



CHAPTER xxvii.

An Act to enable the Midland Great Western Railway of Ireland Company to make additional Branch Railways ; to acquire additional Lands ; and for other purposes. A.D. 1874.

[30th June 1874.]

WHEREAS it is expedient that the Midland Great Western Railway of Ireland Company (herein-after called "the Company"), incorporated by "The Midland Great Western Railway of Ireland Act, 1845," should be authorised to construct the branch railways herein-after described : 8 & 9 Vict.
c. cxix.

And whereas it is also expedient that the Company should be enabled to take and hold the lands herein-after mentioned for the general purposes of their undertaking :

And whereas it is also expedient that the Company should be authorised to raise additional capital for the purposes aforesaid :

And whereas plans and sections of the said branch railways, showing the lines, situation, and levels thereof, and plans showing the said lands, and also books of reference thereto respectively containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for the counties of Dublin, Meath, Kildare, Westmeath, Roscommon, Mayo, Galway, and King's County respectively, in which counties the said lands are respectively situate :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1874. and of the Commons, in this present Parliament assembled, and
— by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may be cited as “The Midland Great Western Rail-
way of Ireland Act, 1874.”

Provisions of certain general Acts incorporated. 2. So much of “The Lands Clauses Consolidation Act, 1845,” as is not inconsistent with or altered by “The Railways Act (Ireland), 1851,” “The Railways Clauses Consolidation Act, 1845,” “The Railways Act (Ireland), 1851,” “The Lands Clauses Consolidation Acts Amendment Act, 1860,” and “The Railways Act (Ireland), 1860,” The Railways Traverse Act, and Part I., relating to the construction of a railway, of “The Railways Clauses Act, 1863,” are (except where expressly varied by this Act) incorporated with and form part of this Act.

As to deposit of plans with clerks of unions. 3. With reference to this Act all the provisions of sections seven, eight, and nine of “The Railways Clauses Consolidation Act, 1845,” shall be read and construed as if the expression “clerks of the “unions within which such parishes are included in Ireland,” or the words “clerks of the union,” as the case may be, had been used and inserted in such sections in lieu of the expression “the postmasters “of the post towns in or nearest such parishes in Ireland,” or in lieu of the word “postmasters,” as the case may be.

Power to make branch railways. 4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the branch railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The branch railways herein-before referred to and authorised by this Act are:

A branch railway (numbered 2 on the deposited plans), five furlongs eight chains and ten yards in length, commencing in the townland of Kilcornan, in the parish of Monivea and county of Galway, commencing by a junction with the Company’s Galway Extension Railway at or near a point therein opposite the railway mile-post denoting one hundred and twelve miles from the city of Dublin, and terminating at a point in a field in the townland of Ballydavid South, in the parish of Athenry, in the possession of Mr. John O’Connor, at a point one hundred yards or thereabouts to the north-west of the point where the public road leading from Athenry to Monivea is crossed by the Kilcornan Avenue.

A.D. 1874.
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A branch railway (numbered 3 on the deposited plans), three furlongs and five chains in length, commencing by a junction with the main line of the Company's railway, in the townland of Grangegorman North, at a point one hundred and fifty yards or thereabouts, measured in a westerly direction, from the junction of the Company's Liffey Branch Railway with the said main line of railway, and terminating in the townland of Grangegorman Middle by a junction with the intended North Wall Extension Railway of the Great Southern and Western Railway Company No. 1, and firstly described in the 5th section of "The Great Southern and Western Railway Act, 1872," in a field in the townland of Grangegorman, in the parish of Grangegorman and county of Dublin, in the occupation of the said Great Southern and Western Railway Company, marked No. 24 on the plans deposited with the respective clerks of the peace for the county and county of the city of Dublin, with reference to that Act.

A branch railway (numbered 4 on the deposited plans), nine miles twelve chains and eighteen yards in length, commencing by a junction with the Company's main line of railway in the townland of Newcastle, in the parish of Rathcore and county of Meath, at a point on the Company's railway three hundred yards to the east of the railway mile-post in said townland denoting twenty-eight miles from the city of Dublin, and terminating in the townland of Edenderry, in the parish of Monasteroris, in an enclosure in the occupation of the Marquis of Downshire, called the old tan-yard, situate on the east side of the high road leading from the town of Edenderry to the town of Carbury, at a point 20 yards from the eastern wall of the said enclosure, and ten yards from the northern boundary wall of said enclosure.

A branch railway (numbered 5 on the deposited plans), two furlongs and four chains in length, commencing by a junction with the Company's Sligo Extension Line of Railway, in the townland of Cartronking, in the parish of Kilmore and county of Roscommon, at a point on the Company's railway one thousand three hundred feet or thereabouts, measured in a westerly direction, from the western face of the railway bridge, by which the public high road from Stokestown to Jamestown is carried over the said Sligo Branch Railway, and terminating at the said public high road on the bank of the Jamestown Canal in Cartronking aforesaid, thirty yards or thereabouts south of the

A.D. 1874.

south abutment of the canal bridge, by which the said high road is carried over the said canal.

Power to take lands for general purposes of the Company.

5. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time purchase, take, hold, use, and appropriate so much of the lands following, shown on the plans and described in the books of reference deposited as aforesaid, as the Company may require for the purposes of their undertaking; (that is to say,)

Certain lands forming part of the townland of Carrowntober West and Ballydavid South, in the parish of Athenry aforesaid and county of Galway.

Certain lands in the townland of Monksland, parish of St. Peter's and county of Roscommon, adjoining and to the north of the Company's Galway Extension Line of Railway.

Certain lands in the townland of Cahirnamorth, parish of Oughaval and county of Mayo, situate to the south of and adjoining to the Westport Quay Branch Line of Railway, together with the privilege of abstracting water from the stream passing through the said lands for the Company's purposes.

Certain portions of the townland of Derryboy, in the parish of Killucan and county of Westmeath, situate at and to the east of the level crossing by which the public high road leading from Raharney to Kinneygad is carried across the railway of the Company.

New branches to form part of Company's undertaking.

6. The branch railways and works by this Act authorised to be constructed, and the Company's branch railway to the North City Mills in the city of Dublin, shall, for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company.

Power to apply corporate funds to purposes of Act.

7. The Company may apply to the purposes of this Act any moneys which they now have in their hands, or which they have power to raise by shares or mortgage, by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power for the Company to raise additional capital.

8. For the purposes of this Act the Company may raise any capital, not exceeding in the whole the sum of one hundred thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament; and such sum of one hundred thousand pounds may be raised by the issue, at the option of the Company, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by

any one or more of those modes respectively; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,) A.D. 1874.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Company, and to the additional capital which they are by this Act authorised to raise.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to issue until one fifth part has been paid up.

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

11. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be. Dividends on new shares or stock.

A.D. 1874.

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New shares raised under this Act and any other Acts of past or present sessions may be of same class.

12. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and any other Act passed in the present session, whether before or after the passing of this Act, which by the Company may be authorised to raise capital by new shares, they may, if they think fit, raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to borrow on mortgage.

13. The Company may, in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand three hundred pounds, but no part of the said sum of thirty-three thousand three hundred pounds shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

14. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the

application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1874.

15. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

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

Debenture stock.

17. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Application of moneys.

18. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Lands for extraordinary purposes.

19. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

20. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the railways, carry the same with a single line only, whilst the railway so crossing shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Power to cross certain roads on the level.

No. of Railway.	No. on deposited Plan.	Townland.	Parish.	Description of Road.
4	30a	Thomastown	Cadamstown	Public carriage road.
4	15	Clonagh	Same	Same.
4	1	Collinstown	Ardkill	Same.
4	8	Carbury	Carbury	Same.

A.D. 1874.

Power to
take ease-
ments, &c.
by agree-
ment.

21. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Penalty
imposed
unless the
line is
opened
within the
time limited.

22. If the Company fail within the period limited by this Act to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in Ireland in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of deposit.

23. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the

A.D. 1874.

Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

24. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

On expiration of time limited for completion of railways, powers to cease.

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

Interest not to be paid on calls paid up.

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

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

27. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to

Railways not exempt from provisions of

A.D. 1874. —
present and
future
general Acts. railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates of small parcels, authorised by any Act relating to the Company.

Expenses of
Act.

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