



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lxi.

An Act for making and maintaining a Railroad from *Westland Row* in the City of *Dublin* to the Head of the Western Pier of the Royal Harbour of *Kingstown* in the County of *Dublin*, with Branches to communicate therewith.

[6th September 1831.]

WHEREAS the making and maintaining of a Railway or Railways, with proper Works and Conveniences connected therewith, for the Passage of Waggons and other Carriages, from *Westland Row* in the City of *Dublin*, in and through the several Parishes or Places herein-after mentioned, to the Western Pier of the Royal Asylum Harbour at *Kingstown* within the Parish of *Monkstown* in the County of *Dublin*, would be of great Advantage to the Inhabitants of the said City, Towns, Parishes, and Places, and also to the Merchants, Ship Owners, and other Inhabitants of the City and Port of *Dublin*, by opening a certain and expeditious Communication between the Town and Neighbourhood of *Kingstown* aforesaid, and from thence, through *Black Rock* and *Williamstown*, with the Port and City of *Dublin*; and by affording an additional Mode of Conveyance for Passengers and Merchandize and other Articles and Matters between these Places, and also to and from the neighbouring Country, would be of great public Utility : And whereas

[*Local.*]

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the

Proprietors.

the several Persons herein-after named are willing, at their own Costs and Charges, to carry into execution the said Undertaking; but the same cannot be beneficially effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Alexander* of the *Linen Hall* in the City of *Dublin*, Merchant; *John Barton* of *Mary Street* in the said City, Merchant; *James Ferrier* of *Willow Park* in the County of *Dublin*, Merchant; *James Jackson* of *Jervis Street* in the said City of *Dublin*, Merchant; *Joseph Kincaid* of *Lower Mount Street* in the said City, Land Agent; *Leonard Bickerstaff* of *Anglesea Street* in the said City, Gentleman; *Thomas Pim* of *Monkstown* in the said County, Merchant; *Robert Roe* of *Boosterstown* in the County of the City of *Dublin*, Merchant; *James Pim jun.* of *Dame Street* in the said City of *Dublin*, Broker; *Henry Roe* of *Fitzwilliam Square* in the said City, Merchant; *Jonathan Pim* of *William Street* in the said City, Merchant; *William Dorgan* of *Merrion Street* in the said City, Civil Engineer; *David Mahony* of *Upper Mount Street* in the said City, Gentleman; *James Pim* of *Townsend Street* in the said City, Merchant; *Joshua M. Chaytor* of *Bellview* in the said County of *Dublin*, Merchant; *John Phelps* of *Capel Street* in the said City of *Dublin*, Merchant; *James Magee* of *Trinity Street* in the said City, Printer; *Thomas Headen* of *Warrington Place* in the said City, Gentleman; *Mary Martin* of *Mercer Street* in the said City, Linen Draper; *William Pim* of the *City Quay* in the said City, Gentleman; *George Symes* of *Foster Place* in the said City, Stock Broker; *Francis Low* of *Anglesea Street* in the said City, Notary Public; *Henry Phelps* of *Capel Street* in the said City, Merchant; *William Cuming* of *Clare Street* in the said City, Artist; *John Greenwood Pim* of the *City Quay* in the said City, Merchant; *William Scallan* of *North Frederick Street* in the said County of *Dublin*, Architect; *Richard Williams* of *Dame Street* in the said City of *Dublin*, Public Notary; *Alexander Boyle* of *College Green* in the said City, Public Notary; *Richard Garrett* of the *Linen Hall* in the said City, Merchant; *Joseph Todhunter* of No. 3, *College Green* in the said City, Gentleman; *Henry Pim* of Number 49, *City Quay* in the said City, Brewer; *Jonathan Pim jun.* of Number 22, *William Street* in the said City, Merchant; *Joseph Robinson Pim* of Number 11, *Eden Quay* in the said City, Merchant; *Francis Carleton* of Number 15, *Eden Quay* aforesaid, Merchant; *Alexander Ferrier* of *Fishamble Street* in the said City, Merchant; *Hutchins Thomas Williams* of *Dame Street* aforesaid, Public Notary; *Henry Bewley* of *Sackville Street*, Druggist; *St. George Gregg* of *College Green*, Stock Broker; *James Perry* of *Pill Lane*, Merchant; and *Samuel Page* of *Dame Street*, Stock Broker; and all other Persons and Bodies Politic and Corporate, who have subscribed or shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they hereby are united into a Company for making and maintaining the said Railway and other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate, by the

Name and Style of “The *Dublin and Kingstown* Railway Company,” and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway or Railways, with proper Works and Conveniences connected therewith, for the Passage of Waggon and other Carriages properly constructed, as delineated on the Plan and described in the Book of Reference herein-after mentioned; that is to say, commencing at *Westland Row* in the City of *Dublin*, and thence extending or passing through or into the several Parishes and Townlands following; that is to say, the Parish of *Saint Mark*, the Townland of *Irishtown*, the Townland of *Sandymount* or *Baggettrath*, the Parish of *Saint Mary's Donnybrook*, the Townland of *Simmonscourt*, the Townland of *Merrion*, the Townland of *Boooterstown*, the Townland of *Williamstown*, all of which aforesaid Parishes and Townlands are in the County of the City of *Dublin*, and also through or near to the Town and Townland of *Blackrock*, Part thereof being in the County of the City of *Dublin* and Part thereof in the County of *Dublin*, also through or near to the Townland of *Newtown* in the Parish of *Monkstown*, the Townland of *Seapoint*, the Townland of *Dunleary*, the Townland and Town of *Kingstown*, which said last-mentioned Parishes and Townlands are situate in the County of *Dublin* aforesaid, and terminating at or near the Head of the Western Pier of the Asylum Harbour at *Kingstown* aforesaid.

Company
empowered
to make
Railway.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby empowered to enter into and upon the Lands, Tenements, and Hereditaments of any Person or Body Politic or Corporate or Collegiate whatsoever, according to the Provisions and Restrictions of this Act, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use for the Purposes of this Act, and there to bore, dig, cut, embank, and sough, and also to remove or lay, and to use, work, and manufacture thereupon, or upon any Lands, Tenements, or Hereditaments adjoining thereto, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug, gotten, or provided in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Railway and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the Intent and Meaning of this Act; and also for the Purposes and according to the Provisions and Restrictions of this Act,

Power to
enter Lands
and inspect,
and take Ma-
terials and
remove Ob-
structions.

to

to make or construct in, under, upon, across, or over the said Railway or other Works, or in, under, upon, across, or over any Lands, Tenements, or Hereditaments, or any Streets, Hills, Vallies, Roads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, and also erect and construct such Houses, Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper, and also to alter the Course of any Brooks, Streams, or Watercourses during such Time as may be necessary for constructing Bridges or Passages over the same, and also from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Railway and the other Works by this Act authorized, they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as herein-after mentioned and contained.

Width of
Railway.

IV. And be it further enacted, That the Distance between the inside Edges of the Rails of the said Railway shall not be less than Four Feet Eight Inches, and the Distance between the outside Edges of the Rails of the said Railway shall not be more than Five Feet Two Inches.

Company
empowered
to make Eyes
or Openings
in Tunnels.

V. And be it further enacted, That in case it shall be found requisite to form Eyes or Openings from any Tunnel to be made for the Purposes of this Act, it shall be lawful for the said Company to sink and construct such Eyes or Openings in such Places as the said Company shall think necessary, but such Eyes or Openings shall not be sunk or constructed in any public Highway.

Crossing of
Roads.

VI. Provided always, and be it further enacted, That where the said Railway shall cross any public Highway, the Ledge or Flanch of such Railway for the Purpose of guiding the Wheels of the Carriages thereupon, shall not rise above nor sink below the Level of such Road more than One Inch.

Regulations
as to Bridges
for carrying
Railway over
public Roads.

VII. Provided also, and be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any Turnpike Road or public Highway, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear
and

and open Space under every such Arch of not less than One Foot in Twenty-one Feet, and of a Height from the Surface of such Turnpike Road or public Highway to the Centre of such Arch of not less than Fifteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Twenty Feet.

VIII. Provided always, and be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Twenty Feet, and with respect to any private Carriage Road, One Foot in Fifteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulating
Ascent to
Bridges for
carrying
public Roads
over Railway.

IX. And be it further enacted, That in all Cases wherein the said Railway shall cross any Highway on a Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such public Highway where the said Railway shall communicate therewith, which Gate shall be constantly kept shut, except during the Times when Waggon and other Carriages passing along the said Railway shall have to cross such public Highway, and then the same shall be opened for the Purpose only of letting such Waggon and other Carriages pass through; and the Driver or Person intrusted with the Care of any Waggon or other Carriage, or with any Train of Waggon and other Carriages, shall cause every such Gate to be shut as soon as such Waggon or other Carriages shall have passed through, under the Penalty of Five Shillings for every Fault therein.

Where Rail-
way crosses
Highways on
a Level, the
Company to
erect Gates
at each Side.

X. And whereas Maps or Plans describing the Lines of the said Railway, and the Lands, Tenements, and Hereditaments in, through, under, over, and upon which the same is intended to be carried or made, together with Books of Reference thereto containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerks of the Peace for the City of *Dublin*; be it therefore enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said Clerks of the Peace; and all Persons interested in any Manner in such Lands, Tenements, or Hereditaments shall have Liberty to inspect and peruse and make Extracts from and Copies of the same at all seasonable Times, paying to the said Clerks for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference, or true Copies thereof or of so much thereof respectively as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and
Book of
Reference.

XI. And whereas since the depositing of the said Map or Plan and Book of Reference an Alteration of the Line of the said Railway laid down upon such Map or Plan hath been agreed upon and determined, at the Request and with the Concurrence of divers of the Owners and

Plans, &c. to
be deposited
in Custody
of Clerk of
Peace.

[*Local.*]

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Occupiers

Occupiers of the Lands through which such Deviation is to be made; be it therefore enacted, That a Map or Plan describing the said Railway, as the same hath been agreed to be deviated and altered, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, together with a Copy of an amended Book of Reference for such Deviation, be deposited with the Clerk of the Peace of the County of *Dublin*, to the end that all Persons may at seasonable Times have Liberty to inspect the said Map or Plan so deposited, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and for Copies of and Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or any Copy thereof, or of so much or such Part or Parts thereof as shall relate to any Matter or Thing in question, certified by the said Clerk of the Peace or his Deputy to be a true Copy, shall be and is hereby declared to be good Evidence in all Courts of Law and elsewhere.

Not to deviate
more than
100 Yards
from Plan.

XII. And be it further enacted, That the said Company in making the said Railway shall not deviate or extend beyond One hundred Yards from the Line delineated on the said last-mentioned Maps or Plans, nor shall any such Deviation or Extension be made into the Lands, Tenements, or Hereditaments of any Person not mentioned in the said Books of Reference.

Railway not
to cross
Turnpike
Roads on a
Level.

XIII. And be it further enacted, That the said Railway shall not be made and carried over any Turnpike Road, public Streets, or public Lanes, on the Level thereof, but the same shall be carried over or under such Turnpike Road, public Streets, or public Lanes by means of a Bridge or Tunnel, or the said Turnpike Road, public Streets, or public Lanes shall be carried over the said Railway by means of a Bridge.

Omissions or
Misnomers in
Book of Re-
ference not
to obstruct
the making
of the Rail-
way.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Railway is delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Name of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule hereto, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the said City (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerks of the Peace of the said City, as the Case may require.

Houses, &c.
to be used,
unless spe-
cified in
Schedule.

XV. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company or any other Persons to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day

Day of *November* One thousand eight hundred and thirty, or any Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof or other Persons interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

XVI. Provided also, and be it further enacted, That in all Cases where in the Exercise of any of the Powers hereby granted any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, as the Case may require, to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road to be cut through, raised, sunk, taken, or injured as aforesaid, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot more easily be restored; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the temporary Road shall be so made and the principal Road restored within Two Calendar Months after the Commencement of the Operation; and the Railway, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent, so far as may be practicable, any Inconvenience or Obstruction to the Passage along such Turnpike Road.

In case of
Injury to
Roads.

XVII. And be it further enacted, That the Furnace of every Steam Engine to be erected or built by the said Company of Proprietors, and also every locomotive or moveable Engine that shall at any Time hereafter be used upon the said Railway or any Part thereof, shall be constructed upon such a Principle as shall enable it to consume its own Smoke; and in case the said Company or any Person or Persons whomsoever shall at any Time hereafter use upon the said Railway or any Part thereof any locomotive or moveable Engine that shall not consume its own Smoke, the said Company or such Person or Persons aforesaid shall, upon being convicted of the same before any Two Justices of the Peace for the City of *Dublin* aforesaid, upon the Oaths or solemn Affirmations of Two credible Witnesses, forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds or less than Five Pounds, to be levied as other Penalties are by this Act directed to be levied, and to be applied as the said Justices shall direct: Provided always, that no Part thereof shall be directed to be paid to the Informer.

Steam En-
gines to con-
sume their
own Smoke.

Penalty.

XVIII. And be it further enacted, That every such Conviction, together with the Complaint or Information on which the same shall be founded, shall be filed at the next Quarter Sessions of the Peace or any Adjournment thereof for the said City of *Dublin*, unless such Quarter Sessions or any Adjournment thereof shall be held within

Conviction to
be filed at the
next General
Quarter Ses-
sions.

Ten

Appeal.

Ten Days after such Conviction, and in that Case then the same shall be filed at the Quarter Sessions of the Peace following the aforesaid next Sessions or any Adjournment thereof; and the said Company, or any Body or Bodies, Person or Persons, who may think themselves, himself, or herself aggrieved by any such Conviction, shall be at liberty, within Four Calendar Months next after such Conviction shall have been made, to appeal to the Justices of the Peace at any such Quarter Sessions of the Peace or Adjournment thereof for the said City, but of such Intention to appeal, and the Nature thereof, he, she, or they shall, within Seven Days next after such Conviction, give Ten Days Notice in Writing to the Person or Persons upon whose Complaint or Information the Conviction was obtained against which it is intended to appeal, and within such Seven Days aforesaid shall enter into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Award and Order of the said Court thereon; and the said Justices shall and they are hereby required upon such Appeal to hear and determine whether such locomotive or moveable Engine did at the Time specified in the Information and Conviction consume its own Smoke, and thereupon shall either quash or confirm any Conviction that shall have been made, or mitigate any Penalty or Forfeiture, or may order any Money to be returned that shall have been levied in pursuance thereof, and may also order such Costs to be paid to the Party in whose Favour such Appeal shall be decided as the said Justices in their Judgment shall think just and reasonable.

Conviction
not to take
place unless
previous
Notice given
to Company.

XIX. Provided always, and be it further enacted, That no such Conviction shall take place unless upon the previous Complaint or Information upon Oath or solemn Affirmation of some Person, who previous to such Information shall have given Ten Days previous Notice to the said Company or to the other Person or Persons owning or using such locomotive or moveable Engine as aforesaid, that the said Complainant considers the Use of the same to be a Nuisance affecting the House or Land in his or her Possession or Occupation, and specifying the Length of Road, described by clearly-defined Boundaries, along which the said Complainant considers the House or Land in his or her Occupation to be affected by the same.

Breadth of
Land to be
taken for the
Railway.

XX. And be it further enacted, That the Lands to be taken or used for the Line of the said Railway shall not exceed One hundred Feet in Breadth, except in those Places where a greater Breadth shall be judged necessary for Waggon and other Carriages to turn or pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, and not above One hundred Yards in any Place, except at or near to the Termination of the said Railway within the Townland of *Dunleary* and *Westland Row* in the City of *Dublin*, where Places not exceeding Two hundred Yards in Length by Fifty Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, and other Buildings and Conveniences, and also except on Commons, Downs, Waste Lands, or Sea Strands, unless with the Consent of the Owners or Proprietors of and Persons interested in any

any Lands, Tenements, or Hereditaments through which the said Railway shall pass, where the said Company shall be desirous of appropriating Land of greater Width.

XXI. Provided always, and be it further enacted, That all such Part of the Sea Strand as shall be inclosed between the Line of the said Railway, as delineated upon the said Map or Plan herein last referred to, and the present Shore between *Old Merrion* and *Black Rock* shall have been so inclosed, the Rights of all Parties do remain as fully and effectually as if this Act had not passed, but not further or otherwise.

Rights of Parties to certain Parts of the Sea Shore not interfered with.

XXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company to make and construct a Roadway upon and across the said Sea Strand so to be inclosed, in a straight Line from and out of the said Railway to the High Road leading from *Dublin* to *Boooterstown* aforesaid, such Road not to exceed Thirty Yards in Breadth, and to be made in the Place laid down on the Map or Plan thereof hereby referred to, and also to take and hold, for the Purposes of the said Railway, and the Waggon and other Carriages travelling along the same, a Plot or Parcel of Ground adjoining the said Railway, Part of such Sea Strand to be inclosed as aforesaid, measuring not more than Two hundred Feet in Front, on the South Side of the said intended Cross Road, by Two hundred Feet in Depth, such Plot or Parcel of Ground to be for ever hereafter fenced and divided from the Remainder of the said Sea Strand so to be inclosed as aforesaid, by and at the sole Expence of the said Company.

Company empowered to make Roadway across Sea Strand.

XXIII. And be it further enacted, That after any Lands, Tenements, or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; namely,

Bodies Politic empowered to sell and convey.

Form of
Conveyance.

I Sum of _____ of _____ in consideration of the
to me [or, as the Case may be], into
the Bank of *Ireland* in the Name and with the Privy of the Ac-
countant General of the High Court of Chancery, *ex parte* the
Dublin and Kingstown Railway Company, pursuant to the Act after
mentioned, paid by the said Company established and incorporated
by an Act passed in the Second Year of the Reign of His Majesty
King *William* the Fourth, intituled [here set forth the Title of this
Act], do hereby grant and alien to the said Company, their Succes-
sors and Assigns, all [describing the Premises to be conveyed], together
with all Ways, Rights, and Appurtenances thereunto belonging,
and all such Estate, Right, Title, and Interest in and to the same,
and every Part thereof, as I am or shall become seised or possessed
of, or am by the said Act capacitated or empowered to convey, to
hold the Premises to the said Company, their Successors and Assigns
for ever, according to the true Intent and Meaning of the said Act.
In witness whereof I have hereunto set my Hand and Seal the
_____ Day of _____ in the Year of our
Lord _____

And all such Conveyances and Assurances as aforesaid shall be valid
and effectual in the Law to all Intents and Purposes, and shall operate
to merge all Terms of Years attendant by express Declaration or by
Construction of Law on the Estate or Estates, Interest or Interests,
so thereby conveyed or alienated, and to bar and destroy all such
Estates Tail, and all other Estates, Rights, Titles, Remainders, Re-
versions, Limitations, Trusts, and Interests whatsoever.

Conveyance
of Lands by
Lords of
Manors.

XXIV. And be it further enacted, That in all Cases wherein, in
the Execution of the Powers of this Act, there shall be Occasion to
cut through, take, or use any Common or Waste Land, or any other
Lands, Tenements, or Hereditaments which shall be charged with
or subject or liable to the Exercise of any Right or Privilege of
Common thereupon, whether of Pasture, Turbary, Estover, Piscary,
or Easement, and whether such Common or Commonable Rights be
appendant, appurtenant, or in gross, and whether the same be created
or be then subsisting by Grant, Prescription, Custom, or otherwise
howsoever, the Conveyance of such Common or Waste Land, or
other Lands, Tenements, or Hereditaments as aforesaid, by any Body
Politic, Corporate, or Collegiate, or other Person, having such Estate
or Interest in the Manor wherein such Commons or Waste Lands
shall be situate (or if the same shall not be the Waste of any Manor,
then having such Estate or Interest in the Soil of the said Lands,
Tenements, or Hereditaments,) as the Bodies and Persons who are
herein-before enabled to sell other Lands, Tenements, and Heredita-
ments have in such Lands, Tenements, or Hereditaments, shall be
a good and sufficient Conveyance to the said Company for the Purpose
of vesting in them the Fee Simple and Inheritance of such Common
or Waste Land, or other Lands, Tenements, or Hereditaments, as
fully and effectually as if every Person having Right of Common upon
such Common or Waste Land, or other Lands, Tenements, or Here-
ditaments, were seised thereof in Fee Simple in Possession, and had
joined in and executed such Conveyance; and the Compensation to be
paid

paid for the Extinguishment of any Right of Common upon any such Common or Waste Land as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land shall be situate, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Right shall extend over and be exercised or enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party or Parties having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or otherwise deposited in the Bank of *Ireland* in manner by this Act directed (as the Case may be); provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Lands are situate, the Conveyance by Four at least of the Freeholders whose Lands or Tenements, whether absolute in them, or such as would capacitate them to convey such Lands and Tenements if wanted for the Purposes of this Act, have Common Right in or over such Common or Waste Lands, and whose said Lands and Tenements in the Rate for the Amount in yearly Value to Three Fifth Parts at least of the Whole of the Lands and Tenements which have such Common Right, shall also, in like Manner, be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands.

XXV. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land, (except such Parcels of Land as lie within the Parish of *Saint Mark*, the Townland of *Irishtown*, the Townland of *Sandymount* or *Baggotrath*, the Parish of *Saint Mary's Donnybrook*, the Townland of *Simmonscourt*, the Townland of *Mer-rion*, the Townland of *Boooterstown*, the Parish of *Boooterstown*, the Townland of *Williamstown*, the Town and Townland of *Black Rock*, the Townland of *Newtown* in the Parish of *Monkstown*, the Townland of *Seapoint*, the Townland of *Dunleary*, and the Town and Townland of *Kingstown*, herein-before provided for,) shall be cut through and divided, so that what shall be left thereof on both or on either Side of the said Railway shall be less than One Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on both or either of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left, he or she may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land

When small
Parcels of
Land are
intersected,
Company
to purchase
the whole.

Land of such Owner, by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

Company not
to claim
Mines, &c.
under Lands
purchased.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Mines, or any Coals, Stone, Slate, or other Minerals, under any Lands purchased by the said Company under the Provisions of this Act, except only so much of such Coals, Stone, Slate, or Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Coals, Stone, Slate, or Minerals shall be deemed to be excepted out of the Purchase of such Land, and may be worked by the respective Owners or Lessees thereof, under the said Lands or the Railway or other Works of the said Company, as if this Act had not passed, so that no Damage or Obstruction be thereby done or occur to or in such Railway or Works: Provided nevertheless, that in case any Damage or Obstruction shall be so done or occur to or in such Railway or Works, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners or Lessees of such Mines, Coals, Stones, Slate, or Minerals as aforesaid; and if the same shall not be forthwith done, it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Twenty-one Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners or Lessees, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*.

Satisfaction
to be made
for Lands
taken for the
Railway.

XXVII. And be it further enacted, That all Bodies and other Parties herein-before capacitated to sell and convey any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Bodies or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners, including Persons hereby capacitated as aforesaid, and Occupiers respectively and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively or either of them concerning which they do not so agree shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

In case the
Parties refuse
or are inca-
pable to
treat, the

XXVIII. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the

the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested or entitled and capacitated to sell or agree as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Fifteen Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall (for the Space of Fourteen Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Body, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands, Tenements, or Hereditaments required for the Purposes of this Act,) neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests, or the respective Estates or Interests which they, he, or she are or is capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall, by reason of any Impediment or Disability not provided for by this Act, be incapable of making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they, he, or she may be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made, then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant, under their Common Seal, to the Sheriff of the County in which the Lands, Tenements, and Hereditaments in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such City or County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person or Persons then living in the said City or County respectively, and free from personal Disability, who shall have filled the Office of a Sheriff or Coroner in the said City or County respectively, and not interested as aforesaid, (a Person having more recently served either Office being always selected in preference to a Person having more anciently served the same Office,) commanding such Sheriff or Coroner or other Person to impanel, summon, and return a Jury of at least Forty-eight sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Dublin*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed, and to attend from Day to Day until duly discharged and returned; a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or other Person, or by some Person to be by them respectively appointed, in such

Value to be settled by a Jury.

Jury to be summoned by the Sheriff or Coroner, or Person who shall last have filled the Office of Sheriff, and not interested.

Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Dublin* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, and other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff and Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Five or more of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, (or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, (except for such Interest or Interests therein as shall have been of right purchased by the said Company from any other Person or Persons,) and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporal or perpetual or for any recurring Damages which shall have been so done as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies and other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of the Person or Persons, or of the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued or respecting which or any Damage to which any such Question shall arise.

Value of
Land and
Damages to
be ascertain-
ed separately.

XXIX. Provided also, and be it further enacted, That in ascertaining the Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damage which shall or may be sustained by any Bodies Politic, Corporate, or Collegiate, or by any Persons, being respectively Owners or Occupiers of

or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments whereof, wherein, or whereto any such Body or Person as aforesaid shall be seised, possessed, interested, or entitled, and also for or on account of any Injury or Loss whatsoever which shall or may accrue to or be sustained by such Body or other Person by reason of the Execution of any of the Powers of this Act, such Damages, Compensation, and Satisfaction to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken or used as aforesaid.

XXX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his or her Interest therein.

Compensation Money to be apportioned.

XXXI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the City or County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such City or County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XXXII. And be it further enacted, That if the said Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his or her Costs and Expences, or appearing shall refuse to be sworn or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or City in which the said Lands, Tenements, or Hereditaments shall either be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels

Penalty on Sheriff, &c., Jurors, or Witnesses making Default.

Chattels of the Person so offending, rendering to him or her the Overplus of the Money thereby produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

Jurors to be under the same Regulations as those of the Courts of Record at Dublin.

XXXIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Dublin*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject.

By whom Expences of Juries shall be paid.

XXXIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said City or County of *Dublin* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury be given for the same or a less Sum than shall have been previously offered by the said Company, One Moiety of the Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid, as so much Money advanced to and for his or her Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in Satisfaction of the Whole thereof: Provided always, that in

in Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

XXXV. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute shall at their own Costs, before the said Company shall be obliged to issue out their Warrant for summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Persons requesting Juries to enter into Bonds to prosecute their Complaint and pay Expences.

XXXVI. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Body or Person for any Loss or Injury by them, him, or her sustained, or supposed to be sustained, or having been discovered to be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by the chief Clerk or Treasurer or other proper Officer of such Body, or by such Person, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Body or Person to the said Company within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Company before Complaint.

XXXVII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed for between the Parties, or determined by a Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as Satisfaction or Compensation for any Loss or Damage as herein-before mentioned, to the Proprietors of such Lands, Tenements, and Hereditaments, or other Person interested therein or entitled to receive such Money or Satisfaction or Compensation respectively, within One Calendar Month after the same shall have been so agreed for or determined, or if the Parties so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make a good Title to, or shall refuse to execute the necessary Conveyances of, the Premises, or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *Ireland* as herein-after directed, within One Calendar Month after the same shall have been so agreed for or determined, for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, and Hereditaments, and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof,

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender or Investment shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons as aforesaid, and operate to merge all outstanding or other Terms of Years, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder, and otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *Ireland* as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to bore under, dig, or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the previous Consent of the respective Owners and Occupiers thereof.

Tenants from
Year to Year
to deliver
Possession.

XXXVIII. And be it further enacted, That all Tenants at Will, Lessees for a Year, and other Persons in possession of any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway and other Works hereby authorized to be made or intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenants at Will or Lessees for a Year or from Year to Year, shall respectively deliver up the Possession of such Premises to the said Company, or to such Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such respective Tenants or Lessees or Persons in possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as they shall be respectively required; and in case any such Tenant or Lessee or Person so in possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Persons as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person or Persons so refusing to give Possession by Distress and Sale of his, her, or their Goods.

Interest of
such Tenants
to be settled
by a Jury.

XXXIX. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him or her before the Expiration of his or her Term or Interest therein, the said Company shall and they are hereby required to make or tender unto such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest

in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or used by the said Company is by this Act directed to be made or determined.

XL. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or she shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway or other Works hereby authorized are intended to pass or be made, under or by virtue of any Demise, Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or shew the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made, and if such Lease, Demise, or Grant shall not be produced or shewn, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Persons holding under Leases to produce the same.

XLI. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, (not being in possession thereof by virtue of such Mortgage,) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately assign and transfer such Mortgage Tenements or Hereditaments to the said Company, or to such Persons as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice); then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagee shall refuse to assign and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Premises to be taken or used for the Purposes of this Act, or otherwise of the Estate or Interest then mortgaged, and which shall be ascertained in manner herein-before directed, the said Company shall not be liable to pay to such Mortgagee more than the real Value of such Premises or Estate or Interest so mortgaged, or than the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant, as herein-before directed, occupying or holding the Estate or Interest so in Mortgage: Provided also, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then upon Payment of the Principal Money and Interest, and the Cost (if any) due on any such Mortgage as aforesaid, into the Bank of *Ireland*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies,

Mortgages to be conveyed to Company after Tender.

Monies, Six Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken or used by the said Company, such Mortgage shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith assign and transfer his or her Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Assignment or Transfer, and on Payment of such Money in the Bank of *Ireland*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her, in the said Lands, Tenements, or Hereditaments, the Value whereof, or of the Estate or Interest therein mortgaged, shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

Directing in what Manner Disputes between the Company and certain Mortgagees shall be settled.

XLII. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, or (as the Case may be) of the Estate or Interest therein mortgaged, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, one on the one Part, and the said Company on the other Part; and in case of any Difference between them, then such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his or her Claim, so far as the same will extend, or in case of his or her neglecting or refusing to assign or transfer as herein-before directed, then into the Bank of *Ireland* as by this Act is provided; and such Payment to the Mortgagee or in the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in such Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and

and Interest, and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained, all such Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used by virtue of the Powers of this Act, with any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Dublin and Kingstown* Railway Company," according to the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Quit Rent or Crown Rent, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be

Application
of Compen-
sation Money
amounting
to 200*l*.

sold or called in or cancelled for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

Application
when Money
is less than
200l.

XLIV. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be taken and used for the Purposes of this Act, and belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, then the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands and Tenements or Hereditaments so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company signified in Writing under their Common Seal, be paid into the said Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the respective Persons exercising such Option, such Nomination being approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall by such Trustees be applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland* in the Name of the Accountant General of the Court of Chancery, but without being required to obtain any Order of the said Court touching the Application thereof.

Application
when Money
is less than
20l.

XLV. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so taken or used for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

Directing
how Money
is to be paid
in case of
Failure of
Title.

XLVI. And be it further enacted, That in case any Person to whom any Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used under and by virtue of the Powers of this Act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to the Premises, to the Satisfaction of the said Company, for the Purposes of this Act, or shall be absent from *Ireland*, or cannot be found, or

if any Person entitled unto or to convey such Lands, Tenements, or Hereditaments be not known or discovered, or be not shewn to the Satisfaction of the said Company, or be absent from *Ireland*, then and in every such Case it shall be lawful for the said Company to order the Money so awarded as aforesaid to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands and Tenements or Hereditaments (describing them so far as the said Company can do so), subject to the Controul and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Money or any Part thereof, by Petition, is hereby empowered in a summary Way of Proceeding, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the Court shall seem proper; and the Cashier of the Bank of *Ireland* who shall receive such Money is hereby required to give a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, to the said Company or Person paying any Money into the Bank of *Ireland* under or pursuant to this Act.

XLVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be taken or used, in pursuance of this Act, for the Purpose aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Persons, shall be deemed to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear, to the Satisfaction of the said Court, that such Possession was a wrongful Possession, and that some and what other Person or Persons was or were lawfully entitled to such or to some and what Part of such Lands, Tenements, or Hereditaments, or to some and what Estate or Interest therein.

Person in Possession presumptively entitled.

XLVIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *Ireland*, or to be applied

The Court may order Expences of Purchases to be paid by Company.

applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Company not empowered to compel the Owners of certain Lands to sell the same.

XLIX. Provided always, and be it further enacted, That nothing herein-before contained shall authorize or empower the said Company to compel the Right Honourable *Valentine* Lord Baron *Cloncurry* or the Reverend Sir *Harcourt Lees* Baronet to sell and dispose of to them any Part of the Surface of the Lands belonging to or forming Part or the Entire of the Demesne Lands called *Maritimo*, the Residence of the said Lord *Cloncurry*, or of *Black Rock*, the Residence of the said Sir *Harcourt Lees* Baronet, situate near the Town of *Black Rock* in the County of *Dublin* aforesaid, without his and their Consent and Approbation; and the said Company are hereby required to form and make a Tunnel or under-ground Passage for the said intended Railway under or through the Lands belonging to the said Two Demesnes of *Maritimo* and *Black Rock*, as laid down on the Plan or Map of the said Railway hereby referred to as signed by the Right Honourable the Speaker of the House of Commons, so that such Railway may not intersect the Surface of the said Lands or either of them, and also so that the same and the Engines and Carriages passing thereon may not obstruct the View or Prospect from the Mansion Houses belonging to the said Demesnes or either of them, or in any Manner interfere with the Privacy thereof or either of them.

Directing what Space shall be left between the Crown of the Tunnel and certain Lands.

L. And be it further enacted, That the Crown or uppermost Part of such Tunnel or Passage shall be made so as to leave the Space of Twelve Feet in Height, at the least, between the same and the Surface of the respective Demesnes or Lands under which the same shall be so made; and that any Air Shafts or Openings to be made in the said Tunnel shall be in such Places as the said Lord *Cloncurry* and Sir *Harcourt Lees* may respectively appoint; and further, that the same when finished shall be and continue to be an Ornament to their respective Demesnes; and further, that in case any Road, Walk, or Fence on the said Demesnes, or either of them, shall or may be injured in the Prosecution of such Work, accidentally or otherwise, it is hereby enacted, that the same shall be forthwith effectually repaired and restored at the sole Expence of the said Company, so as that no Part of the said Demesnes, or either of them, shall be left or rendered less perfect, private, convenient, or beautiful than they now are, in consequence of the said Railway and Tunnel.

Company not to injure certain Springs.

LI. And be it enacted, That if the said Company shall in any Manner injure or damage the Springs or Pumps in the said Demesnes, or any or either of them, then they are hereby required to repair such Injury or Damage, and, if thereto required by the said Lord *Cloncurry* or Sir *Harcourt Lees* respectively, to construct and erect new and perfect

perfect Wells and Pumps in the Stead or Place of the Springs or Pumps which may have been so injured or damaged.

LII. Provided always, and be it enacted, That if any Difference or Dispute shall happen to arise between the said Lord *Cloncurry* or the said Sir *Harcourt Lees* and the said Company, touching or concerning the several Matters aforesaid, or any of them, then and in such Case the Settlement and Adjustment of such Difference or Dispute shall be referred to some one Justice of the Peace of the County of *Dublin* not interested in the said intended Railway.

For settling Disputes between the Company and certain Owners of Lands.

LIII. Provided always, and be it enacted, That the said Company do and shall and they are hereby required to make and construct a good and perfect Iron Swivel Bridge over that Part of the Grand Canal which shall be intersected with the said Railroad, and do and shall make and erect the said Railroad upon or over such Bridge, and do and shall at all Times hereafter keep such Bridge in good and complete Order and Repair; and further do and shall make and pay to the said Grand Canal Company an adequate Compensation for any Injury which may be caused to the said Canal, or the Banks or Sides thereof, and for any Land or Property which shall be taken or required from or of the said Company for the Purposes of this Act; and such Compensation and Damages shall be ascertained in like Manner as Compensation and Damages in all other Cases are directed to be ascertained by this Act.

Company to construct a Swivel Bridge over the Grand Canal.

LIV. Provided always, and be it further enacted, That the said Company do and shall and they are hereby required to erect and build, in a proper and workmanlike Manner, a Brick or Stone Wall or other Screen opposite or in front of the public Bathing Places now used and frequented on the Line of the said Railroad, so as to prevent, as much as possible, such Bathing Places and the Persons bathing therein from being exposed to the View of Passengers on the said Railroad, and do and shall at all Times hereafter keep and preserve any such Screen in good and proper Order and Repair.

Company to erect a Screen or Curtain on Part of the Railway.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Company to claim Compensation from any Person or Persons in the Event of the Construction of a Ship Canal from *Kingstown* to *Dublin*, provided that such Ship Canal shall not cross, touch, or injure the said intended Railroad, or the Lands, Works, and Tenements thereto belonging.

Not to claim Compensation in the Event of a Ship Canal being made.

LVI. And whereas the Commissioners appointed under or by virtue of the several Acts now in force relating to the Harbour of *Dunleary*, within the Port and Harbour of *Dublin*, are seised or possessed of certain Lands, Quarries, Railways, and other Property situate and being near to the said Harbour of *Dunleary*, which were originally purchased by the Commissioners of the said Acts for facilitating the Erection of the said Harbour of *Dunleary*, but inasmuch as the Erection of the said Harbour is now nearly completed, the Purposes for which the same Lands, Quarries, Railways, and other Property were so purchased are or will be soon at an End; be it therefore

Commissioners of *Dunleary* Harbour empowered to dispose of certain Lands.

further enacted, That it shall and may be lawful to and for the said Commissioners, with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors in *Ireland* for the Time being; to sell and dispose of the said Lands, Quarries, Railways, and other Property, or any Part or Parts thereof, to the said Company, at or for such Price or Prices as shall or may be agreed upon or at which the same shall be valued; and also to make, do, and execute all such Conveyances, Assignments, Acts, Deeds, Things, and Assurances as shall or may be or be deemed necessary or proper for completing such Sale or Sales, and for vesting the same Lands, Quarries, Railways, and other Property in the said Company.

Company may make use of the Premises when purchased.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Company, after such Purchase or Purchases shall have been so made by them, to work, use, and dispose of the same Quarries, Railways, and other Property, or the Part or Parts thereof so to be purchased, in such Manner and for such Purposes as they shall think fit.

Company empowered to use the Railroad and Quarries of the Dunleary Harbour Commissioners.

LVIII. And whereas the Construction of the said intended Railroad would tend to facilitate the Communication between the City of *Dublin* and *Dunleary* Harbour aforesaid, and thereby increase the Benefits derived by the Public from the Construction of the said Harbour; be it therefore enacted, That the Commissioners of the said Harbour be and are hereby empowered to permit the Directors of the said intended Railway to use their said Quarries and the Railroad to the same for the Purposes of the Construction and Protection of the said Railroad, upon such Terms and Conditions and for such Considerations as the said Commissioners shall think fit to appoint and require.

Enabling the Company of Proprietors to sell Lands not wanted.

LIX. And whereas by means of the Purchases which the said Company are empowered and are required to make by virtue of this Act they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for effecting the Purposes of this Act, or of Lands, Tenements, or Hereditaments not wanted or not applicable to the Purpose hereof; be it therefore enacted, That it shall be lawful for the said Company to sell, and by any Deed under their Common Seal to convey, any Part of such Lands, Tenements, or Hereditaments, or of any Estate or Interest purchased by the said Company in such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or by private Contract, as they shall deem most advantageous, to such Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company shall first offer to sell such Lands, Tenements, or Hereditaments to the Person or to the Persons successively, in such Order as the said Company shall deem meet, whose Lands or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold; and such Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf

to

First Offers to be made to Owners of adjoining Lands.

to the said Company within Fifteen Days after such Offer shall have been made; and in case such Persons shall refuse or decline to avail themselves of such Offer, or shall neglect or omit to signify their Desire and Intention to purchase such Lands, Tenements, or Hereditaments, for the Space of Fifteen Days, an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said City of *Dublin*, by some Person not interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused and declined, or was not accepted and agreed to within the Time aforesaid, (as the Case may be,) by the Person or Persons to whom such Offer was made; and in case such Person or Persons shall be desirous of purchasing the same, and he or she or they and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance thereof; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Company of any such Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

LX. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale of any such Lands, Tenements, or Hereditaments, or any Interest belonging to the said Company therein, or of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Company, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or Interests, as shall be sold, or for so much thereof and for such Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or other Monies, or any Part thereof.

Treasurer on
Payment of
Money to
give Receipts.

LXI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person, or any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Lands, Tenements, or Hereditaments, (not exceeding in the whole Ten Statute Acres in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used,) in such Places as shall be deemed eligible for the Purpose of making
and

Company
may purchase
additional
Lands, not
exceeding
Ten Acres;

and providing Coal or other Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences for the Purpose of receiving, depositing, or keeping any Goods, Merchandize, or other Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purpose whatsoever connected with the Undertaking by this Act authorized, which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, (including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands, Tenements, and Hereditaments for the Purpose of this Act,) to sell and grant or convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever, for the Purposes mentioned in this Act, in the same Manner as is herein-before directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purpose of making and maintaining the said Railway.

and sell the same, and purchase others, not exceeding said Quantity.

LXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are by this Act herein-before empowered to purchase and shall have actually purchased for the Purposes of this Act, or such Parts thereof as the said Company shall think proper, and either together or in Parcels, by public Auction or by private Contract, as shall be thought expedient, and again from Time to Time to contract for the Purchase of any other Lands, Tenements, or Hereditaments which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased and held by the said Company for any of Purpose herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres for these Purposes expressly specified or allowed.

Restraining the Company from purchasing more than Ten Acres of Land from incapacitated Persons.

LXIII. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purpose of providing Coal or other Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences, in addition to the Lands, Tenements, and Hereditaments authorized to be used or taken for making the said Railway, and all Corporations and all Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Corporation, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporation or Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate,

or

or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, or from any Tenant for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Ten Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Coverts, Cestuique Trusts, or Tenant for Life or in Tail, or Person to whom or to whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company any other Land in lieu or instead of those Ten Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

LXIV. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express "Covenants" to or with the Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of the Grantees therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands, Tenements, and Hereditaments or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them,

The Word
"grant" in
Conveyances
to amount to
certain
Covenants.

[*Local.*]

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unless,

unless, except, and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may, in all Actions to be brought, assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

Whole Expence to be subscribed before Work is commenced.

LXV. And whereas the probable Expence of making the said Railways and the other Works hereby authorized will amount to the Sum of One hundred and three thousand Pounds; and the Sum of Seventy-eight thousand Pounds, being more than Three Fourth Parts thereof, has been already subscribed for by the several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed for respectively; be it therefore enacted, That the whole of the said Sum of One hundred and three thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors to raise amongst themselves the Sum of 200,000*l.*, to be divided into Two thousand Shares of 100*l.* each.

LXVI. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railways and other Works by this Act authorized, not exceeding in the whole the Sum of Two hundred thousand Pounds, the whole to be divided into Two thousand Shares, shall be numbered, beginning with Number One, in arithmetical Progression, whereof the common Excess or Difference shall be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionally to the Sum they shall severally contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and shall receive, at such Time or Times as the said Company, or the Directors of the said Company to be appointed as herein-after mentioned, shall, at any General or Special Meeting to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

LXVII. And

LXVII. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or to the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be Personal Property.

LXVIII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Directors; or in case any Party shall refuse or neglect to pay the Money by him or her so subscribed for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

**To compel
Payment
of Subscrip-
tions.**

LXIX. And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for or become entitled to any Share or Shares (not exceeding Five) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share ; and all such Bodies and Persons as aforesaid as shall have subscribed for or become entitled to Ten Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Five Votes which they shall respectively have for or in respect of the first Five Shares, have an additional Vote for every Five Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of Five Shares; and such Vote or Votes may be given by such respective Parties, or by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies (all such Proxies being Proprietors of Shares in the said Undertaking) ; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person ; and every Question, Matter, and Thing which shall be proposed in any General or Special General Assembly of the said Company shall be determined by the Majority of Voters and Proxies then present ; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote ; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointor or Appointors of the Proxy thereby substituted, and other Circumstances, will admit ; (that is to say,)

**In what Man-
ner Sub-
scribers to
vote.**

' A. B. of one of the Proprietors of the Dublin Form of
' and Kingstown Railway Company, doth hereby appoint C. D. of Proxy.
' to be the Proxy of the said A. B., in his Name
' or otherwise, and in his Absence, to vote or give his Assent to or
' Dissent

‘ Dissent from any Business, Matter, or Thing relating to the said
 ‘ Undertaking which shall be proposed at any General or Special
 ‘ General Assembly of the said Company, in such Manner as he the
 ‘ said C. D. shall think proper, according to his Judgment, for the
 ‘ Benefit of such Undertaking or any thing appertaining thereto.
 ‘ In witness whereof the said A. B. hath hereunto set his [or her]
 ‘ Hand [or Common Seal] the Day of .’

The Person
 whose Name
 stands first
 as a joint
 Proprietor
 with others
 to be deemed
 the Owner.

LXX. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietors of such Share shall for the Purposes of this Act be deemed and taken to be the Proprietor of such Share, and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first on the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of such Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *Dublin Gazette* as herein mentioned (as the Case may require); and such Notice to such Person shall be deemed and taken to be sufficient Notice to all the Proprietors of such Share for all the Purposes for which such Notice is intended to be given.

Lunatics
 and Minors
 to vote by
 Committees
 and Guar-
 dians.

LXXI. And be it further enacted, That in case any Proprietor entitled to vote at such Meeting as aforesaid shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting by his or her Committee or any of such Committee, and such Minor shall and may vote by his or her Guardian or any of such Guardians; provided that every such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or of Guardian of any Minor on the same Occasion.

Names and
 Additions of
 Proprietors
 to be entered
 in a Book,
 and Certifi-
 cates of their
 Shares to be
 delivered to
 them.

LXXII. And be it further enacted, That the said Company shall and they are hereby required, at some General Meeting, to cause the Names of the several Bodies, and the Names and Additions of the several Persons, who respectively shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and also a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which they, he, or she are

are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of Two Shillings, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

‘ The *Dublin and Kingstown* Railway Company.

Form of
Certificate.

‘ Number

‘ THESE are to certify, That *A. B.* of
‘ is a Proprietor of the Share Number of the
‘ *Dublin and Kingstown* Railway Company, subject to the Rules,
‘ Regulations, and Orders of the said Company; and that the said
‘ *A. B.*, his Executors, Administrators [*or Successors*], and Assigns,
‘ is and are entitled to the Profits and Advantages of such Share.
‘ Given under the Common Seal of the said Company the
‘ Day of in the Year of our Lord .’

LXXIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out or damaged, then upon the same being brought and shewn at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket be given under the Common Seal of the said Company to the Party in whom the Property of such Certificate or Ticket, and the Charges therein mentioned, shall be at that Time vested; or in case such Certificate or Ticket shall be lost or burnt or totally destroyed, then, upon due Proof thereof, a similar Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificate or Ticket (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

For granting
new Certifi-
cates when
the old ones
are destroyed
or worn away.

LXXIV. And be it further enacted, That if the Company or their Directors for the Time being shall deem it expedient, out of any Surplus of Monies or otherwise, to take up any Share or Shares in the said Company which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company, either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the said Company; and such Share or Shares may, in such last-mentioned Case, at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the said Company, or any other Purpose necessary for carrying on the same.

Company
may buy up
Shares.

[*Local.*]

17 C

LXXV. And

Proprietors
may raise an
additional
Sum, if neces-
sary, by
Mortgage.

LXXV. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest any further or additional Sum, not exceeding in the whole the Sum of Seventy thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any General or Special General Meeting of the said Company, are hereby empowered to assign and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of the said Assignment of the same to be paid out of such Rates, Tolls, or Sums,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his or her Trustee, who shall advance the same; all which said Mortgages, Assignments, or Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of
Mortgage.

• Number

• BY virtue of an Act passed in the Second Year of the Reign of
• King *William* the Fourth, intituled [*here set forth the Title of*
• *this Act*], we, the Company of Proprietors of the *Dublin* and
• *Kingstown* Railway Company, incorporated by and under the said
• Act, in consideration of the Sum of
• to us in Hand paid by *A. B.*
• of do assign unto the said *A. B.*,
• his Executors, Administrators, and Assigns, the said Undertaking,
• and all and singular the Rates arising by virtue of the said Act,
• and all the Estate, Right, Title, and Interest of, in, and to the same,
• to hold unto the said *A. B.*, his Executors, Administrators, and
• Assigns, until the said Sum of
• together with Interest for the same after the Rate of
• for every One hundred Pounds for a Year, shall be fully paid and
• satisfied. Given under our Common Seal this
• Day of in the Year of our Lord

And the respective Parties to whom such Assignments shall be made shall be entitled one with the other to their Proportions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said

Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Persons to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof shall and may be in the Words and to the Effect following; (that is to say,)

‘ I *A B.* of _____ in consideration of the Sum _____
 ‘ of _____ paid by _____ of _____ do _____
 ‘ hereby transfer a certain Mortgage, Number _____ made by _____
 ‘ the Company of Proprietors of the *Dublin and Kingstown* Railway,
 ‘ Company to _____ bearing Date the _____ Day
 ‘ of _____ for securing the Sum of _____ and
 ‘ Interest, and all my Right, Estate, and Interest in and to the Money
 ‘ thereby secured, and in and to the Rates and Property thereby
 ‘ assigned, to the said _____ his Executors, Administrators,
 ‘ and Assigns. Dated this _____ Day of _____ in the Year of
 ‘ our Lord _____

Form of
Transfer of
Mortgage.

And every such Transfer shall, within Twenty-eight Days after the Date thereof if executed in *Ireland*, or otherwise within Twenty-eight Days next after the Arrival thereof in *Ireland*, if executed elsewhere, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as if the original Mortgage or Assignment, for which the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall retrospectively entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

LXXVI. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage or Charge as aforesaid shall be paid half-yearly to the several Persons entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case the same Interest or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for Two or more Justices of the Peace acting for the City of *Dublin*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; and the Money is to be received by or to the Use of the Person to whom such Interest shall

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully satisfied and paid; and after such Interest and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purpose aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Dublin*.

Mortgagees
not to vote.

LXXVII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company, for or on account of his or her having advanced any Money on such Mortgage or Assignment.

If Mortgages
are paid off,
the Company
may raise the
Amount
again.

LXXVIII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Seventy thousand Pounds by Mortgages, and shall afterwards be required or shall be desirous to pay off, or shall have paid off, all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company immediately, or at any Time thereafter, again to raise in lieu of the Principal Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of the Mortgages or any of them or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon in such Manner or to such Extent as that more than the Sum of Seventy thousand Pounds in the whole shall be owing at any Time on Mortgage of or as a Charge upon the said Undertaking.

Company
may borrow
Money at
Interest.

LXXIX. And be it further enacted, That it shall and may be lawful for the Company from Time to Time to borrow and take up at Interest any such Sum or Sums of Money upon the Credit of the Rates to be levied, collected, and raised, and to be payable to the Company by virtue of this Act, and to assign all or any Part of the said Rents, Tolls, and other Profits to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee, or Trustees, as a Security for the Principal Money to be advanced, and Interest for the same; and the Costs of every such Assignment shall be defrayed by the said Company out of the Monies to be so borrowed; and every such Assignment shall be in the Words or Effect following:

Form of
Assignment.

‘ WE, the *Dublin and Kingstown* Railway Company, incorporated
‘ by an Act made in the Second Year of the Reign of King
‘ *William* the Fourth, intituled *An Act* [here insert the Title of this
‘ *Act*], in consideration of the Sum of _____ advanced and
‘ lent by _____ of _____ upon the Credit, and
‘ for the Purposes of the said Act, do hereby grant and assign unto
‘ the said _____ or to his said Trustee or Trustees [as the
‘ *Case may be*], his Executors, Administrators, and Assigns, such
‘ Proportion

' Proportion of the Rents, Tolls, and other Profits payable to us by
 ' virtue of the said Act, as the said Sum of doth
 ' or shall bear to the whole Sum which may at any Time be borrowed
 ' and become due or owing or be charged upon the Credit of the said
 ' Act, to be holden from this Day of until
 ' the said Sum of with Interest at the Rate
 ' of *per Centum per Annum* for the same, shall be repaid
 ' and satisfied. In witness whereof we the said Company have
 ' hereunto affixed our Corporate Seal the Day of
 ' in the Year

And every such Security shall be good, valid, and effectual, and
 shall enable the Person or Persons to whom the same shall be made,
 his, her, or their Executors, Administrators, or Assigns, to the Pay-
 ment thereof, and to all Profits and Advantages thereon, according
 to the true Intent and Meaning of this Act, and as expressed in such
 Security.

LXXX. And be it further enacted, That in case the said Com- Money may
 pany shall think it advisable or advantageous to raise all or any Part be raised by
 of the Money to be borrowed under this Act by granting Annuities Annuities.
 for Lives, instead of by Assignment as aforesaid, it shall and may be
 lawful for the said Company, and they are hereby authorized and
 empowered, to grant an Annuity or Annuities to any Person or
 Persons who shall contribute, advance, and pay into the Hands of
 the said Company any Sum or Sums of Money, as to the said Com-
 pany shall seem right and proper, for the absolute Purchase of any
 Annuity and Annuities, to be paid and payable during the natural
 Life or Lives of such Person or Persons as shall be nominated at
 the Time of Payment of such Contribution or Purchase Money; and
 the Expence of every such Grant shall be defrayed by the said Com-
 pany; and the Grant of every such Annuity shall be in the Words or
 to the Effect following:

' WE, the *Dublin and Kingstown* Railway Company, incorporated Form of
 ' by an Act passed in the Second Year of the Reign of King Annuity.
 ' *William* the Fourth, intituled [*here set forth the Title of this Act*],
 ' in consideration of the Sum of paid by
 ' of for the Purposes
 ' of the said Act, do hereby grant unto the said
 ' one Annuity or yearly Sum of out of
 ' the Rents, Tolls, and Profits payable to the said Company by virtue
 ' of the said Act; which Annuity or yearly Sum of
 ' shall be paid to the said his
 ' Executors, Administrators, and Assigns, during the natural Life of
 ' by equal half-yearly Payments upon
 ' the Day of and the
 ' Day of in every Year during the natural Life of
 ' the said the first Payment thereof to
 ' be made on the Day of next
 ' ensuing the Date hereof. In witness whereof we the said Com-
 ' pany have hereunto affixed our Corporate Seal this
 ' Day of in the Year

For preventing improvident Grants of Annuities.

LXXXI. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to, and shall not exceed by more than One Fifth the Price and Value of, Annuities which may be granted under any Act or Acts from Time to Time in force for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Terms.

Assignment of Annuities.

LXXXII. And be it further enacted, That it shall and may be lawful to and for the Person and Persons entitled to any of the Securities or Annuities aforesaid, and their respective Executors, Administrators, and Assigns, as the Case may be, at any Time, by Writing under their Hands and Seals, to transfer such Securities or Annuities respectively to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

being entitled to the Sum of
[or to an Annuity of] secured to
his Executors, Administrators, and
Assigns, by virtue of an Assignment or Grant bearing Date the
Day of from the *Dublin and Kings-*
town Railway Company, incorporated by an Act passed in the
Second Year of the Reign of His Majesty King *William* the Fourth,
intituled [*here set forth the Title of this Act*], upon the Credit of the
Rents payable to the said Commissioners under the said Act, do
hereby transfer all my Right and Benefit in and to the said Sum or
Annuity, and all Interest or other Money now due and owing
thereon, unto his Executors, Administrators,
and Assigns. Dated this Day of .

And every such Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Fund to answer Contingencies.

LXXXIII. And be it further enacted, That it shall and may be lawful for the said Company for the Time being, and they are hereby empowered and required, at or previous to every General Meeting to be held pursuant to this Act for the Purpose of considering of or making or declaring a Dividend or Dividends of the clear Profits of the said Company, to deduct and set apart One Eighth at least of the said clear Profit and Produce; and the said Company shall forthwith lay out and vest in the Name of the said Company such Part of the clear Profit and Produce, from Time to Time when the same shall be so deducted and set apart as aforesaid, in such of the Public or Parliamentary Funds or Stocks of *Great Britain* or *Ireland*, or in the Stock of the Bank of *England* or the Bank of *Ireland* respectively, as the said Company shall in their Discretion deem expedient; and that the Dividends and Interest to become and be due and payable in respect of the said Funds or Stock so set apart and funded as aforesaid, and each and every of them respectively, shall fall into and become a Part of the Profits and Produce of the said Company, and be divisible accordingly: Provided always, that the Directors of the said Company for the Time being shall have full Power and Authority from Time to Time, when and so often as they shall deem expedient,

dient, to vary and transpose the Funds or Stock, or any of them; or any Part thereof, in which the said Monies or Funds shall from Time to Time be invested, and also shall and may sell and dispose of all or any Part or Parts of the said Fund or Stock, and convert the same into Money, for the Purpose of answering every or any such extraordinary Contingencies as aforesaid, as and when the same or any Part thereof shall by the said Company be deemed necessary or expedient, any thing herein provided or contained to the contrary notwithstanding; and provided always, that the said One Eighth Share of the Profits so set apart as aforesaid shall be applied by the said Company in such Improvements as they may think necessary for the said Railroad, and for the repairing and Payment of any extraordinary Contingencies or Accidents which may occur in the said Railroad and Buildings or other Works thereto from Time to Time attached.

LXXXIV. And whereas by an Act made in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a Public Nature, and for the Encouragement of Fisheries in Ireland*, it is, among other things, enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act, and the Acts therein recited, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said Acts in aid of any Public Works whatever in *Ireland*, or for the Purpose of commencing, carrying on, or completing of any public Roads, Railways, Bridges, Canals, Navigations, or Embankments, Drainages, Harbours, or Churches, or any Public Works whatever, of a public or private Nature, in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls, or Profits, or of any expected Rates, Rents, Tolls, or Profits, of any such private or public Works, in all Cases in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that any such Rates, Rents, Tolls, or Profits, or any expected Rates, Rents, Tolls, or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced, at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls, or Profits, or expected Rates, Rents, Tolls, or Profits, and although the Whole or any Part of the estimated Expences of such Public Work shall not be subscribed for or deposited or vested in any Public Fund; be it enacted, That at any Time after the passing of this Act it shall and may be lawful for the said Company, notwithstanding any thing contained in this Act to the contrary, to apply to the Commissioners for the Execution of the said recited Act and the several Acts therein recited, or to the Lords of His Majesty's Treasury, or to any other Commissioners to be hereafter appointed under

Company may apply for a Loan from Commissioners for Public Works under 3 G. 4. c. 112.

under the Authority of Parliament for lending or advancing Money in aid of Public Works in *Ireland*, for a free Grant in aid of the said Railroad and other Works, or for an Advance of any Sum or Sums of Money upon the Security of the Rents, Tolls, or Profits expected to arise and be payable or which shall arise and be payable out of such, and of the Ground upon which the same shall be erected; and in case the Commissioners for the Execution of the said recited Acts, or any other Act or Acts to be hereafter passed, shall think fit to direct any Sum or Sums of Money to be advanced for the Purposes of this Act, under the Regulations of the said recited Act, or other Act or Acts under which they may be appointed, it shall be lawful for the said Company to mortgage or assign all or any of the Rents, Tolls, and Profits expected to arise and be payable, or which shall arise or be payable, under this Act, to the Commissioners for the Execution of such Acts, as a Security for the Payment of the Interest and Principal of any Sum or Sums to be advanced, at or within any such Time or Times and by any such Instalment as such Commissioners, with the Approbation of the Lords of His Majesty's Treasury, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall think proper to direct and appoint, and as shall be specified in such Mortgage or Assignment; and every such Mortgage or Assignment, and the Sums payable under or by virtue of the same, shall in all Cases have Preference and Priority over any other Mortgage or Assignment of any of the said Rents, Tolls, or other Profits, or any Grant of Annuity payable out of the said Rents, Tolls, or other Profits, made to any other Person or Persons under this Act; and the Interest of such Sums so advanced shall be fully paid and satisfied before the Payment of any Interest or Annuities under any other Security granted under the Authority of this Act; and the Principal Sums secured by such Mortgage or Assignment to such Commissioners shall be paid and satisfied at such Time or Times and by such Instalments as shall be specified in the Mortgage or Assignment given for Security of the same Preference and Priority to all other Payments under the Authority of this Act.

Application
of Money to
be raised.

LXXXV. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs, Charges, and Expences incurred and applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and all the Remainder of such Money shall be applied in and towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

First and
other Gene-
ral Meetings.

LXXXVI. And be it further enacted, That the said Company shall meet together at some convenient Place within the City of *Dublin*, within Three Calendar Months next after the passing of this Act, between the Hours of Ten and Four, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First Meeting of the said Company there shall be a General Meeting of the said Company on the

the Fifteenth Day in the Month of *March* in each and every Year, or within the Space of Fourteen Days next thereafter, of which said General Meeting Ten Days public Notice at the least shall be given by Advertisement in some One or more Newspapers usually circulated in *Dublin* aforesaid; and all such General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

LXXXVII. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer, or One or more Person or Persons as Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Clerk, or any Persons who shall be hereafter elected and appointed to their respective Offices, and elect in manner aforesaid any other Person to act as Treasurer, or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time think proper and appoint: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer appointed by them or by the said Directors, having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of this Office before he shall enter thereupon.

Appointment
of Treasurer
and Clerks.

Treasurer to
give Security.

LXXXVIII. Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Dublin*,

Treasurer
and Clerk not
to be the
same Person.

by Action of Debt or on the Case; or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

General
Meetings
may make
Bye Laws.

LXXXIX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special General Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Bye Laws, Orders, and Rules as to them shall seem right and proper for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, and printed and published and painted on Boards, shall be hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway, and other Buildings or Places at which any Rates, Tolls, or other Sums shall be received under the Authority of this Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

Meetings
to settle
Accounts.

XC. And be it further enacted, That it shall be competent for any General Annual Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurers, Receivers, or Collectors of the Rates, and other Officers of the said Company.

Election of
Directors.

XCI. And be it further enacted, That at such First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Nine Persons, who shall be Proprietors and respectively possessed in their own Right of Ten Shares at the least in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the other Proprietors present at such Meeting, either personally or by Proxy; and of the Nine Directors so elected as aforesaid Three shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *March* in the

the Year of our Lord One thousand eight hundred and thirty-three, and until others shall be elected in their Stead in pursuance of this Act.

XCII. And be it further enacted, That at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and thirty-three, Three of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and Three Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and thirty-four, Three other of the Directors who shall have been so primarily elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and thirty-five, the remaining Three of the Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* in every subsequent Year, Three of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Service of
Directors.

XCIII. Provided always, and be it further enacted, That every Director who shall, by Ballot or Rotation, go out of Office on any annual Day of Election, may be immediately or at any future Time re-elected by the said Company a Director of the said Company.

Directors
going out of
Office to be
re-eligible.

XCIV. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract, under the said Company, shall be capable of being chosen, or being so chosen of continuing, a Director of the said Company; and no Person, during such Time as he shall be such Director, shall be capable of taking any Office or any Contract under the said Company.

No Person
holding Office
shall be
capable of
being a
Director.

XCV. And be it further enacted, That when and so often as any Director elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors to elect some other Proprietor, duly qualified, to be a Director; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

For supply-
ing Vacan-
cies in Direc-
tions.

XCVI. And

Business of
Special or
Adjourned
General
Meetings.

XCVI. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned Special or General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

General
Meetings for
choosing
Directors to
consist of
at least
Five Persons
possessed of
Twenty-five
Shares.

XCVII. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Five Persons present who shall be possessed of or entitled to at least Twenty-five Shares in the said Undertaking, within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company, at the same Place, at the Expiration of Seven Days then next; and if such sufficient Number of Proprietors shall not then attend thereat, such Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of Proprietors present, when, and not before, the Meeting shall proceed to Business; and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

Chairman
and Deputy
Chairman of
Directors.

XCVIII. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be held next after the First General Meeting of the said Company, and so at the First Meeting of the Directors which shall be held next after the Annual Meeting in the Month of *March* in each and every Year, or at the First Meeting held next after the Election of the said Three Directors in the Place of the like Number of Directors hereby required to go out of Office by Ballot or Rotation as aforesaid, or the Majority of the Directors present at such Meeting of Directors, shall choose, out of the Directors of the said Company, a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled, under the Provisions of this Act, to continue, if such Death, Resignation, Disqualification, or Cesser had not happened.

At Meetings
of the Com-
pany, Chair-
man or De-
puty Chair-
man of the
Directors to
preside.

XCIX. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence any of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chair-
man,

man, and which Chairman shall, in case of an Equality of Votes on any Question, be entitled to the decisive or casting Vóte.

C. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company, or Chairman or Deputy Chairman of the said Directors, shall at any Time subsequently to his Election accept or continue to hold any other Office or any Place of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Ten Shares in the said Undertaking, every such Person shall thereby become disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant; and no Person, during the Time of his being such Director, shall be capable of taking any Office or any Contract under the said Company.

Disqualifi-
cation of
Directors, or
Chairman or
Deputy
Chairman of
Directors.

CI. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper; and to appoint the Times and Places of holding General or Special Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and there shall be Three Directors at the least present to constitute a Meeting; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a second or casting Vote as such Chairman; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments, and Engines and Materials, for the Use of the said Undertaking, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to employ and direct the Works and Workmen, and to appoint or displace the Officers and Servants of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal of any of the said Officers or Servants, from Time to Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and from Time to Time make Report thereof to the said Annual General Meetings, and, if required, to the Special General Meetings of the said Company, and shall obey

Powers and
Duties of
Directors.

[*Local.*]

17 F

their

their Orders and Directions ; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act authorized, or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter, in some Book to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings ; which Book shall be deposited with and kept locked up under the Care or Direction of the said Directors.

Meetings of
Proprietors
may be spe-
cially con-
vened.

CII. And be it further enacted, That Twenty or more Proprietors of the said Company, holding in the Aggregate Fifty Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to at least Three Directors of the said Company, or left at their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully expresses the Object for which such Special General Meeting is required to be called ; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Ten Days next after such Notice given as aforesaid, the same may be called by such Ten or more Proprietors, by giving Ten Days Notice thereof in some Newspaper usually circulated in *Dublin* ; and the said Company are hereby authorized to meet in pursuance of such Notice ; and such of the Proprietors thereof as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice ; and all Acts of the major Part in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Officers to
account.

CIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors or by the said Company, make out and deliver to the said Directors or to the said Company, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her received by virtue of this Act ; and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments ; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the Treasurer of the said Company, or to

Proceedings
in case of
Neglect.

such Persons as the said Directors or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or to the said Company, or to such Persons as they respectively shall appoint, within Seven Days after being thereunto required by the said Directors or by the said Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors or by the said Company, or by any other Person on their Behalf, to any Justice of the Peace for the said City of *Dublin*, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Directors or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of the said City of *Dublin*, there to remain, without Bail or Mainprize, until he or she shall have made and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and have paid the Composition Money to the said Directors or to the said Company, (and which Composition the said Directors and the said Company are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Directors or to the said Company: Provided always, that no Person who shall be committed

mitted for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Orders and
Proceedings
to be entered
in a Book.

CIV. And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company and of the Directors, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings when so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

Accounts to
be kept of
Receipts and
Disburse-
ments.

CV. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose; and such Book-keeper shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors or any Creditor as aforesaid shall and may take Copies of or Extracts from the said Book or Books, or of any Part thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Notices how
to be given.

CVI. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of Proprietors, or any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, or by the Proprietor who may be elected Chairman of any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement inserted in some Newspaper usually printed or circulated in *Dublin*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Clerk to keep
Account of
the Places
of Abode of
Proprietors.

CVII. And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors (whether Corporations or Individuals) of the said Undertaking, and of the several Bodies and
Persons

Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking (or being a Corporate Body by their Clerk or Agent duly appointed) may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy, within a reasonable Period, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

CVIII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company at their Stated or Special General Meetings, or for the Directors of the said Company, to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall die or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office, as the said Company at such Meeting shall think proper.

Appointment
of temporary
Treasurer or
Clerk.

CIX. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some Newspaper usually circulated in *Dublin*; which Money so called for shall be paid to such Persons and in such Manner as the Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint, not exceeding in the whole the Sum of One hundred Pounds upon every such Share so held or subscribed as aforesaid; and if any Owner of any such Share shall not so pay such his or her rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner shall pay Interest for the same, after the Rate of Six Pounds *per Centum per Annum*, from the Day appointed for the Payment thereof up to the Time when

Directors
may make
Calls.

[*Local.*]

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the

If Calls are not paid Directors may sue for them, or declare the Shares to be forfeited.

the same shall be actually paid ; and if any Owner of any such Share shall neglect or refuse so to pay such his or her rateable Proportion, together with the Interest, if any accrue, for the same, for the Space of Three Calendar Months after the Day appointed for the Payment thereof, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information; wherein no Essoign, Wager, or Protection of Law, or more than One Impar lance, shall be allowed; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest in manner last aforesaid, to be forfeited, and to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the said Directors forfeited, shall have been given or sent by the Post unto or left at the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed, either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given ; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting, the said Company by an Annual or Special General Meeting shall have Power to direct the said Directors to dispose of the Shares so forfeited.

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrear of Calls, &c. Surplus to be paid to Owners, on Demand.

CX. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not, by virtue of this Act, sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expences attending the same ; and from and after Payment of such Call, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Proceedings in Actions for Calls.

CXI. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Proprietor of

of any Share in the said Undertaking, to recover any Money due and payable to the said Company or to the said Directors for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company or to the said Directors in such Sums of Money as the Calls in arrear shall amount to, for so many Calls of such Sums of Money upon so many Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company or to the said Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Share in the said Undertaking, and that such Calls were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company or the said Directors, Plaintiffs therein, shall thereupon be entitled to recover what shall appear due, including Interest computed as aforesaid on such Calls, unless it shall appear that any such Call exceeded Ten Pounds for every Share of One hundred Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

CXII. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right of Property or any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be

For ascer-
taining the
Proprietor-
ship of Shares
in certain
Cases.

be made and sworn to by some credible Person before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath been passed to such other Person or to such Body Corporate, and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Affidavit to be the Proprietor or Proprietors of such Share, or left at the last or usual Place of Abode of such Person or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting, after the Expiration of such Notice, to declare such Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, such Notice shall be inserted once in the *Dublin Gazette* as aforesaid; and in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted in the *Dublin Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the Share shall be forfeited in manner aforesaid, except only that in the Cases of Proprietors being Abroad, the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at their last or usual Place of Abode in *Ireland*, and inserted in the *Dublin Gazette* as aforesaid.

Proprietors
in arrear not
to vote.

CXIII. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Share, pursuant to such Call, shall have been fully paid, although the Time limited for Payment thereof may not have expired.

CXIV. And

Directors may appoint Committees with Power to make Contracts.

**Shares may
be sold.**

Form of Conveyance.

[*Local.*]

Conveyances to be kept by the Clerk, and a Certificate delivered to the Purchaser.

the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and on Request a Certificate of each Share shall be delivered by him to the Purchaser, for his or her Security, and for which Certificate no more than Five Shillings shall be paid; and until such Memorial shall have been made and entered as above directed, such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

20l. to be paid on each Share before Transfer.

CXVI. Provided always, and be it enacted, That no such Transfer as aforesaid shall be made unless Twenty Pounds shall have been previously paid to the Treasurer of the said Company on each such Share or Shares so to be transferred, any thing in this Act contained to the contrary notwithstanding.

After a Call, no Share to be sold until the Call shall be paid.

CXVII. And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking, after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or she at the Time of such Sale or Transfer shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

Accounts to be made up annually.

CXVIII. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the First Day of *March* in each Year, of the Money received by the said Company or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company or the said Directors, up to that Period; and at the next subsequent yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time held as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such yearly Meeting shall declare otherwise; and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting shall determine: Provided always, that no Dividend shall be declared or paid until the yearly General Meeting which shall be held next after the Expiration of Three Years from the passing of this Act: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for Payment of any Call of Money in respect thereof, until such Call shall have been paid.

CXIX. And

CXIX. And whereas by the Death of or by other after-mentioned Event happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person, who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor, shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or a solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to or solemnly affirmed by some credible Person before some Master or Master Extraordinary in Chancery, or of any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same and make an Entry thereof in the Book which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person, who shall claim any Part or Share of the Profits of the said Undertaking by any Bequest or Will or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator or Intestate shall be made and sworn to or solemnly affirmed by the Executors of the said Will or the Administrators of the Intestate before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person, and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any Share aforesaid shall be subject or liable.

For ascertaining the Proprietorship of Shares in case of Marriage or Death of Proprietors.

CXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to demand, receive, and recover, to and for the Use and Benefit of the

Rates of Tonnage to be taken.

said

said Company, for the Tonnage of all Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway, or upon or along any Part thereof; any Rates or Tolls not exceeding the following; that is to say,

For Lime to be used as Manure, Dung, Compost, or other Manure, and for Materials for the Repair of public and private Roads and Highways, the Sum of One Penny *per Ton per Mile*:

For Coal, Lime, Limestone to be used otherwise than as Manure, Coke, Culm, Charcoal, Cinders, Stone, Sand, Clay, Fullers Earth, building, pitching, and paving Stones, Flags, Bricks, Tiles, and Slates, Pig Lead, Pig and old Iron, the Sum of One Penny Half-penny *per Ton per Mile*:

For Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Lead, Bar Iron, and other Metals, the Sum of Two-pence *per Ton per Mile*.

What Rates
are to be paid
for short
Distances.

CXXI. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be carried and conveyed along or upon the said Railway, for so short a Distance that the above-mentioned Tonnage Rates shall not amount to the Sum of Two-pence *per Ton*, the said Company shall be at liberty and they are hereby authorized and empowered to demand and receive the Sum of Two-pence *per Ton* thereon, any thing in this Act contained to the contrary thereof notwithstanding.

Tolls on
Carriages.

CXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to demand, receive, and recover, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Gigs, Landaus, Waggon, Carts, and other Carriages which shall be used on the said Railway for the Conveyance of Passengers or Cattle, any Tolls not exceeding the following; (that is to say,)

For every Person passing in or upon any such Carriage for any Distance not exceeding Five Miles, the Sum of One Shilling; for any Distance not exceeding Ten Miles, the Sum of One Shilling and Sixpence:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Neat Cattle, carried in or upon any such Carriage for any Distance not exceeding Seven Miles, the Sum of One Shilling and Sixpence:

For every Calf, Sheep, Lamb, or Pig carried in or upon any such Carriage, the Sum of Five-pence for any Distance.

What Toll
shall be
demanded
when Frac-
tions of a
Ton or a Mile
occur.

CXXIII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the said Rates or Tolls may be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a full Quarter of a Ton; and in all Cases where

where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway, the Rates of Tonnage or Toll which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile which the said Waggon, Cart, or other Carriage shall have passed, and where there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a full Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained at the Distance of One Quarter of a Mile from each other.

CXXIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to carry and convey upon the said Railway all such Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to demand, receive, and recover, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Merchandize, Articles, Matters, or Things carried and conveyed upon the same for the whole Length or Distance thereof, including the several Rates or Tolls herein-before authorized to be charged and received as and for Tonnage and Tolls, any Sum not exceeding the following Sums; (that is to say,) Company may carry Goods.

For Lime, Limestone, Dung, Compost, and other Manure, and for Tolls. Materials for the Repair of public and private Roads, and for Stones, Sand, Clay, building, pitching, and paving Stones, Tiles and Slates, and for Timber, Staves, and Deals, the Sum of Two-pence Halfpenny *per Ton per Mile*:

For Sugar, Corn, Grain, Flour, Dyewoods, Lead, Iron, and other Metals, the Sum of Three-pence Halfpenny *per Ton per Mile*:

For Cotton and other Wool, Hides, Drugs, Groceries, and manufactured Goods, the Sum of Three-pence Halfpenny *per Ton per Mile*:

For Hops, Tea, Wine, Spirits, Vitriol, Glass, and other hazardous Goods, the Sum of Sixpence *per Ton per Mile*:

And for any Distance short of the whole Length of the said Railway, not exceeding a rateable Proportion of such several Sums, according to the Distance:

And for Coal, Coke, Culm, Charcoal, and Cinders carried or conveyed along the said Railway or any Part thereof, the Sum of Three-pence *per Ton per Mile*:

And for Persons, Cattle, and other Animals, such reasonable Charges as shall from Time to Time be determined by the said Company.

CXXV. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed upon the said Railway for so short a Distance that the Rate or Toll or Sums of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to One Company may demand 1s. per Ton for short Distances.

[Local.]

17 I

Shilling

Shilling *per* Ton, the said Company are hereby empowered to demand the Sum of One Shilling *per* Ton thereon, any thing in this Act contained to the contrary thereof notwithstanding.

Company
may reduce
and again
raise the
Rates.

CXXVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time, and as often as they shall think fit, to reduce all or any of the Rates, Tolls, or Sums by this Act authorized to be taken for or in respect of all or any of the Articles, Matters, or Things in this Act specified or mentioned, which shall be conveyed upon the said Railway, and afterwards from Time to Time again to raise the same or any of them, so that they shall not at any Time exceed the Amount by this Act authorized.

Company
may fix
Rates for
small Parcels.

CXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General Meeting of the said Company, to make such Orders for ascertaining and fixing the Price or Sum to be charged or taken by the said Company for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof, and from Time to Time to repeal or vary the same as to them shall seem proper.

Tables of
Tolls to be
set up.

CXXVIII. Provided always, and be it further enacted, That the said Company shall cause to be painted on Boards, and affixed and continued and renewed as often as the same shall be obliterated or defaced, to or upon every public Wharf at which any of the Tolls, Rates, or Sums by this Act authorized shall be collected or received, and to or upon every Stop Gate or Toll House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and of the Prices or Sums of Money to be taken for the Carriage of Parcels as aforesaid upon the said Railway or any Part thereof; and in case any Owner or Master of or Person having or assisting in the Charge of any Waggon or other Carriage passing upon the said Railway, or any Collector of the Rates, Tolls, or Sums aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

No Tolls to
be taken ex-
cept when
Tables are
affixed.

CXXIX. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates, Tolls, or Sums for or in respect of any Articles, Matters, or Things, or any Carriage, Passenger, Horse, Beast, or Cattle, but for and during such Time as the Board on which such Rates, Tolls, or Sums shall be so painted as aforesaid, shall remain affixed to such public Wharf, Stop Gate, or Toll House as aforesaid.

CXXX. And

CXXX. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Rates, Tolls, or Sums shall have been painted as aforesaid, or any Stone or Post on which shall be described or painted the Distance from Place to Place, or shall concur or aid therein, he or she shall, on Conviction, forfeit and pay a Sum not exceeding Five Pounds for every Offence.

Penalty for
damaging
Table of
Tolls.

CXXXI. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stop Gate, Toll House, or Toll Gate or Wharf whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates, Tolls, or Sums shall not place as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate, Toll, or Sum from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Rate, Toll, or Sum from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading; the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, on having paid the legal Rates, Tolls, or Sums, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate, Toll, or Sum being paid or tendered, shall unnecessarily detain or wilfully obstruct or prevent any Passenger from passing through any Stop Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or to any Passenger upon the said Railway, then and in every such Case every such Toll Collector shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Toll Collec-
tors to place
up their
Christian and
Surname.

CXXXII. And be it further enacted, That the Rates of Tonnage, Tolls, and other Sums hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations, as the said Company at some General or Special Meeting, or as the said Directors, shall by Notice to be annexed to the Account or List of Rates, Tolls, or Sums, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, or Sums as may have accrued due unto the Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Sums shall amount to the Sum of Ten Pounds or upwards, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the

Recovery of
Rates.

Persons to whom such Rates, Tolls, or Sums ought to have been paid may and they are hereby respectively empowered to seize the Goods, Chattels, and other Things for or in respect whereof any Rates, Tolls, or Sums ought to be or ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein mentioned.

For settling
Disputes
respecting
Rates.

CXXXIII. Provided also, and be it further enacted, That if any Dispute shall arise concerning the Amount of Rates, Tolls, or Sums due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Rates, Tolls, or Sums due, or, as the Case may require, the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said City or County, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates, Tolls, or Sums due, or (as the Case may be) of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof on Demand, such Cost shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company
may let to
farm the
Rates.

CXXXIV. And be it further enacted, That it shall be lawful for the said Company, at any of their General Meetings, by Writing under their Common Seal, at any Time to let to farm the Rates, Tolls, and Sums hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Person or Persons, for any Term which they shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in possession or within Three Calendar Months next after granting the same; and every such Lease shall be valid and effectual; and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates, Tolls, or Sums so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates, Tolls, or Sums so let, but for the proper Use of the Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that

that Purpose by the said Company; provided that public Notice of the Intention to let the said Rates, Tolls, and Sums, or the Part thereof intended to be let, shall be given in Writing by the said Directors or by the Clerk of the said Company, by Advertisement published in some Newspaper or Newspapers circulated within the said City of *Dublin*, at least Twenty-one Days prior to any General Meeting at which it may be intended or proposed that the said Rates, Tolls, and Sums, or any Part thereof, shall be let as aforesaid.

CXXXV. And be it further enacted, That the respective Owners or Persons having the Care of Waggon or other Carriages passing upon the said Railway shall give an exact and true Account, in Writing signed by them, to the Collectors of the Rates, Tolls, or Sums, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in the Waggon or other Carriages so belonging to or under their Care, and from whence such Waggon or other Carriages are brought, and where the same are intended to be unloaded or left, and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, Tolls, or Sums, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates, Tolls, or Sums; and in case any such Owner or other Person as aforesaid shall neglect or refuse to give and deliver such an Account or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates, Tolls, and Sums, and shall be thereof convicted before any Justice of the Peace for the said City or County, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings for every Ton of Goods and for every Parcel not exceeding Five hundred Pounds Weight, and so in proportion for any less Quantity than a Ton or Five hundred Pounds Weight, as the Case may be, which shall be in such Waggon or other Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen, over and above the Rate, Toll, or Sum to which such Articles or Things may be liable.

Drivers of
Waggon to
give Account
of Lading.

Penalty.

CXXXVI. And for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates or Tolls, be it further enacted, That One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weight shall be deemed One Ton; and for ascertaining the Tonnage of Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, any Usage to the contrary notwithstanding.

For ascer-
taining Ton-
nage of
Goods.

[*Local.*]

17 K

CXXXVII. And

For settling
Difference as
to Weight of
Goods.

CXXXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, or Sums, or any Tollkeeper, Officer, or Servant of the said Company, and any Owner of or Person having the Charge of any Waggon or other Carriage passing upon the said Railway, or any Goods or other Things in or on such Waggon or Carriage, it shall be lawful for such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein or thereon; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Waggon or other Carriage, and the respective Owners of such Goods and other Things, shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates, Tolls, and Sums are herein authorized to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Waggon or Carriage, and to the respective Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace of the City of *Dublin*, on the Oath of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods or other Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid, (as the Case may be,) by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may be).

Names of
Owners to
be affixed on
Waggons.

CXXXVIII. And be it further enacted, That the respective Owners of Waggons or other Carriages passing upon the said Railway shall cause their Names and Places of Abode, and the Number of

of their respective Waggon or other Carriages, to be entered with the Clerk of the said Company, and shall also cause such Names, Places of Abode, and Numbers to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Length at least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to view, and shall permit every such Waggon or other Carriage to be weighed, measured, and gauged, at the Expence of the said Company, whenever it shall be required by them, or by any Person by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part of the Outside thereof; and every Owner of or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway, without having such Waggon or other Carriage previously weighed, measured, and gauged, or without having such Weight and Gauge, and such Names, Residence, and Figures, marked thereon respectively as herein-before directed, or who shall alter, erase, deface, or hide such Weight, Gauge, or Names, Residence, or Figures, or any of them, or any Part, or shall fix thereon any false Weight, Gauge, Name, Residence, or Figure, or shall refuse to permit or shall not permit any such Waggon or other Carriage to be weighed, measured, or gauged, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

CXXXIX. And be it further enacted, That the respective Owners of Waggon or other Carriages passing upon the said Railway shall be and they are hereby made answerable for any Trespass, Damage, or Mischief which may be done by their Waggon or other Carriages, or by any of the Waggoners or Drivers or other Persons belonging to or employed by them, to the said Railway, or to any Bridges, Engines, Embankments, Cuttings, Inclined Planes, Tunnels, or other Works or Conveniences made by virtue of this Act, either by loading or unloading such Waggon or other Carriages, or by any Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of any such Waggoner, Driver, or other Person before some Justice of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness, pay to the said Company, or to the Person injured, the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, and Costs, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; but if the Value or Amount of such Trespass, Damage,

Owners of
Waggon
liable for
Damage
caused by
their Wag-
gon or
Servants.

Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner or Owners of such Waggon or other Carriage, and his, her, or their Executors or Administrators, may be sued and prosecuted for the same in any of His Majesty's Courts of Record, and if a Verdict or Judgment shall be given against him, her, or them, either upon Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners may
recover the
Amount of
Damages
from their
Servants.

CXL. Provided always, and be it further enacted, That in case any Owner of any Waggon or other Carriage passing upon the said Railway shall be compelled to pay any Penalty or to make any Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of any of his or her Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, (as the Case may be,) with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, and Oath made by such Owner of the Payment by him or her of such Penalty and Satisfaction, or either of them, (as the Case may be,) and that the same have not nor hath not been repaid to him or her by such Servant, although demanded, (such Oath being made before some Justice of the Peace for the County or Place in which such Penalty or Damages was or were incurred,) such Penalty and Satisfaction, or either of them, (as the Case may be,) and the Costs aforesaid, shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, (as the Case may be,) and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and the Costs so by him or her paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to some Common Gaol or House of Correction for the said City or County or other Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty for
obstructing
Passage of
Railway.

CXLI. And be it further enacted, That if any Person shall throw or place or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he or she shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty for
destroying
Works.

CXLII. And be it further enacted, That if any Person shall wilfully, and to the Injury of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or take away any Part of the said Railway or other Works to be erected or made by

by virtue of this Act, or any Part of the Materials of any such Works, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as in Cases of Simple Larceny.

CXLIII. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper for or relating to Waggon or other Carriages passing upon the said Railway, and for or relating to the Powers to be used for propelling such Waggon or Carriages, and also for or relating to the Speed with which they shall travel, and also for the loading thereof respectively, and for passing or using the said Railway, or other Acts by this Act authorized, and also for the Delivery of Goods, Merchandize, and other Matters and Things which shall be conveyed in or upon such Waggon or other Carriages, and generally for using and working such Railway; and all such Orders and Regulations shall be submitted to Two or more Justices of the Peace for the said City of *Dublin*, and when ratified by such Justices shall be binding upon and be conformable to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Waggon or other Carriages, and by all Persons using or working the said Railway, upon pain of forfeiting any Sum not exceeding Five Pounds for every Default.

Company to regulate Passage of Carriages on the Railway.

CXLIV. And be it further enacted, That if the Loading of any Waggon or other Carriage using the said Railway shall be suffered to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon or other Carriage, or if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain on any Part of the said Railway or other Works so as to obstruct the Passage or working thereof, and the Person having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately, upon Request made, remove the same, then and in every such Case, and without Prejudice to any other Clause in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by such unloading or removing shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such unloading or Removal, or for any Delay occasioned thereby nor in any way relating thereto, except for wilful Damage done to any Waggon, Carriage, or Goods

Loading of Carriages not to extend beyond Two Feet over the Wheels.

so unloaded or removed, nor shall they or he be liable for the safe Custody of any such Waggon or other Carriage, or any Goods, which shall be removed, unless the same shall be wrongfully detained by the said Company or by the said Agent or Officer, and then only for so long a Time as the same shall be detained.

Company to
make and
maintain
Bridges,
Gates, &c.

CXLV. And be it further enacted, That the said Company shall, at their own Expende, after any Part of the said Railway shall be laid out and formed, forthwith make and set up and from Time to Time maintain such and so many convenient Gates in or upon or adjoining the said Railway, and such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the County or County of the City of *Dublin* shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Use of the Owners and Occupiers of the Lands and Grounds through which the said Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railway or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times hereafter be maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make or set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands or Grounds, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or set up or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands or Grounds, who shall find themselves aggrieved by such Neglect or Refusal, to make and set up, or, as the Case may require, to maintain and repair, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and set up as aforesaid, so that in making or repairing and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages aforesaid, the said Railway or any of the Works by this Act authorized to be made and directed by the said Company shall not be obstructed for any longer Space of Time, or be injured in any other Manner, than shall be unavoidably necessary for the doing thereof; and all the reasonable

reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands or Grounds, who shall have so made and set up, repaired, or maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Five Days next after the same shall have been so settled and allowed, and of which an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering the said Company the Overplus, if any, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof, by Action at Law to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no Bridge or Arch shall be required to be erected or made, or shall be erected or made, over or under the said Railway or any Part thereof, at or in any Place or Manner at or in which the same would, if so made, prevent or obstruct the working or using of the said Railway.

CXLVI. Provided always, and be it further enacted, That if any of the Owners or Occupiers of any Lands, Tenements, or Hereditaments through which the said Railway shall be made, shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages which the said Justices shall have so directed or appointed to be made by the said Company are insufficient either in Number or Situation for the commodious Use or Occupation of the respective Lands, Tenements, or Hereditaments through which the said Railway shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request made to them, or in case of their Refusal for the Space of Twenty Days next after such Request, then with the Consent of the said Justices, to make and erect, at the Costs and Charges of such Owners and Occupiers, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, in, upon, along, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands, Tenements, or Hereditaments, which thenceforth shall be repaired and maintained by and at the Costs and Charges of the respective Owners or Occupiers for the Time being of the respective Lands, Tenements, or Hereditaments the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage through or along the said Railway be not prevented or obstructed

When Gates are deemed insufficient, Owners of Lands adjoining empowered to make others.

obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

Owners and Occupiers of Lands adjoining the Railway to pass and repass free.

CXLVII. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands through which the said Railway shall be made, and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway as shall be made in or upon the said Lands, and also along and upon the same so far only as their own Lands extend and adjoin such Railway, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass across, along, or upon any other Part of the said Railway: Provided also, that it shall be lawful for the respective Occupiers of any Lands through which the said Railway shall be made, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow, or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway as far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof.

Railway to be open to all Persons upon Payment of Rates.

CXLVIII. And be it further enacted, That all Persons shall have free Liberty to use with Carriages all Roads, Ways, and Passages, for the Purpose of conveying Goods, Wares, Merchandize, or other Things, or Passengers or Cattle, to or from the said Railway and every Part thereof, and also to pass along and upon and use the said Railway with Waggon or other Carriages properly constructed, as by this Act directed, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums as shall be demanded for the Time being by the said Company, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Penalty for passing along the Railway without Leave.

CXLIX. And be it further enacted, That if any Person (save and except the said Company, and their Agents and Servants employed by them, and by them only, for the Purposes of the said Railway,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving, upon such Railway or on any Part thereof, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon, or aid or assist in leading or driving thereon, any Cows or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, and except also in passing along the same as aforesaid for the necessary Occupation of the respective Lands throughout which the said Railway may be laid, every Person so offending shall forfeit and pay any Sum not exceeding

ceeding Forty Shillings nor less than Twenty Shillings for every such Offence.

CL. And whereas it might be very injurious to the said Railway, and inconvenient and dangerous to the Public, if the said Railway were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person shall travel or pass on Foot upon the Railway by this Act authorized to be made, without the Licence and Consent of the said Company, except for the Purpose of attending any Waggon or other Carriage under his Care, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same, as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made, every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Five Pounds for every such Offence.

Foot Passengers not to use the Railway.

CLI. And be it further enacted, That no Person shall pass upon the said Railway with any Waggon or other Carriage unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railway, except in crossing or passing along the same, as herein-before authorized, for the convenient Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway; and if any Person shall pass upon any Part of the said Railway with any Waggon or other Carriage not constructed in the Manner herein-before directed (except as aforesaid), he or she shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Carriages using the Railway to be constructed according to the Regulations of the Company.

CLII. And whereas, for the greater Security of Passengers and other Persons travelling upon or using the said Railway, it is expedient that the locomotive Engines or other Power to be from Time to Time used in drawing or propelling Coaches, Waggon, and other Carriages, upon and along the said Railway, for the Conveyance of Passengers in covered Coaches or Chaises, should be entirely under the Management and Control of the said Company; be it therefore enacted, That no locomotive Engine, or other Description of Moving Power, shall at any Time be brought upon or used on the said Railway for drawing or propelling such Coaches or Chaises, save and except the locomotive Engines or other Power belonging to or to be provided by the said Company, or by such Person or Persons as may be from Time to Time especially licensed in that Behalf by the said Company; and every such locomotive Engine, or other Power, shall be under the absolute Control and Management of the said Company, their Engineers, Officers, and Servants; and it shall be lawful for the said Company, and they are hereby authorized and empowered, to make such reasonable Charges for the Use of the said locomotive Engines, or other Power, for such

No locomotive Engines to be used but such as are licensed by the Company.

[*Local.*]

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Purposes

Purposes as aforesaid, as they may from Time to Time determine upon.

Regulating
Weight to be
carried on
the Railway.

CLIII. And be it further enacted, That no Waggon or other Carriage shall carry at any One Time upon any Part of the said Railway, including the Weight of such Waggon or Carriage, more than Four Tons, except in any One Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Waggon or Carriage, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may from Time to Time direct or appoint, not exceeding Four-pence *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may deem proper.

Company to
fence off
Lands.

CLIV. Provided always, and be it enacted, That the said Company shall and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway and other Works, to divide and separate the same, and to keep the same constantly divided and separated, from the Lands adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, instead of erecting Gates across the same as aforesaid; and the said Company shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands; and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

Penalty for
leaving Gates
open.

CLV. And be it further enacted, That all Persons opening any Gate set up across the said Railway shall and they are hereby respectively required, as soon as they, and the Waggon or other Carriage under their Care or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and the Money to arise by such Forfeitures shall be paid One Half Part thereof to the

the Informer, and the Residue thereof to the Poor of the Parish wherein such Offence shall be committed.

CLVI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands, Tenements, or Hereditaments adjoining or lying near to the said Railway, and for all other Persons, to lay down, either upon their own Lands, or upon the Lands of any other Person with the Consent of such other Persons, any Collateral Branches from their respective Lands, Tenements, or Hereditaments, to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway, for effecting such Communication, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branches so to be made by any such Owner or Occupier or Person as aforesaid.

Owners of
Lands may
make
Branches to
communicate
with Railway.

CLVII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands, Tenements, or Hereditaments lying adjoining or near to the said Railway, from making any Railway, Tramroad, common Road, or Watercourse to, from, across, or under the said Railway hereby authorized to be made, and to use such first-mentioned Railway, Tramroad, common Road, or Watercourse for the Benefit of himself or herself, and of all other Persons to whom he or she may from Time to Time give Leave, so that such Railway, Tramroad, common Road, or Watercourse do no Injury to, and do not prevent the free Passage upon, the said Railway hereby authorized to be made by the said Company for any greater Length of Time than shall be absolutely necessary for executing the necessary Works, which shall be done under the Superintendence, Direction, and to the Satisfaction of the said Company's Engineer: Provided nevertheless, that in case any Damage or Obstruction shall be thereby done or occur to or in such Railway or Works, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners of the Land for whose Benefit any such Railway, Road, or Watercourse may be made; and if the same shall not be forthwith done, it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days next after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners, or by Action of Debt or on the Case in any of His Majesty's Courts of Record in *Dublin*.

Not to pre-
vent Owners
of Lands
making Rail-
ways not in-
terfering with
the Railway
hereby
authorized.

CLVIII. And be it further enacted, That it shall be lawful for the Directors of the said Company, and they are hereby authorized, in the Name of the said Company, or of such Person or Persons as they shall for that Purpose appoint, to contract and agree with any Person

Company
may make
Contracts.

Person and Persons for making the said Railway or any Part thereof, or any other of the Works hereby authorized to be made or done by the said Company, and that in such Manner, and for such Sums, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Company and all other Parties thereto, their respective Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company or any of the Parties failing in the Execution thereof.

Company to
make Arches,
Culverts, &c.

CLIX. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands or Grounds adjoining or lying near to the said Railway as before making the said Railway, without Obstruction, or impounding the same Water to the Prejudice of any of the said Lands or Grounds, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands or Grounds adjacent thereto shall be deprived of as easy Access as before to their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels for the same, respectively, as any Two or more Justices of the Peace for the said City or County of *Dublin*, as the Case may require, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Purpose of conveying Water from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or are not cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said City or County of *Dublin* (as the Case may require), from Time to Time as often as there shall be Occasion, and the said Justices

Justices are hereby authorized and empowered at their Discretion to make and grant such Orders as aforesaid, enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Water-courses, Drains, and other Passages accordingly; and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days next after Demand thereof made upon the said Company, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

CLX. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

What shall be deemed service upon the Company.

CLXI. And be it further enacted, That in all Cases wherein it may be necessary for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall or may be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Clerk for the Time being of the said Company, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company; and such Notice shall be delivered to such Person, or be left at his or her last or usual Place of Abode, or be delivered to some Member of such Corporation, or be left at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

Notices given by the Company to be signed by the Clerk or Treasurer for the Time being.

CLXII. Provided also, and be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use (or otherwise so much thereof as shall be by them deemed necessary and proper) for the Purposes of making the said Railway or other Works hereby authorized, (save and except the aforesaid Ten Acres of Land which the said Company are by this Act authorized to purchase

If Company do not purchase Lands within Three Years, Power of purchasing to cease.

chase in addition to the Lands, Tenements, and Hereditaments hereby authorized to be taken or used for making the said Railway or other Works,) then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void.

If Railway is not finished within Five Years, Powers of Act to cease.

CLXIII. Provided also, and be it further enacted, That in case the said Railway and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall have been declared and certified to be completed within the said Term by the Justices of the Peace of the said County or County of the City assembled at any Quarter Sessions of the Peace to be holden in and for the said County or County of the City, as the Case may be, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses, upon Oath or Affirmation, to be produced before them for that Purpose.

If Railway is abandoned, Lands to vest in Owners of adjoining Lands.

CLXIV. Provided also, and be it further enacted, That if the said Railway, or any Part thereof, shall at any Time hereafter be abandoned or given up by the said Company, or, after the same shall have been completed, shall for the Space of Five Years cease to be used and employed as a Railway, then and in such Case the Lands, Tenements, and Hereditaments so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof over which the said Railway, or any Part or Portion of such Railway which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following; that is to say, a Moiety thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side thereof.

Power of Re-entry.

CLXV. And be it further enacted, That in case any of the Rates, Tolls, or Sums arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates, Tolls, or Sums; or in case any temporary or other Collector of any of the said Rates, Tolls, or Sums shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative

representative of any such Collector who shall die or abscond, absent himself or be discharged, or any other Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Seven Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County or City of *Dublin*, within their respective Jurisdictions, upon Application made by the said Directors, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under the respective Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Farmer, or other Person who shall be found therein, together with his or her Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates, Tolls, or Sums, and to put the said Company or their Agent, or their new Lessee, Farmer, or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company or Directors in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates, Tolls, and Sums to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

CLXVI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect,

For compelling Witnesses to attend.

Neglect, or appearing shall refuse to be examined upon Oath, or (in case of a Quaker) on solemn Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Releases may
be granted.

CLXVII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings, under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or upon, consequent upon, or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any One of the Directors of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Recovery of
Damages
from the
Company.

CLXVIII. And be it further enacted, That when and so often as any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs; or for any Damage or Injury, of any Nature or Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money, as or by way of Compensation or Satisfaction for any such Materials, Cost, Damage, or Injury as aforesaid;

aforesaid ; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus of the Money arising from such Sale shall be returned, on Demand, to the Treasurer of the said Company, for the Use of the said Company or of their Treasurer for the Time being, as the Case may be : Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

CLXIX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said City or County of *Dublin* (as the Case may require), on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices ; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained ; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid One Moiety to the Informer, and the Remainder to the Treasurer or Treasurers of some One or more charitable Institution or Institutions, at the Discretion of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid One Moiety to the Informer, and the Remainder to the Churchwardens of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Churchwardens for the Benefit of the Poor of such Parish or Place ; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices, and they are hereby authorized and required, to order the Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his or her Appearance before such Justices, or before such other Justices of the Peace having Jurisdiction, on such Day as shall be appointed for the Return of such Warrant of Distress, (such Day not being more than Seven Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise ; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties and such Costs and Expences as aforesaid, and the same

Recovery of Penalties.

[*Local.*]

17 O

shall

shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods or Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress; but in such Case it shall be lawful for such Justices and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the said County or City which may be within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

For ascer-
taining
Amount of
Damages
when not
otherwise
specified.

CLXX. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Informations
need not be
in Writing.

CLXXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

For securing
transient
Offenders.

CLXXII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to carry him

him or her before some Justice of the Peace for the County or Place where the Offence shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

CLXXIII. And be it further enacted, That all Justices of the Peace, before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act, may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Forms of
Information
and Con-
viction.

‘ to wit. } BE it remembered, That on the Day of
‘ of His Majesty’s Justices of the Peace for A. B. of informeth me, one
‘ of [here describe the Offence, with the that
‘ Time and Place,] contrary to an Act passed in the Second Year of
‘ His Majesty King William the Fourth, intituled [here insert the
‘ Title of this Act], which hath imposed a Forfeiture of
‘ for the said Offence. Taken the Day of
‘ before me

‘ to wit. } BE it remembered, That on the Day of
‘ in the Year of our Lord
‘ A. B. is convicted before me C. D., one of His Majesty’s
‘ Justices of the Peace for the County [or City, as the Case may be,]
‘ of [specifying the Offence, and the Time and Place
‘ when and where the same was committed, as the Case may be,] con-
‘ trary to an Act passed in the Second Year of the Reign of King
‘ William the Fourth, intituled [here set forth the Title of this
‘ Act]. Given under my Hand and Seal the Day and Year first
‘ above written.’

CLXXIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

Distress not
to be deemed
unlawful for
want of
Form.

CLXXV. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company and all other Bodies and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace

Persons
aggrieved
may appeal.

Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or City where the Cause of Appeal shall happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or City; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

Copy of
Bye Laws to
be Evidence.

CLXXVI. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders, and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, and, in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and generally continued in manner by this Act directed.

Proceedings
not remov-
able by Cer-
tiorari.

CLXXVII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of
Actions.

CLXXVIII. Provided also, and be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature

Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the said County or City where the Matter in dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

CLXXIX. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action is brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not
to recover if
Tender of
Amends shall
have been
made, &c.

CLXXX. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he or she shall be examined by or before such Justice.

Justices to
administer
Oath.

Public Act.

CLXXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

The SCHEDULE referred to by the preceding Act.

COUNTY OF THE CITY OF DUBLIN.

Parish of Saint Mark.

No. on Map.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Between } 63 & 64 }	Corporation of Dublin	Mr. Croker - -	None - -	Field or Building Ground.
	Ditto - -	David Sherrard - -	Ditto - -	Ditto.
	Ditto - -	John Lee - -	C. B. Newenham - -	House, Yard, &c.
to 65 }	Ditto - -	Ditto - -	P. Dunne - -	Ditto.
67 to 68 & }	Ditto - -	Arthur Darley - -	None - -	Field or Building Ground.
69 to 70 }	Ditto - -	Miss Stokes - -	Martin Farrell - -	House.
	Ditto - -	Ditto - -	Sundry Lodgers - -	Building Ground and Cabins.
71 to 72 }	Ditto - -	Robinson and Fayler	None - -	Building Ground.
73 to 74 }	Ditto - -	Colonel Creighton	Ambrose McGarry - -	Houses and Yards.
75 to 76 }	Ditto - -	Ditto - -	Patt Hennon - -	House and Plot.
	Ditto - -	Ditto - -	Thomas Smith - -	Houses and Plots.
	Ditto - -	Ditto - -	Miss Coppetwaith - -	House.
	Ditto - -	Ditto - -	Mr. Brady - -	Ditto.
	Ditto - -	Ditto - -	Mrs. Staples - -	Ditto.
	Ditto - -	Ditto - -	Mr. Shaw - -	Ditto.
	Ditto - -	Ditto - -	Mr. Byrne - -	Ditto.
	Ditto - -	Ditto - -	Mr. Connor - -	Ditto.
81 to 82 }	Ditto - -	Ditto - -	A. McGarry - -	Houses.
	Ditto - -	Ditto - -	Theophilus Page - -	Six Houses, &c.
	Ditto - -	Ditto - -	Patt Hennon - -	House, &c.
83 to 84 }	Ditto - -	Ditto - -	Ambrose McGarry - -	Houses.
	Ditto - -	Ditto - -	Pat Doyle - -	Ditto.
	Ditto - -	Ditto - -	Mr. Pepper - -	Ditto.
	Ditto - -	Ditto - -	Mr. Fisher - -	Ditto.
	Ditto - -	Ditto - -	Mrs. Watts - -	Ditto.
	Ditto - -	Ditto - -	Mrs. Hart - -	Ditto.
	Ditto - -	Ditto - -	Mrs. Ward - -	Ditto.
	Ditto - -	Ditto - -	Mr. Callaghan - -	Ditto.
	Ditto - -	Ditto - -	William M'Kie - -	Houses and Yards.
	Ditto - -	Ditto - -	Rice Williams - -	Ditto.
	Ditto - -	Ditto - -	Thomas Smith - -	Ditto.
	Ditto - -	Ditto - -	Mrs. Burke - -	Ditto.
	Ditto - -	Ditto - -	Phil Turpin - -	Ditto.
	Ditto - -	Ditto - -	Henry Richardson - -	Ditto.
	Ditto - -	Ditto - -	Mr. Croker - -	House and Yards.
	Ditto - -	Ditto - -	John Hodgson - -	Ditto.
	Ditto - -	Ditto - -	Mr. Mills - -	Ditto.
	Ditto - -	Ditto - -	Mr. Mowen - -	Ditto.
	Corporation of Dublin	Colonel Creighton	Garret Waters - -	House and Yards.
	Ditto - -	Ditto - -	Thomas Toole - -	Ditto.
	Ditto - -	Ditto - -	Mr. M'Laghlin - -	Ditto.
	Ditto - -	Ditto - -	Richard White - -	Ditto.
	Ditto - -	Ditto - -	Mr. Desmond - -	Ditto.
	Ditto - -	Ditto - -	Timothy Kelly - -	Ditto.
	Ditto - -	Ditto - -	Mr. Reed - -	Ditto.

No. on Map.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
85 to 86	Corporation of Dublin	Colonel Creighton	Mr. Finsell	House and Yards.
	Ditto	Ditto	Mr. Fogarty	Houses and Plots.
	Ditto	Ditto	Mr. Farren	Ditto.
	Ditto	Mr. Courtney	Mr. Bagnall	House and Garden.
	Ditto	Ditto	Counsellor Kemmis	Houses, &c.
	Ditto	Ditto	Mr. Redmond	Ditto.
	Ditto	Ditto	Mr. Harafy	Ditto.
	Ditto	Ditto	William Liscomb	Ditto.
	Ditto	Ditto	Mr. Reilly	Ditto.
	Ditto	Ditto	Mr. Toole	Ditto.
87, 88, } 89, 90 }	Ditto	Ditto	Mrs. M'Evoy	Ditto.
	Ditto	Ditto	Mr. Thornhill	Building Ground.
132	Ditto	Ditto	Mr. Courtney	Houses and Fields, or Building Ground.
	Ditto	Ditto	Mr. Kirkwood	Ditto.
115, 116, } 117 }	Ditto	Grand Canal Com- pany	Grand Canal Com- pany	Docks.
118	Ditto	Ditto	Eneas Coffee	Distillery, Brewery, Stores, &c.
119	Ditto	Ditto	Mr. Connelly	Stores and Yards.
126, 127, } 128, 129 }	Ditto	Ditto	Austin Ward	Houses, Kilns, &c.
	Ditto	Mr. Courtney	Mr. Courtney	Fields.

Parish of Saint Mary, Donnybrook.

141	Hon. Sydney Herbert	William Vavasour	Henry Roe and Co.	Houses and Build- ing Ground.
142	Ditto	Ditto	Representatives of late Richard Vers- choyle Esq.	Field.
143	Ditto	Ditto	Pat Farrell	Cabins and Plots.
151, 152	Ditto	William Hodgins	Mr. Hodgins	Houses, Gardens, and Field.
153, 154	Ditto	Thomas Dawson	Mr. Haig	Mill and Grounds.
155, 156	Ditto	Ditto	Mrs. Dawson	Demesne.
186	Ditto	Robert Haig	Mr. Haig	Land.
187	Ditto	John Byrne	Mr. Pierson	Ditto.
188	Ditto	Michael Keegan	Mr. Keegan	Ditto.
189	Dean and Chapter of Christ Church	William Tobin	William Tobin	Houses and Land.
190	Ditto	William Power	William Power	Land.
191	Ditto	Mrs. Bacon	Mrs. Bacon	Ditto.
192	Ditto	Mr. Alday	Mr. Alday	Ditto.
193	Ditto	Mr. Collier	Mr. Collier	Ditto.
194	Ditto	Andrew Jackson	Andrew Jackson	Ditto.
196	Ditto	Mrs. Burrows	Mrs. Burrows	Ditto.
200	Ditto	R. Fairis	R. Fairis	Gardens, &c.
197, 198, } 199 }	Ditto	Lord Bishop of Kildare	Lord Bishop of Kildare	Fields.
201	Hon. Sydney Herbert	Arthur Buckley	Mr. Goodwin	Ditto.
		Dominick O'Reilly	Ditto	Ditto.
204	Hon. Sydney Herbert	Dominick O'Reilly	G. Elvidge	Field and Garden.
206	Ditto	Ditto	Thomas Haven	Field.
207	Ditto	Ditto	William Salmon	Ditto.
208	Ditto	Ditto	Mr. Dargan	Ditto.
209	Ditto	Ditto	Mr. Bradley	Ditto.
210	Ditto	Ditto	Mr. John De Mol	Ditto.
211	Ditto	Ditto	Mr. R. Davis	Field and Demesne.
	Ditto	Ditto	Mr. Bott	Ditto.
212	Ditto	Messrs. Mangin & Moore	Martin Gaffney	Fields.

No. on Map.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
213 {	Hon. Sydney Herbert - - }	Messrs. Mangin & Moore - - }	Simon Murray -	Cabin and Yard.
	Ditto - - -	Ditto - - -	Richard Herbert -	Ditto.
	Ditto - - -	Ditto - - -	Mrs. Delany -	Ditto.
	Ditto - - -	Ditto - - -	William Gibson -	Ditto.
	Ditto - - -	Ditto - - -	John Cox -	Ditto.
	Ditto - - -	Ditto - - -	Mrs. Fitzsimon -	Ditto.
	Ditto - - -	Ditto - - -	John Keefe -	Ditto.
	Ditto - - -	Ditto - - -	Mrs. Felan -	Ditto.
	Ditto - - -	Ditto - - -	John Carroll -	Ditto.
	Ditto - - -	Ditto - - -	Pat Sutcliffe -	Ditto.
	Ditto - - -	Ditto - - -	Richard Delany -	Ditto.
214	Ditto - - -	Colonel Hucksley -	Mr. M'Gowran -	Baths, &c. &c.
	Ditto - - -	None - - -	None - - -	Strand to Williams- town from Merrion.

Parish of Booterstown.

Between } 219 & 220	Hon. Sydney Herbert	William Vavasour -	John Crosstwaith -	Baths.
	Ditto - - -	Ditto - - -	James Cowen -	Ditto.
	Ditto - - -	Ditto - - -	John Gray -	House, &c.
	Ditto - - -	Ditto - - -	Mr. Powel -	Houses, Plots, and Land.
	Ditto - - -	Ditto - - -	John Nowlan -	Field.
	Ditto - - -	Ditto - - -	Mr. Sutton -	House.
	Ditto - - -	Ditto - - -	Mrs. Murphy -	Ditto.
	Ditto - - -	Ditto - - -	Mrs. Shaw -	Ditto.
	Ditto - - -	Ditto - - -	Mr. Carpenter -	Ditto.
	Ditto - - -	Ditto - - -	Thomas Benningham -	Ditto.
	Ditto - - -	Ditto - - -	Mr. John Kelly -	Ditto.
	Ditto - - -	Ditto - - -	Mr. Carmichael -	Ditto.
	Ditto - - -	Ditto - - -	Eyre Burton Powel -	House and Garden.
	Ditto - - -	Ditto - - -	Miss Hendrick -	Ditto.
	Ditto - - -	Ditto - - -	Mr. Hugh Mundy -	House and Demesne.
	Ditto - - -	None - - -	Unoccupied -	Strand from this to the Bounds of Blackrock.
	Ditto - - -	William Metcalfe -	Thomas O'Mara -	House and Demesne.

COUNTY OF DUBLIN.

Parish of Monkstown.

Between } 221 & 225	Miss Byrne - -	Sir H. Lees - -	Mr. Thomas Christy	Baths, &c.
	Ditto - - -	Ditto - - -	Hugh Byrne - -	Cabin.
	Ditto - - -	Ditto - - -	Peter Byrne - -	Cabin.
	Ditto - - -	Ditto - - -	Mr. Dunne - -	House, &c.
	Miss Byrne - -	Sir H. Lees - -	Edward Byrne -	House, &c.
	Ditto - - -	Ditto - - -	Bryan Mayne -	Ditto.
	Ditto - - -	Ditto - - -	William Talbot -	Ditto.
	Ditto - - -	Ditto - - -	Daniel Keogh -	Ditto.
	Ditto - - -	Ditto - - -	Mr. Powel - -	Ditto.
	Ditto - - -	Ditto - - -	Christy Monks -	Ditto.
	Ditto - - -	Mr. Doman - -	Mr. Doman -	House and Baths, &c. Garden.
	Ditto - - -	Mrs. Griffin - -	Mrs. Griffin -	Ditto.
	Ditto - - -	Alexander Smyth -	Alexander Smyth -	Ditto.
	Ditto - - -	John Crosstwaith -	John Crosstwaith -	Ditto.
	Ditto - - -	Miss Armet -	Mr. Smith - -	Ditto.

[Local.]

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No. on Map.	Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
	Miss Byrne -	Mr. Maunsel -	J. H. Jephson -	House and Baths, &c. Garden.
	Ditto -	Lord Cloncurry -	Lord Cloncurry -	House and Demesne, &c.
	Ditto -	Sir H. Lees -	Sir H. Lees -	Ditto.
	Ditto -	Ditto -	Martin Burke -	Ditto.
	Ditto -	Ditto -	Sir H. Lees -	Land, Baths, &c.
	Earl of Clonmel -	Ditto -	Earl of Clonmel -	Fields.
226 {	Lords Longford and De Visci -	Mr. James Pim -	Mr. James Pim -	Field.
226	Ditto -	Dr. Plant -	Dr. Plant -	Ditto.
227	Ditto -	Mr. Arthur Williams -	Arthur Williams -	Ditto.
	Ditto -	Mr. John Williams -	Mr. John Williams -	Ditto.
228	Ditto -	Mr. Mathew George -	Mr. Mathew George -	Ditto.
229	Ditto -	Mr. Murray -	Mr. Murray -	Ditto.
230	Ditto -	Mr. Ferguson -	Mr. Ferguson -	Ditto.
231	Ditto -	Ditto -	Mr. Bamber -	Ditto.
232	Ditto -	Mr. Ferguson -	Mr. Ferguson -	Ditto.
233	Ditto -	Ditto -	Unoccupied -	Fields.
234	Ditto -	Charles J. Graydon -	Charles J. Graydon {	House, Garden, Yard, &c.
255 to 256	Ditto -	Mr. Tutty -	Mr. Tutty and others -	Cabins and Yards.
256 to Bason at Old Dunleary }	Ditto -	Ditto -	Unoccupied -	Waste Lands.

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