



CHAPTER clxxxviii.

An Act to revive and extend the time granted to the Midland Counties and Shannon Junction Railway Company for the purchase of lands and execution of works. A.D. 1872.

[10th August 1872.]

WHEREAS by "The Midland Counties and Shannon Junction Railway Act, 1861," the Midland Counties and Shannon Junction Railway Company (herein-after referred to as the Company) was incorporated for making the railways described in the said Act; and the Company have proceeded in the execution of parts of their undertaking: 24 & 25 Vict.
c. ccxvi.

And whereas by "The Midland Counties and Shannon Junction Railway Act, 1866," the powers granted to the Company by the Act of 1861, for the purchase of land and completion of a portion of their railway, were revived and extended, and those powers were further extended by warrant of the Board of Trade pursuant to "The Railways (Extension of Time) Act, 1868:" 29 & 30 Vict.
c. clxxxii.

And whereas the extended powers of the Company for the compulsory purchase of land expired on sixteenth day of July one thousand eight hundred and seventy, and for the completion of the railway on sixteenth July one thousand eight hundred and seventy-one:

And whereas it is expedient that those powers should be revived in respect of the portions of railway in this Act described:

And whereas plans and sections of the said portions of railway, showing the lines and levels thereof and the lands which may be taken for the purposes of this Act, and also books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for King's County, and such plans and sections are identical with the plans and sections deposited in respect of the Act of 1861:

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And whereas the Company were authorised by the recited Act of 1866 to cancel and re-issue shares in their capital forfeited, or liable to forfeiture, amounting to more than fifty thousand pounds, and to attach to new shares to be created instead thereof a preferential dividend not exceeding five pounds per centum per annum; but the Company have not created any such new shares, and it is expedient they should have power to do so in two classes, with priority in favour of one of such classes:

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:

Short title.

1. This Act may be cited for all purposes as "The Midland Counties and Shannon Junction Railway Act, 1872."

26 & 27 Vict.
c. 92. in-
corporated.

2. Part II. of "The Railways Clauses Act, 1863," (relating to extension of time) is incorporated with and forms part of this Act.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the railway" and "the undertaking" shall mean the railway and undertaking of the Company.

Extension
of time for
purchase of
lands.

4. The powers for the compulsory purchase or taking of lands granted by the Act of 1861 are revived and extended for the period of two years from the passing of this Act, with respect to so much of the undertaking of the Company as lies between its point of junction with the Tullamore and Athlone Extension of the Great Southern and Western Railway in the parish of Kilbride, and the point where it meets the public road from Banagher to Ballinasloe, and after the expiration of the said period of two years the said powers shall cease to be exercised.

Extending
time for com-
pletion of
works.

5. The time limited by the Act of 1861 for the completion of the works by the same Act authorised to be constructed is revived and extended for three years from the passing of this Act, so far as relates to the portion of the undertaking herein-before described; but such extension of time shall not exempt the Company from any liability which they may be still subject to under the provisions of the forty-seventh section of the said Act.

6. Nothing in this Act shall lessen, abridge, or interfere with the powers and authorities vested in the Commissioners of Public Works, acting in execution of an Act 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 Acts 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 Company to carry the railway or other works over, across, or alongside of the said river, or on or along any part of the shore, land, or 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 said river, 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, except and upon such terms, under such restrictions, and according to such plans, elevations, and sections as shall, previously to the commencement of the said works, be approved of, and so signified by the said Commissioners of Public Works in Ireland, in writing, under the hand of their secretary for the time being.

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Plans of works affecting River Shannon to be first approved by Commissioners of Public Works.

7. The preference shares authorised to be created and issued in pursuance of the recited Act of 1866 shall consist of two classes, called Class A and Class B:

Preference shares to be divided into classes.

Class A shares, amounting to twenty-five thousand pounds, shall have priority next after any moneys borrowed on mortgage, and shall be entitled to five per centum out of the net revenue applicable to dividend in preference to Class B shares and ordinary shares of the Company:

Class B shares, amounting to twenty-five thousand pounds, shall have priority next after Class A shares, and shall be entitled to five per centum out of the net revenue of the Company applicable to dividend in preference to the ordinary shares of the Company.

8. The Company shall not, out of any money by the Act of 1861 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.

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

9. Nothing herein contained shall be deemed or construed to exempt the railway 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.

Expenses of Act.

10. 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.

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