



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. cxiii.

An Act to enable the *Midland Great Western Railway of Ireland Company* to make a Railway from *Streamstown to Clara*; and for other Purposes. [10th August 1857.]

WHEREAS the following (Local and Personal) Acts have been passed relating to the *Midland Great Western Railway of Ireland Company*; (to wit,) the Eighth and Ninth of *Victoria*, Chapter One hundred and nineteen, the Ninth and Tenth of *Victoria*, Chapters Two hundred and ten and Two hundred and twenty-four, the Tenth and Eleventh of *Victoria*, Chapters One hundred and thirty and One hundred and seventy-six, the Eleventh and Twelfth of *Victoria*, Chapter Seventy-six, the Thirteenth and Fourteenth of *Victoria*, Chapter Eighty-eight, and the Fifteenth and Sixteenth of *Victoria*, Chapter One hundred and thirty-seven: And whereas an Act was passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to the Midland Great Western Railway of Ireland Company*; and another Act was passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to settle the Contribution to be made by certain Baronies in Roscommon and Galway and the County of the Town of Galway to the Midland Great Western Railway of Ireland Company*: And whereas it is expedient that the *Midland Great*

[Local.] 18 Z Western

12 & 13 Vict. c. 62. (Pub.)  
17 & 18 Vict. c. 124. (Pub.)



*The Midland Great Western Railway of Ireland (Streamstown and Clara Junction) Act, 1857.*

*Western Railway of Ireland* Company should be empowered to make a Railway from their Main Line of Railway near *Streamstown* in the County of *Westmeath* to the proposed Extension from *Tullamore* to *Athlone* of the *Great Southern and Western Railway* near *Clara* in *King's County*: And whereas Plans of the said intended Railway and Sections showing the Lines and Levels thereof respectively, together with Books of Reference to such Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands and Buildings proposed to be taken under the Authority of this Act, have been deposited with the Clerks of the Peace for the said Counties respectively: And whereas it is expedient that the Company should be empowered to raise further Sums of Money for carrying the Purposes aforesaid or some of them into effect: And whereas it is expedient that some of the Powers and Provisions of the recited Acts should be altered, amended, and enlarged: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.  
cc. 18. and  
20., and  
14 & 15 Vict.  
c. 70., and  
19 & 20 Vict.  
c. 72. incor-  
porated.

I. That 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," and the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to continue the Railways Act (Ireland), 1851*, shall, so far as the same are not expressly varied by this Act, be incorporated with this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Midland Great Western Railway of Ireland (Streamstown and Clara Junction) Act, 1857.*"

Interpreta-  
tion of Terms.

III. Wherever the Expression "the Company" is used in this Act the same shall mean "the *Midland Great Western Railway of Ireland Company*," unless there be something in the Subject or Context repugnant to such Construction.

Power to  
make Rail-  
way accord-  
ing to de-  
posited  
Plans, &c.

IV. The Company may, subject to the Provisions of this Act and of the several Acts incorporated herewith, make and maintain the Railway herein-after described, with all proper Works, Stations, Approaches, and Conveniences, in the Line and upon the Land delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; (that is to say,)

A Railway commencing from and out of the Line from *Mullingar* to *Athlone* of the *Midland Great Western Railway of Ireland* in the



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the Townland of *Streamstown* in the Parish of *Ardnurcher* or *Horseleap* in the County of *Westmeath*, and terminating by a Junction with the proposed Extension from *Tullamore* to *Athlone* of the *Great Southern and Western* Railway, in the Field numbered 53 on the said Plans, in the Townland of *Erry (Maryborough)* in the Parish of *Kilbride* in *King's County* :

And the Company may enter upon, take, and use such of the Lands so delineated on the said Plans and described in the said Books of Reference as shall be required for the Purposes of this Act, and the Railway by this Act authorized shall be and become Part of the Undertaking of the Company.

V. 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 Unions instead of such Postmasters: Therefore all the Provisions of the said "Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid shall, with respect to this Act, be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*" were substituted for the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and as if the Words "Clerks of the Unions" were substituted for the Word "Postmasters," wherever the same respectively occur in the said Provisions.

Respecting Plans to be deposited with Clerks of Unions instead of Postmasters.

VI. It shall be lawful for the Company, in addition to the Lands authorized to be purchased by the said recited Acts for additional or extraordinary Purposes, to purchase by Agreement any Quantity of Land not exceeding Five Acres for the Purposes mentioned in "The Railways Clauses Consolidation Act, 1845."

Lands for extraordinary Purposes.

VII. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

VIII. After the Expiration of Four Years from the passing of this Act all the Powers by this Act granted to the Company for making and executing the Railway by this Act authorized, or otherwise in relation

Period for Completion of Works.



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relation thereto, shall cease to be exercised, except as to so much of the same Railway as shall then be completed.

Dividends suspended if new Railway not completed within limited Period.

IX. If the Railway by this Act authorized shall not be completed and opened for public Traffic within Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

Mode of effecting Communication with Great Southern and Western Railway.

X. The Communication between the Railway hereby authorized and the *Great Southern and Western* Railway shall be effected in a substantial Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner which the Engineer for the Time being of the *Great Southern and Western* Railway Company may from Time to Time approve and require, and shall be executed to his Satisfaction in all respects: Provided always, that in case of Difference between such Engineer and the Engineer of the Company with respect to any Works for effecting such Communication, the same shall be determined by an Engineer to be appointed by the Board of Trade.

Expenses of Communication to be borne by the Company.

XI. The Expenses of the Communication hereby authorized with the *Great Southern and Western* Railway, and of all the necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, and amending such Communication, and for repairing and maintaining such Rails and Points, shall be borne and paid by the Company; and such Communication, Openings, and Works shall be in the first instance made and be afterwards from Time to Time altered, amended, repaired, and maintained under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *Great Southern and Western* Company, and in such Manner and by such Ways and Means respectively as shall not injure the *Great Southern and Western* Railway, or impede or interfere with the free, uninterrupted, and safe Passage along the same.

Signals, &c. to be erected and maintained, and proper Persons to be appointed to prevent Danger at Point of Junction.

XII. The *Great Southern and Western* Railway Company may from Time to Time erect, maintain, and alter such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Pointsmen, and other Servants, as that Company may deem necessary for the Prevention of Damage to or Detention of or Interference with Traffic at or near the Junction of the *Great Southern and Western* Railway with the Railway hereby authorized; and the Working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants, shall belong exclusively to the *Great Southern and Western* Company; and all the Costs and Expenses during each Half Year of erecting and maintaining and altering such Signals, Works, and Conveniences,



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Conveniences, and of employing and paying such Watchmen, Pointsmen, and other Servants, shall at the Expiration of each Half Year be repaid by the Company to the *Great Southern and Western Railway Company* on Demand, and in default the Amount of such Costs and Expenses may be recovered from the Company by the *Great Southern and Western Railway Company* in any Court of competent Jurisdiction.

XIII. Provided always, That, except as is by this Act expressly provided, this Act shall not in any way take away, diminish, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Great Southern and Western Railway Company*.

Saving Rights of Great Southern and Western Company.

XIV. The Company may, subject to the Provisions in the said first-recited Act and this Act contained, lawfully demand and receive in respect of the said Railway hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railway or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle, or other Animals, Goods, Wares, Merchandise, 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 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, and also the Powers for leasing the same, shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Company may take same Tolls as in first-recited Act.

XV. Provided always, That it shall not be lawful for the Company to demand or receive for the Carriage of small Parcels or single Articles of great Weight upon the Railways by this and the said recited Acts authorized to be made, or which may be authorized by this or any other Act passed or to be passed in the present Session, any larger Sums than the Sums following; (that is to say,)

Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels (that is to say, not exceeding Five hundred Pounds Weight each), as follows:

For any Parcel not exceeding Seven Pounds in Weight, Eightpence;

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, One Shilling;

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence;

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings;

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For



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For any Parcel exceeding Fifty-six Pounds in Weight, the Company may demand any Sum which they think fit: Provided also, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Restrictions as to Charges not to apply to Special Trains.

XVI. The Restrictions as to Charges to be made for Passengers shall not extend to any Special Train, but only to the Ordinary Trains appointed or to be appointed from Time to Time by the Company.

Company may take increased Charges by Agreement.

XVII. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Power to apply existing Funds of Company to new Works.

XVIII. It shall be lawful for the Company to apply towards the Construction and Maintenance of the Railway and Works by this Act authorized any of the Moneys which they have Authority to raise, and which may not, under the Act authorizing the raising of the same, have been specifically directed to be appropriated to any particular Purpose, or which may not be required for any particular Purpose to which the same may have been specifically directed to be appropriated.

Power to raise additional Capital by new Shares.

XIX. It shall be lawful for the Company to raise, by creating new Shares of Twenty-five Pounds each, in addition to the Capital which they are already authorized to raise or may be authorized to raise by any other Act which may be passed in the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Eighty thousand Pounds, and all and every Part of the Money to be received by the Company in respect of the said Shares shall be applied to the Purposes of the Undertaking of the Company authorized by this Act, and to no other Purpose whatsoever.

XX. The



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XX. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Subscription Contract to be valid.

XXI. All the Provisions of "The Companies Clauses Consolidation Act, 1845," with reference to new Shares to be created for the Purpose of converting Money borrowed or authorized to be borrowed into Capital, shall apply to the new Shares to be created under the Authority of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. to apply to new Shares.

XXII. Ten Pounds *per Centum* on the Amount of each Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any Shares created by virtue of this Act, and Three Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any One Share in One Year shall not exceed One Half of the Amount of such Share.

Calls.

XXIII. After Shares for the whole of the said Sum of Eighty thousand Pounds by this Act authorized to be raised shall have been taken, and One Half of such Sum shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Twenty-six thousand six hundred Pounds, in addition to the Sums which they are by their existing Acts authorized to borrow, or which they may by any other Act which may be passed in the present Session of Parliament be authorized to borrow; and all the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of the Money hereby authorized to be borrowed by them, and to the Conversion thereof, if they think fit, into Capital: Provided that all and every Part of the Money so to be borrowed shall be applicable only to the Purposes of the Undertaking of the Company authorized by this Act, and to no other Purpose whatever.

Power to borrow on Mortgage.

Application of Money borrowed.

XXIV. All Mortgages or Bonds granted under the Authority of any Act already passed relating to the *Midland Great Western Railway of Ireland* shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former Mortgages to have Priority.

XXV. The Railway by this Act authorized shall be and the same is hereby made chargeable with the Repayment of the Sum of Five hundred thousand Pounds and Interest, borrowed under the Provisions

New Railway to be chargeable with Repayment of

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Money borrowed under 12 & 13 Vict. c. 62.

visions of the recited Act Twelfth and Thirteenth *Victoria*, Chapter Sixty-two, in like Manner as the Undertaking, Railways, and Works of the Company on the Security whereof the same was so borrowed.

Interest not to be paid on Calls paid up.

XXVI. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect to the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

XXVII. It shall not be lawful for the Company, out of any Money by this Act or by any Act relating to the said Railway or 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 to execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

XXVIII. Nothing herein contained shall be deemed or construed to exempt the Company or the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts, or of Rates for small Parcels.

Expenses of Act.

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

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LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1857.