



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxxv.*

An Act to enable the *Great Southern and Western Railway Company* to make a Railway from *Tullamore* to *Athlone*; and for other Purposes.

[27th July 1857.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, called the "*The Great Southern and Western Railway (Ireland) Act, 1844*," whereby the *Great Southern and Western Railway Company* (in this Act called "*the Company*") were incorporated: And whereas further Powers have been granted to the Company by several Acts subsequently passed: And whereas an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of Her present Majesty, called "*The Great Southern and Western Railway (Ireland) Extension, Portarlinton to Tullamore, Act, 1847*," whereby the Company were authorized to make a Railway from *Portarlinton* to *Tullamore*: And whereas it is expedient that the Company should be empowered to make and maintain a Railway from *Tullamore* to the Town of *Athlone*, and to make Arrangements with the *Midland Great Western Railway of Ireland Company* (in this Act called "*the Midland Company*") for facilitating the Interchange of Traffic between the Railways of the said Companies; but for such Purposes the Authority of Parliament is necessary: May it therefore please Your Majesty that it may be enacted;

7 & 8 Vict.  
c. c.

[*Local.*]

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and

*The Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

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. & 20.  
and  
14 & 15 Vict.  
c. 70. incor-  
porated.

I. "The Lands Clauses Consolidation Act, 1845," so far as the same is consistent with "The Railways Act (*Ireland*), 1851," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and shall form Part of this Act.

Power to  
make Rail-  
way.

II. It shall be lawful for the Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with the *Great Southern and Western Railway*, near the Town of *Tullamore*, and terminating by a Junction with the *Midland Great Western Railway of Ireland* (in this Act called "the *Midland Railway*"), near the Town of *Athlone*; and the Railway so authorized to be made shall form Part of the Undertaking of the Company.

Railway to  
be made ac-  
cording to  
deposited  
Plans.

III. Whereas Plans and Sections showing the Lines and Levels of the Railway, and also a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands which may be taken for the Purposes of the same, have been deposited for public Inspection with the Clerk of the Peace for the County of *Westmeath* and with the Clerk of the Peace for the *King's County*: Therefore, subject to the Provisions in this Act and in the Acts incorporated herewith contained, the Railway shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as may be necessary for the Purposes thereof.

As to Depo-  
sit of Plans  
with Clerks  
of Unions.

IV. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to, should be deposited with the Postmaster 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 of 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 Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Be it therefore enacted, That with reference to this Act, all the Provisions of "The 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 Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmaster of the Post Towns in or nearest such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

V. It shall be lawful for the Company to purchase by Agreement any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Ten Acres, in addition to the Land which they are already authorized to take for that Purpose. Land for extraordinary Purposes.

VI. 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.

VII. The Powers of the Company for making the Railway by this Act authorized shall not be exercised after the Expiration of Four Years from the passing of this Act. Limiting Time for Completion of Works.

VIII. After the Expiration of Four Years from the passing of this Act it shall not be lawful for the Company to pay any Dividend on the ordinary or unguaranteed Capital of the Company, unless and until the Railway by this Act authorized to be made shall be opened for the Purposes of public Traffic. For ensuring the Completion of the Railway.

IX. The Communication between the Railway hereby authorized and the *Midland* 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 *Midland* 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 Communications, the same shall be determined by an Engineer to be appointed by the Board of Trade. Mode of effecting Communication with *Midland* Railway.

X. The Expenses of the Communication hereby authorized with the *Midland* 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 Expenses of Communications to be borne by the Company.

*The Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

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 *Midland* Company, and in such Manner and by such Ways and Means respectively as shall not injure the *Midland* Railway, or impede or interfere with the free, uninterrupted, and safe Passage along the same; and in case any Dispute shall arise between the said Companies or their Engineers touching the Matters aforesaid, or any of them, the same shall be determined by an Engineer to be appointed by the Board of Trade.

Signals, &c.  
to be erected  
and main-  
tained, and  
proper Per-  
sons to be  
provided by  
the *Midland*  
Company to  
prevent Dan-  
ger at Point  
of Junction.

XI. The *Midland* 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 *Midland* 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 *Midland* Company, and all the Costs and Expenses during each Half Year of erecting and maintaining and altering such Signal Works and 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 *Midland* Company on Demand, and in default, the Amount of such Costs and Expenses may be recovered from the Company by the *Midland* Company in any Court of competent Jurisdiction.

Saving  
Rights of  
*Midland*  
Company.

XII. 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 *Midland* Company.

Tolls and  
maximum  
Charges.

XIII. The Company may demand and receive for the Use of the Railway all such Tolls and Charges as they would have been entitled to demand and receive if the same formed Part of the *Great Southern and Western* Railway, but the maximum Charges to be made by the Company upon the Railway shall not exceed the maximum Charges limited by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the Great Southern and Western Railway to extend their Railway from their present Terminus in the City of Cork to the River Lee in the same City*; and the Provisions of that Act with respect to maximum Charges, to wit, Sections Eighteen, Nineteen, Twenty, and Twenty-one of that Act, shall be incorporated with and form Part of this Act.

9 & 10 Vict.  
c. cxvii.

XIV. Pro-

*The Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

XIV. Provided always, That with respect to small Parcels carried on the Railway by this Act authorized the Company may lawfully demand the Tolls following; (that is to say,) Tolls for  
small Parcels.

For the Carriage of small Parcels on the Railway, or any Part thereof, as follows :

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

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Sixpence ;

For any Parcel exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, Ninepence ;

For any Parcel exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds, One Shilling ;

And for Parcels exceeding Fifty-six Pounds in Weight, and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, 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,

XV. And whereas the Formation by the Company of the Line of Railway by this Act authorized will have the Effect of completing a continuous Line of Railway in the Hands of the Company from *Dublin* to *Athlone*, between which Places the *Midland* Railway has already been sanctioned by Parliament, and it is just and expedient that the Railway should not be used for the Purposes of undue Competition with the Company in respect of Traffic between the said Places : Therefore, if the *Midland* Company shall from Time to Time in the Months of *January* and *July* in every Year furnish to the Company a List of the Tolls, Rates, and Charges which they propose to demand in respect of all Descriptions of Traffic passing on their Railway between *Dublin* and *Athlone* for the Term of Six Months next ensuing the Date of Delivery of such List, it shall not be lawful for the Company to charge during the said Period any lower Rates, Tolls, or Charges in respect of any Description of Traffic passing on their Railway between *Dublin* and *Athlone* than the Rates, Tolls, and Charges specified in such List in respect of the same Description of Traffic, unless the *Midland* Company shall themselves take lower Rates, Tolls, or Charges in respect of such Traffic than the Rates, Tolls, and Charges specified in such List ; and for insuring the due Observance by the Company of the foregoing Enactment, if the Company shall at any Time demand any lower Rates, Tolls, and Charges in respect of Traffic passing over their Line between *Dublin* and *Athlone* than the Rates, Tolls, and Charges specified in the List to be delivered as aforesaid (unless a lower Scale shall be for the Time being charged by the said *Midland* Company), then it shall be obligatory on the Company to charge the same Rates, Tolls, and Charges *per* Mile to all Stations on their Line intermediate between *Dublin* and *Athlone*

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*The Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

as they shall for the Time being charge in respect of the same Description of Traffic passing between *Dublin* and *Athlone*.

Power to  
raise Capital;

XVI. It shall be lawful for the Company at any Time and from Time to Time, with the Consent of a General Meeting of Shareholders, to raise such Sums of Money as they shall from Time to Time deem expedient, not exceeding in the whole the Sum of One hundred and sixty thousand Pounds; provided that all and every Part of the Money so to be raised shall be applied to the Purposes of this Act and to no other Purpose.

and to create  
new Shares  
for that Pur-  
pose.

XVII. For the Purpose of raising such Sums of Money the Company may, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company specially convened for the Purpose, create and issue new Shares in their Undertaking, of such Amount, and to be appropriated and disposed of in such Manner, and to such Persons, and on such Terms and Conditions, and with such Preference or Priority in Payment of Dividend not exceeding Five Pounds *per Centum per Annum* on the Amount for the Time being paid up on such Shares, as shall be determined by such Meeting; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital of the Company into Shares," and "with respect to the Transfer and Transmission of Shares," and "with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls," and "with respect to the Consolidation of Shares into Stock," shall be applicable to the raising of such Sums by the Company, and to the Shares by this Act authorized to be created, and to the Holders of such Shares.

Saving  
Rights of ex-  
isting Pre-  
ference  
Share-  
holders.

XVIII. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be assigned to any Shares to be created by virtue of this Act, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any Share or Stock in the Company created or issued by the Company before the passing of this Act, or confirmed by any other Act, or otherwise lawfully subsisting.

Calls.

XIX. Provided also, That One Fifth of the total Amount of any Share created under the Authority of this Act shall be the greatest Amount of any One Call which the Directors may make in respect of such Share; and Two Months at least shall be the Interval between successive Calls in respect of such Share; and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Four Fifths of the total Amount thereof.

Interest on  
Calls not to  
be paid out  
of Capital.

XX. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect

*The Great Southern and Western Railway (Athlone Extension) Act, 1857.*

respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

XXI. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Capital.

XXII. 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.

XXIII. It shall be lawful for the Company and the *Midland Company* from Time to Time to enter into Contracts or Agreements for facilitating the Transmission and Transit and Interchange of Traffic from or to and over the Railway by this Act authorized, to or from and over the Railways of the *Midland Company*, on such Terms and Conditions as they shall respectively think fit.

Power to enter into Agreements with *Midland Great Western Railway* for facilitating Traffic.

XXIV. It shall be lawful for the Company and the *Midland Company* from Time to Time to enter into and make such Contracts and Agreements as shall be deemed expedient by and between the said Companies for and with reference to the User by the Company of the Portion of the Railway of the *Midland Company* between the Junction therewith and the *Midland Railway Station at Athlone*, and for the Interchange of Traffic between the Railway by this Act authorized to be made and the Railways of the *Midland Company*.

Power to enter into Agreements with the *Midland Company*.

XXV. Provided always, That any such Agreement as aforesaid shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies Parties thereto shall for the Time being be respectively authorized and entitled to demand and receive from any Person, or any other Company, but all other Persons or Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided also, that the said Board shall

Duration of Agreements, but to be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

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*The Great Southern and Western Railway (Athlone Extension)  
Act, 1857.*

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not approve any such Agreement as aforesaid without being satisfied that the same has been duly assented to by Shareholders of the *Midland* Company in Special Meeting assembled for that Purpose, and holding at least Three Fifths of the paid-up Capital of that Company represented at such Meeting personally or by Proxy, such Shareholders being qualified to vote thereat in right of such Capital, and by a like Majority of the Shareholders in the Company in Special Meeting assembled for the like Purpose.

Agreement may be renewed with the Approval of the Board of Trade.

XXVI. At the Expiration of any such Agreement as aforesaid, the said Companies Parties thereto, with such respective Consent as aforesaid, in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situate; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved by the Board of Trade.

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

XXVII. Nothing in this Act contained shall be deemed or construed to exempt the Undertaking of the Company 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 the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls for small Parcels, and of the maximum Rates of Fares and Charges authorized to be taken by the Company.

Short Title,

XXVIII. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*The Great Southern and Western Railway (Athlone Extension) Act, 1857.*"

Expenses of Act.

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

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