

making of the Deviation from the authorized Line of the said Railway from *Mullingar to Athlone*, as herein-after mentioned and described, would be of great public Advantage and Convenience: And whereas the said *Midland Great Western Railway of Ireland* Company are willing, at their own Expense, to make such Deviation: And whereas it is expedient that some of the Provisions of the said several Acts should be altered and amended; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts, and in the several Acts incorporated therewith, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall apply to the Railway hereby authorized to be made, for the Purposes thereof, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had had specific Reference thereto.

Provisions
of recited
Act extended
to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, or other Proceedings whatsoever, it shall be sufficient to use the Expression "*The Midland Great Western Railway of Ireland (Moate Deviation) Act, 1848.*"

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

III. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any Act relating to the said Company, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to
make De-
viations
according to
deposited
Plans.

IV. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace of the County of *Westmeath*: Be it enacted, That, subject to the Provisions of this and the said recited Acts, and the several Acts incorporated therewith, it shall be lawful for the Company to make and maintain the Railway in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of
Deviation.

V. And be it enacted, That the Railway shall commence by a Junction with the *Midland Great Western Railway of Ireland* in the Centre of the public Road from *Mullingar to Castletown and Moate* in

in the Townland of *Habsborough* in the Parish of *Mullingar* and County of *Westmeath* numbered 1 in the said Townland of *Habsborough* on the original Parliamentary Plan of such authorized Line deposited at the Office of the Clerk of the Peace for the same County, and terminate in the Townland of *Athlone* in the Parish of *Saint Mary* and County of *Westmeath* on the East Bank of the River *Shannon* at a Point in a Field numbered 46 on the said Parliamentary Plan, and shall be made in or pass from, through, or into the several Parishes, Townships, Townlands, extra-parochial or other Places following, or some of them; that is to say, the Townlands of *Habsborough*, *Keoltown*, and *Stokestown* in the Parish of *Mullingar*; the Townlands of *Bryanstown*, *Yorkfield*, *Barrettstown*, *Rathnamuddagh*, and *Ballyhandy* in the Parish of *Dysart*; the Townlands of *Milltown*, *Rathcore*, *Glomerstown*, and *Redmonstown* in the Parish of *Churchtown*; the Townlands of *Conranstown*, *Adamstown*, *Killeen*, *Garhy*, and *Sraduff* in the Parish of *Castletownkindalen*; the Townland of *Jamestown* in the Parish of *Conroy*; the Townlands of *Creeve*, *Bunanagh*, *Kilnalug*, and *Streamstown* in the Parish of *Ardnurcher* or *Horseleap*; the Townlands of *Lisnagree*, *Laragh*, *Derryhull*, *Kilcumreragh*, *Grange*, *Kilcatherina*, *Ballybeg*, and *Ballinderry* in the Parish of *Kilcumreragh*; the Townlands of *Cloghbane*, *Cappantoch*, *Toorfelim*, and *Legan* in the Parish of *Kilnanaghan*; the Townlands of *Cartronkeel*, *Moategranoge*, *Aghanargit*, *Tullaghnageeragh*, and *Farnagh* in the Parish of *Kilcleagh*; the Townlands of *Knockdomny*, *Magaramore*, *Boyanaghcalry*, *Williamstown*, *Fassagh*, *Aghanvoneen*, and *Tully*, in the Parish of *Ballyloughloe*; the Townlands of *Crosswood*, *Moydrum*, *Creggan Lower*, *Garrycastle*, *Cartrontrey*, *Kilnafuddoge*, *Ardnaglug*, *Collegeland*, *Retreat*, *Lissywollen*, *Cloghanboy* (*Homan*), *Cannonsfield*, *Curragh* (*Mechum*), *Warrensfield*, and *Athlone* in the Parish of *Saint Mary's*; all in the County of *Westmeath* aforesaid.

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

As to Deposit
of Plans with
Clerks of
Unions.

Words

Words "Clerks of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

Company not to deviate in passing through certain Townlands, without Consent.

VII. And be it enacted, That the Company shall not deviate from the Line laid down upon the Plans deposited with the Clerk of the Peace for the County of *Westmeath*, in passing through the Townlands of *Killeen* and *Garthy*, without the Consent of Sir *Richard Nagle* Baronet, his Heirs, Executors, Administrators, or Assigns, first had and obtained.

Power to abandon Part of original Line.

VIII. And be it enacted, That the Company shall abandon such Parts of the said Railway which by the said recited Acts they are empowered to make, from the said Point at which the Railway hereby authorized to be made commences to the said Point at which the same Railway will terminate, and as by reason of the Deviation by this Act authorized to be made will be rendered useless to the Company for the Purposes thereof; and that all the Powers and Authorities given by the said recited Acts or either of them to the Company in reference to the Part so abandoned shall immediately after the passing of this Act cease and determine.

Compulsory Purchase of Lands limited.

IX. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of making the Railway hereby authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Period for Completion of Works.

X. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

Company to take same Tolls as on Main Line.

XI. And be it enacted, That the Company may, subject to the Provisions in the said recited Acts and this Act contained, lawfully demand and receive, in respect of the Railway hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof, and for and in respect of locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the Railway or any Part thereof, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges as by the said first-recited Act the Company are authorized to demand and receive in respect of the Railway by the said first-recited Act authorized to be made, or any Part thereof; and all Provisions and Regulations in the said first-recited Act contained relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Rates, Tolls, or other Charges to be levied by virtue of this Act.

XII. And

XII. And whereas under and by virtue of a certain Act of Parliament passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the maintaining of the Royal Canal from the River Liffey to the River Shannon in Ireland*, a certain Sum of Fifteen thousand Pounds was thereby directed to be invested in the Government Securities in the Bank of *Ireland* in the Name of the Vice Treasurer of *Ireland* for the Time being, as Trustee for the then *New Royal Canal Company*, for the Purposes and Objects in the said Act expressed: And whereas under and by virtue of the said last-mentioned Act such Investment was made, and there is now a Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings in the Books of the Governor and Company of the Bank of *Ireland* in Government Three and a Quarter *per Cent.* Stock standing in the Names and to the Credit of the Chief Secretary of *Ireland* and Paymaster of Civil Services in *Ireland* for the Time being: And whereas, under and by virtue of the said Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, the said *Midland Great Western Railway Company of Ireland* were incorporated, and also authorized and empowered to purchase, and the said *New Royal Canal Company* to sell, the said *New Royal Canal*, and all the Property attached thereto or forming Part thereof, subject to the Approbation in Writing of the Lord Lieutenant for the Time being, and also subject to the several other Provisoes and Conditions in said Act expressed: And whereas, under and by virtue of said last-recited Act, the said *Midland Great Western Railway Company of Ireland* purchased, and the said *Royal Canal Company* sold, subject to certain Conditions, and with the Approbation in Writing of the said Lord Lieutenant, the said *Royal Canal*, and all the Rights, Members, and Appurtenances attached thereto, and same accordingly became and now is the Property of the said *Midland Great Western Railway Company*: And whereas the said Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings Government Three and a Quarter *per Cent.* Stock as aforesaid, now vested in the Names of the said Chief Secretary and Paymaster of Civil Services in *Ireland*, in trust for the Purposes by the said Act of Fifty-eighth *George* the Third provided: And whereas said *Midland Great Western Railway Company* have since such Purchase and Sale received and continue to receive the Interest and Dividends upon said Stock: And whereas the said *Midland Great Western Railway Company* have made Application for a Transfer of a Portion of the said Government Three and a Quarter *per Cent.* Stock, to be applied for the Purpose of making the said Railway: Be it therefore enacted, That it may be lawful for the said Chief Secretary and Paymaster of Civil Services for the Time being, with the Approbation in Writing of the Lord Lieutenant of *Ireland* for the Time being (subject to such Condition as such Lord Lieutenant shall from Time to Time think proper to impose), upon the Requisition to that Effect of the said *Midland Great Western Railway Company of Ireland* under their Common Seal, assign and transfer, or cause or procure to be assigned and transferred, unto the said *Midland Great Western Railway Company of Ireland*, or their Attorney thereto lawfully authorized, any Portion or Portions of said Stock not

Power to
Paymaster of
Civil Services
to transfer
a Portion of
certain
Monies in-
vested under
58 G. 3. c. 35.
to the Com-
pany for the
Purposes of
the Railway.

exceeding in the whole the Sum of Twelve thousand Pounds Three and a Quarter *per Cent.* Stock, Part of the said Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings so standing as aforesaid in Three and a Quarter *per Cent.* Stock in the Books of the Governor and Company of the Bank of *Ireland*, for the Purpose of making the said Railway so authorized as aforesaid by the said Act of Eighth and Ninth *Victoria*, and the several Acts amending the same.

In case Company fail to replace Sums issued and expended, a Receiver to be appointed to receive Tolls, &c.

XIII. And be it enacted, That in case the Residue of the said Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings which shall remain after such Transfer as aforesaid, or any Part thereof, shall at any Time be applied by the said Board of Control in the Execution of such Works as the said Board of Control shall or may consider necessary for the due Maintenance and Preservation of the said Canal, or in case such Residue shall be insufficient for any such Repairs as aforesaid, then and in any such Case it shall and may be lawful to and for the Lord High Chancellor of *Ireland*, upon the Petition of the said Board of Control for the Time being, at the Expiration of One Month after the said Railway Company shall be required in Writing to replace any Sum so issued and expended as aforesaid, to appoint a Receiver to receive the Tolls, Rates, Rents, and Profits, not only of the said Canal and Works, but also of the said Railway, until the Amount which shall have been issued out of the said Three and a Quarter *per Cent.* Stock shall be replaced, and until the Amount which shall be so expended by the said Board of Control shall have been fully repaid by the said Railway Company.

No Dividend to be declared until Sum replaced.

XIV. And be it enacted, That until all such Sums which shall be so expended by the said Board of Control shall have been fully repaid it shall not be lawful for the Directors of the said Railway Company to declare or make any Dividend, or to direct any Dividend to be made, out of any Profits of the said Company, for the said Canal or Railway or either of them.

Residue of Money invested to remain in the Name of the Chief Secretary and Paymaster of Civil Services.

XV. Provided always and be it enacted, That the Residue of the said Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings Three and a Quarter *per Cent.* Stock which shall remain after such Transfer as aforesaid shall be and remain in the Names of said Chief Secretary and Paymaster of Civil Services for the Time being, and be applicable and applied by the said Board of Control, as far as the same will extend, to and for the Purposes for which the entire of the said Sum of Seventeen thousand five hundred and thirty-eight Pounds Nine Shillings Three and a Quarter *per Cent.* Stock is now applicable under the Provisions of the said Act of Fifty-eighth *George* the Third, and under the Conditions and Agreements contained in the Indenture of Conveyance of the said Canal from the said *Royal Canal Company* to the said *Midland Great Western Railway Company*, bearing Date the Twenty-fourth Day of *October* One thousand eight hundred and forty-five, and which Indenture of Conveyance was made between the *New Royal Canal Company* of the one Part, and the *Midland Great Western Railway Company* of the other Part.

XVI. Provided always, and be it enacted, That nothing in this Act, or in any of the Acts herein-before recited, or in any of the Acts incorporated with the said Acts herein-before recited, or in any of them, contained, shall lessen, abridge, or interfere with the Powers and Authorities vested in the Commissioners of Public Works in *Ireland*, acting in execution of an Act made and passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River Shannon*, or any other Act respecting the said River; and, notwithstanding anything in this Act or in any of the said Acts contained, it shall not be lawful for the said Company to carry the said Railway, or any Works appertaining to the same, over, across, or alongside of the said River *Shannon*, or on or along any Part of the Land and Hereditaments now vested in the said Commissioners of Public Works, or being within the Jurisdiction of the said Commissioners, as heretofore defined under the Provisions of the said Act for the Improvement of the Navigation of the River *Shannon*, or to make any Bridges or other Works in, over, or along any Part of the said River, or in any Manner to interfere with the Works now or hereafter to be executed under the said Act, or with the Navigation of the said River *Shannon*, except upon such Terms, under such Restrictions, and according to such Plans, Elevations, and Sections, as shall be approved of, and so signified, by the Commissioners of Public Works in *Ireland*, or any Two of them, in Writing under their Hands for that Purpose.

Saving Rights, &c. of the Commissioners of Public Works as regards the River *Shannon*.

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

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

XVIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future

Railway not exempt from Provisions of future general Acts.

Revision

Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XIX. And be it enacted, That the Costs and Expenses incurred in obtaining this Act, and all Expenses preparatory and relating thereto, shall be paid by the Company in preference to all other Payments whatsoever.

Interpretation of Act.

XX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Railway" shall mean the Deviation Line of Railway and Works by this Act authorized to be made:

The Expression "the Company" shall mean the *Midland Great Western Railway Company of Ireland*.

Public Act.

XXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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