



CHAP. ccvi.

An Act to extend the Powers of the Southern Railway Company for the taking of Lands and the completion of their Undertaking ; and for other purposes. [21st August 1871.] A.D. 1871.

WHEREAS by "The Southern Railway Act, 1865" (herein-after called "the Act of 1865"), the Southern Railway Company (herein-after called "the Company") were incorporated and authorised to make and maintain a railway in the county of Tipperary from Thurles to Clonmel (herein-after called "the main line"), and by the same Act it was provided that the powers thereby conferred for the compulsory purchase of lands should not be exercised after the expiration of three years from the passing of that Act, and that the railway and works thereby authorised should be completed within five years from the passing of that Act : 28 & 29 Vict.
c. cccliii.

And whereas by "The Southern Railway (Deviation and Branches) Act, 1866" (herein-after called "the Act of 1866"), the Company were authorised to make and maintain deviation and branch railways (herein-after called "the branch line"), and it was thereby provided that the powers of the Company for the compulsory purchase of lands for the purposes of that Act should not be exercised after the expiration of three years from the passing thereof, and that the railways and works by that Act authorised should be completed as regards the deviation railway within four years, and as regards the other railways within five years, from the passing thereof : 29 & 30 Vict.
c. cclxxi.

And whereas the Company have entered into contracts for the purchase of the land authorised to be taken under the provisions of the Act of 1865 for construction of the main line, and have executed a considerable portion of the works for that purpose, but have not contracted for the purchase of any portion of the land authorised to be purchased, or constructed any portion of the branch line under the provisions of the Act of 1866 :

And whereas it is expedient that the powers of the Company for completion of the main line, and for purchase of land for the purposes of the branch line, and for the completion thereof, be respectively renewed and extended :

[Ch. ccvi.] *The Southern Railway (Additional [34 & 35 VICT.] Powers) Act, 1871.*

A.D. 1871.

And whereas it is expedient, subject to the approval of the Commissioners of Public Works in Ireland, to authorise owners having limited interests in lands authorised to be taken under the provisions of the Act of 1865, or the Act of 1866 (herein-after mentioned together as "the former Acts"), either to convey the same to the Company for the purposes of the works authorised by the former Acts free of cost, or to accept payment for such lands in fully paid-up shares of the Company :

And whereas by the Act of 1865 the Company were authorised to raise by shares the sum of	-	-	-	£171,000
And by borrowing the sum of	-	-	-	57,000
In the aggregate	-	-	-	<u>£228,000</u>
And they have raised and expended	-	-	-	86,458
Part of the said sum of	-	-	-	228,000

And whereas by the Act of 1866 the Company were authorised to raise by shares the sum of	-	-	-	£60,000
And by borrowing the sum of	-	-	-	20,000

But they have not raised any part of those sums :

And whereas it is expedient that the Company should have power to issue preference shares or preference stock to a limited amount, and with such preferential dividend as herein-after provided :

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,)

Short title.

1. This Act may be cited for all purposes as "The Southern Railway (Additional Powers) Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; the

expressions "the railway," "the railway and works," or "the undertaking," means the railways and works authorised by the former Acts respectively or any part thereof, and the word "owner" has in this Act the same definition and meaning as are assigned to the word "landowner" in and by "The Improvement of Land Act, 1864."

A.D. 1871.

4. The powers of the Company for the compulsory purchase of the lands required for the purpose of the railways authorised by the Act of 1866, which the Company have not already taken or acquired the right to take under the provisions of "The Railways Act (Ireland), 1851," may be exercised within, but shall not be exercised after the expiration of two years from the passing of this Act, and the word "notice," contained in the twenty-first section of "The Railways Clauses Act, 1863," shall, for the purpose of this Act, mean "maps, plans, and schedules" deposited in accordance with the provisions of "The Railways Act (Ireland), 1851," or, as the case may be, "award made by the arbitrator" in accordance with that Act or any Act amending the same.

Powers for compulsory purchases limited.

5. The railways and works authorised by the former Acts shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

6. The Company may, with the sanction and consent of three fifths at least of the votes of the shareholders or holders of stock in the Company, present personally or by proxy at any extraordinary general meeting of the Company, convened from time to time with due notice of the object, declare that any shares or stock which, under the provisions of Part I. of "The Companies Clauses Act, 1863," shall have been created and issued in lieu of any shares cancelled or surrendered, shall be preference shares or preference stock, and may attach to such shares or stock any preferential interest or dividend not exceeding the rate of five per centum per annum which may be expressed in any resolution passed at such extraordinary general meeting with regard to such shares or stock, and such shares or stock may consist either of one class or of several classes, and may have attached to them such conditions, terms, and priorities as shall be expressed in any such resolution as aforesaid: Provided always, that whatever amount of shares in the capital of the Company may from time to time be forfeited and cancelled, the nominal value of the shares or stock issued in substitution for the same, to which a preferential interest or dividend may be attached as aforesaid under the provisions of this enactment, shall not exceed in the whole the sum of twenty thousand pounds.

Company may attach preferential dividend to substituted shares within certain limits.

[Ch. ccvi.] *The Southern Railway (Additional [34 & 35 VICT.] Powers) Act, 1871.*

A.D. 1871.

Owners of land may grant same free of cost to the Company.

Owners of land may accept payment in shares.

Commissioners of Public Works to approve such grants, &c.

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

Railways not exempt from provisions of present and future general Acts.

Expenses of Act.

7. It shall be lawful for the owners (as herein-before defined) of any land which the Company are authorised to take for the purpose of any of the railways or works which they are authorised to construct, to grant, transfer, or convey the same or any portion thereof to the Company free of cost, and such grant, transfer, or conveyance shall confer a good title to the lands described therein.

8. It shall be lawful for the owners of such lands (if they think fit) to accept fully paid-up ordinary shares of the Company, in payment of the whole or any part, as shall be agreed upon between such owners and the Company, of the purchase money for such lands, and in that event the name of the owner thereof for the time being shall be inserted in the share register of the Company as the proprietor of such shares.

9. No such grant, transfer, or conveyance of land to the Company by any owner, and no such acceptance of shares of the Company by any owner in payment of the purchase money for land as in this Act respectively provided, shall be made or take effect unless and until a certificate approving thereof shall have been granted by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such owner or of the Company, to make such inquiries in the matter as the said Commissioners think fit, and to grant such certificate as aforesaid, and the costs relating to every such inquiry and certificate shall be paid by the Company.

10. The Company shall not, out of any money by any Act relating to them authorised to be raised, pay or deposit any sum of money which, by any standing order of either House of Parliament now or hereafter in force, is 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.

11. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to 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 for small parcels, authorised by the former Acts.

12. All the costs, charges, and expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

