the number of directors be reduced to seven which shall thenceforward be the number of directors.

Gradual
reduction of
directors.

32. From and after the passing of this Act the quorum of a meeting of the directors shall be three.

Quorum.

33. Such of the provisions of sections 13 to 18 (inclusive) of the Act of 1846 relating to directors as are inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Inconsistent
provisions of
9 & 10 Vict.
c. cxlviii:
repealed.

34. No bye-law of the Company made under this Act or any Act incorporated herewith which shall affect in any manner any right power interest jurisdiction or authority of the Cork Harbour Commissioners shall come into operation until it shall have received their allowance and confirmation in writing sealed with their common seal and the said Commissioners shall not be called upon or required to allow or confirm any bye-law of the Company which shall alter or repeal or conflict with any rule bye-law regulation rate

Bye-laws
affecting
Cork Har-
bour Com-
missioners
not to
operate until
allowed by
them.

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A.D. 1881. toll or revenue at the time being existing of the said Commissioners whether made by them of their own right or with the sanction of any other authority.

Interest not
to be paid
on calls paid
up.

35. The Company shall not out of any money by this Act or any Act relating to the Company authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

36. The Company shall not out of any money by any Act relating to them authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway
Acts.

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

Saving
rights of
Cork
Harbour
Commis-
sioners.

38. Except as herein expressly enacted nothing in this Act contained shall take away lessen prejudice or in any manner affect any right power jurisdiction or authority of the Cork Harbour Commissioners.

Expenses of
Act.

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