



CHAPTER cxxxix.

An Act to confer further powers on the Midland Great Western Railway of Ireland Company. [2d August 1877.] A.D. 1877.

WHEREAS it is expedient that the Midland Great Western Railway of Ireland Company (in this Act called "the Company") should be authorised to make and maintain the loop line of railway herein-after described in the townland and parish of Mullingar and county of Westmeath :

And whereas the Royal Canal (herein-after called "the canal"), which extends from the city of Dublin to Tarmonbarry on the River Shannon, and with its branches forms a navigation ninety-six miles and a quarter in length, was constructed under the provisions of a charter of incorporation under the Great Seal of Ireland, dated the first day of October one thousand seven hundred and eighty-nine, and also under the powers of the several Acts passed in the last and present century set forth in the Schedule (A.) to this Act annexed, and which are herein-after called "the Canal Acts," and the canal now forms part of the undertaking of the Company, having been acquired by them by virtue of powers to that effect contained in "The Midland Great Western Railway of Ireland Act, 1845," by which the Company was incorporated (herein-after called the firstly-recited Act) :

8 & 9 Vict.
c. cxix.

And whereas the Company depends in a great measure for a supply of water for the purposes of the canal undertaking upon the waters of Lough Owell, in the parishes of Mullingar, Portnashangan, Leny, and Portloman, in the county of Westmeath :

And whereas in consequence of the fluctuating character of the water supply from the said lough great inconvenience is from time to time occasioned in the working of the canal and otherwise, partly by reason of the flood waters of the said lough discharging into the canal, for which waters it forms the main outlet, and partly in consequence of the supply to the canal being in times of drought deficient.:

[Ch. cxxxix.] *The Midland Great Western Rail-
way of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

And whereas the inconvenience thus arising can only be remedied by increasing the area for storage of the waters of the said lough, whereby a more equable supply will be maintained, and the waters which otherwise run to waste will at the same time be made available for the purposes of the canal undertaking, and it is therefore expedient that the Company be authorised to raise the water level of Lough Owell to the extent and in the manner hereinafter provided :

32 G. 3.
c. 26.

And whereas by an Act passed in the thirty-second year of the reign of His Majesty King George the Third, chapter twenty-six, intituled "An Act enabling the Royal Canal Company to make docks on the north side of the River Liffey under certain conditions," (hereinafter called the secondly-recited Act,) the Canal Company were authorised to make floating and graving docks on the north side of the River Liffey under certain conditions, such docks containing "accommodation for the safe lying of three hundred sail of sea vessels, with supply of sixteen feet depth of water at the least," and in consideration of the great charges and expenses of making, building, creating, and providing such docks, quays, wharves, and works, and supporting, maintaining, and keeping the same in repair, the rates and duties therein defined were made payable to the Company in respect of every ship or vessel coming into or going out of the docks, or unloading or putting on shore, or lading or taking on board, any goods, wares, or merchandise within the said docks :

And whereas the Canal Company constructed no floating dock of the nature contemplated and prescribed by the secondly-recited Act :

And whereas the Company, at a cost of upwards of sixty thousand pounds, constructed and opened for traffic in the year one thousand eight hundred and seventy-three a large floating dock within the parish of Saint Thomas and the county of the city of Dublin, which dock consists of the docks known as the Royal Canal Dock and the Spencer Dock respectively, thereby securing very extensive accommodation for ships, steamers, and other vessels, and it is expedient that the Company be authorised to levy the dues, tolls, rates, and charges in respect of the said docks and the conveniences connected therewith contained in the Schedule (B.) to this Act annexed :

And whereas, in order to meet the requirements consequent upon an increasing traffic, and to enable the Company to give still further improved dock accommodation in connexion with their canal and railway, it is expedient that they should be authorised to erect stores,

[40 & 41 VICT.] *The Midland Great Western Rail- [Ch. cxxxix.]
way of Ireland Act, 1877.*

granaries, and other buildings in connexion with their said docks suitable for the accommodation of the traffic thereat: A.D. 1877.

And whereas the Company have also provided the necessary facilities for the transport and interchange of traffic between the said docks and their canal and railway:

And whereas the rates and duties which are authorised to be levied by the secondly-recited Act are differential as between English and Irish ships, and are otherwise inapplicable and unsuitable, and it is expedient that the same should be revised and adjusted:

And whereas it is also expedient that the Company be authorised to fill up to the extent herein-after defined the canal harbour, the property of the Company, at Broadstone, in the parish of Saint Michan and county of the city of Dublin, and also a portion of their canal leading into the said harbour in that parish and in the parish of Grangegorman and county of Dublin, and to remove the Company's existing stores and buildings connected with the said harbour and portion of canal, and to erect wharfage and other proper and necessary accommodation in substitution therefor:

And whereas it is also expedient that the Company be authorised to make the new road or approach herein-after described to their Broadstone Station, in the city of Dublin, and also to divert a certain public road at the north-east side of their Liffey Branch Railway, in the parish of Saint Thomas and county of the city of Dublin, as herein-after mentioned:

And whereas, with a view to the accommodation of the traffic of the Company, it is expedient that the Company be authorised to acquire and hold for the purposes of this Act, and for extending the Company's station, siding, and other accommodation, and the approaches to their railways, and for other purposes connected with their undertaking, the lands and premises, and to execute the works, herein-after mentioned:

And whereas it is expedient to extend the time for the sale of certain lands acquired by the Company which have not hitherto been or eventually may not be required for the purposes of their undertaking:

And whereas it is expedient that the Company be enabled to take and use for the purposes of their railway and the works connected therewith the waters of a certain lough or lake on the north side of their Mayo Branch Railway, and to deepen or alter the existing watercourse running under their railway into the same as herein-after expressed:

And whereas by an Act passed in the twelfth and thirteenth years of the reign of Her present Majesty, chapter sixty-two (herein- 12 & 13 Vict.
c. lxii.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

after called "the thirdly-recited Act"), the Commissioners of Her Majesty's Treasury were empowered for the purpose of a loan to the Company to charge the Consolidated Fund with and to direct the issue thereof to the account of the Commissioners for the Reduction of the National Debt of a sum not exceeding in the whole five hundred thousand pounds; and the Commissioners of the Treasury were empowered to authorise and require the Public Works Loan Commissioners (herein-after called "the Loan Commissioners") to advance and lend to the Company any sums of money not exceeding in the whole five hundred thousand pounds, and the repayment thereof, with interest not exceeding three pounds ten shillings per centum per annum, was to be secured by such mortgages and in such other manner as therein mentioned; and the Company were authorised to borrow of the Loan Commissioners any sums of money not exceeding in the whole five hundred thousand pounds, and to mortgage and assure, as therein provided, to the secretary of the Loan Commissioners the railways and undertakings authorised by the therein recited Acts relating to the Company and the property and effects of the Company connected therewith:

And whereas it was by the thirdly-recited Act enacted that if any moneys should be borrowed by the Company under the provisions thereof, then so long as any part whatever of the principal moneys borrowed should remain unpaid, and as from the time of any such loan or loans respectively, a sum equal to one pound fifteen shillings per centum on the sum or sums originally borrowed should (subject as therein mentioned) be paid half-yearly to the Company by the barony of Moycarn and the barony of Athlone, in the county of Roscommon, and by all the several baronies and half baronies in the county of Galway, and by the county of the town of Galway, all in that part of the United Kingdom of Great Britain and Ireland called Ireland, rateably and in the proportions to be ascertained as therein mentioned, and subject to the provisions therein contained:

And whereas in pursuance of the thirdly-recited Act the sum of five hundred thousand pounds was by the direction of the Commissioners of the Treasury advanced by the Loan Commissioners to the Company, and the sums so advanced were duly secured by mortgage of the undertaking of the Company by certain mortgage securities, according to the direction of the Commissioners of the Treasury, with interest after the rate of three pounds ten shillings per centum per annum, payable by equal half-yearly payments, and subject to the provision that after the expiration of ten years from

A.D. 1877.

the date of such mortgages respectively, and during such time as the principal and interest moneys should be punctually paid half-yearly as in the said Act mentioned, the principal sum so advanced should be repaid with interest in manner following; (that is to say,) there should be paid half-yearly as from the expiration of the said ten years the sum of two pounds ten shillings per centum on the principal money originally advanced, and a sufficient part of such half-yearly payments should be first applied in discharge of the interest from time to time accruing due on that part of the principal sum which should from time to time be unpaid, and the residue of such half-yearly payments should be applied in discharge of the principal money secured, until the whole thereof, with interest thereon, should be paid off:

And whereas it was by the thirdly-recited Act enacted that the security for the moneys so advanced to the Company should be valid and effectual to all intents and purposes, and have priority over all dividends, interest, or other moneys payable or which might become payable to shareholders in the Company, and over all mortgages, bonds, charges, and securities whatsoever which had been or should be thereafter created or given by the Company, except a certain security therein named, and in respect of which security a sum not exceeding one hundred and thirty-five thousand eight hundred and sixty pounds fifteen shillings and eightpence, with the then current half-year's interest thereon, was then due and owing:

And whereas it was also by the thirdly-recited Act enacted that if the Company should borrow any money in pursuance of the powers thereof the Company should not be entitled, under the powers contained in "The Midland Great Western Railway of Ireland (Athlone to Galway Extension) Act, 1847," (herein-after called "the Galway Extension Act,") to borrow any part of the sum of one hundred and seventy-one thousand six hundred and sixty-six pounds by that Act authorised to be borrowed:

And whereas by an Act (herein-after called "the fourthly-recited Act") passed in the twenty-eighth and twenty-ninth years of the reign of Her Majesty, intituled "An Act to give effect to an ar-
" rangement concerning the contribution payable under certain
" enactments by certain baronies in Roscommon and Galway and
" the county of the town of Galway to the Midland Great Western
" Railway of Ireland Company," it was enacted that the liability of the said baronies in the county of Roscommon, and the several baronies and half baronies in the county of Galway, and of the county of the town of Galway, to make any payments to the Company should determine as from the twenty-eighth day of October

28 & 29 Vict.
c. ccx.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877. one thousand eight hundred and seventy, except as to any contribution or payment which might have then accrued or become due and payable, but should have not been paid to the Company prior to that day, subject to the provision that nothing in the fourthly-recited Act contained should affect any security made by the Company to the Loan Commissioners or their secretary, or any powers or remedies thereunder, and that in case of default being made at any time after the twenty-eighth day of October one thousand eight hundred and seventy in payment of any instalment of principal, or in payment of any interest payable by the Company under any such security, then, notwithstanding anything in the fourthly-recited Act contained, the Company should and they were thereby required to proceed to recover and enforce, in the same manner and to the same extent as if that Act had not been passed, payment in respect of the half year in which any default should be made of the contribution mentioned in the fourthly-recited Act, and thereby made payable by the baronies, half baronies, and county of the town therein and herein-before mentioned :

32 & 33 Vict.
c. lii. And whereas by "The Midland Great Western Railway (of Ireland) Act, 1869," (herein-after called "the fifthly-recited Act,") on the recitals herein-before contained, and on the further recital that it was expedient that if the power to borrow one hundred and seventy-one thousand six hundred and sixty-six pounds under the Galway Extension Act were altogether repealed the Company should be authorised for the purposes therein mentioned to borrow one hundred and seventy-one thousand pounds, the power to borrow such sum of one hundred and seventy-one thousand six hundred and sixty-six pounds was repealed, and the Company were authorised, subject to certain provisions in the fifthly-recited Act contained, to borrow one hundred and seventy-one thousand pounds, to be borrowed and taken up in the sums and at the times and applied in the manner in the fifthly-recited Act mentioned, namely, sixty thousand pounds in procuring rolling stock and plant, and in construction of sidings, warehouses, and other accommodations connected with the Company's undertaking, and the balance of the said one hundred and seventy-one thousand pounds, as the Company should from time to time repay the principal sums due and payable to the Loan Commissioners after the passing of the fifthly-recited Act, under the provisions of the securities held by them for repayment of the said sum of five hundred thousand pounds :

And whereas at the time of the passing of the fifthly-recited Act there was due to the Loan Commissioners in respect of the principal

moneys advanced to the Company the sum of four hundred and thirty-eight thousand six hundred and fifteen pounds eight shillings and threepence :

And whereas the Company have duly paid to the Loan Commissioners the interest on the moneys advanced by them to the Company as aforesaid, and they have also since the passing of the fifthly-recited Act made payments from time to time up to the thirtieth day of June one thousand eight hundred and seventy-six of the sum of eighty-eight thousand one hundred and ninety-five pounds twelve shillings and threepence, on account of principal, at the periods stipulated by the fifthly-recited Act, which sum they have raised as by that Act prescribed, leaving the sum of twenty-two thousand eight hundred and four pounds seven shillings and ninepence still to be raised by them under the powers of that Act for payment of the principal sum remaining due to the Loan Commissioners, and there is now due and owing by the Company to the Loan Commissioners in respect of the principal of the said loan, up to the said thirtieth day of June one thousand eight hundred and seventy-six, the sum of three hundred and fifty thousand four hundred and nineteen pounds sixteen shillings :

And whereas it is expedient that the Company should be authorised from time to time to raise by borrowing as herein-after provided the sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence towards enabling them to pay off and discharge the aforesaid balance still due and owing to the Loan Commissioners :

And whereas for the purpose of doubling certain portions of their railway, and for providing additional station, siding, and other accommodation in connexion therewith, and for rolling stock, and for the erection of granaries and warehouses, and also for the execution of the other works and purposes hereby authorised, it is expedient that the Company should be empowered to raise additional capital as herein-after provided :

And whereas it is expedient that the Company be authorised to alter the times for holding their half-yearly meetings :

And whereas by "The Sligo and Ballaghaderreen Junction Railway Act, 1863," the Sligo and Ballaghaderreen Junction Railway Company (herein-after called "the Sligo Company") were incorporated and authorised to construct a railway commencing by a junction with the Sligo Extension Railway of the Company, and terminating near the town of Ballaghaderreen :

And whereas the following Acts have been passed whereby further powers have been granted to the Sligo Company, namely,

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877. "The Sligo and Ballaghaderreen Junction Railway Act, 1866," and "The Sligo and Ballaghaderreen Junction Railway Act, 1871:"

And whereas it is expedient, and it would be for the convenience of the public, that the Sligo Company should be empowered to sell, and that the Company should be empowered to purchase, the undertaking of the Sligo Company:

And whereas plans and sections showing the lines and levels of the works authorised to be executed under the powers of this Act, and plans showing the lands which may be required for the purposes of this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands respectively, were duly deposited with the respective clerks of the peace for the several counties following; namely, the county of the city of Dublin, and the counties of Dublin, Westmeath, Mayo, Kildare, Meath, Longford, Roscommon, and Galway, and are herein-after referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act 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 of Act.

1. This Act may be cited as "The Midland Great Western Railway of Ireland Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. 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," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Act (Ireland) 1860," "The Railways Act (Ireland) 1864," "The Railways Traverse Act," Part I. (relating to the construction of a railway) and Part V. (relating to amalgamation) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

As to deposit of plans with clerks of unions.

3. With reference to this Act all the provisions of sections seven, eight, and nine of "The Railways Clauses Consolidation Act, 1845," shall be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland," or the words "clerks of the unions," as the case may be, had been used and inserted in such sections in lieu of the expression "the post-

“masters of the post towns in or nearest such parishes in Ireland,” or in lieu of the word “postmasters,” as the case may be. A.D. 1877.

4. 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 expression “the Company” means the Midland Great Western Railway of Ireland Company; the expression “the corporation” or “the corporation of Dublin” means the lord mayor, aldermen, and burgesses of Dublin; the expression “the Sligo Company” means the Sligo and Ballaghaderreen Junction Railway Company; the expression “the railway” means the loop line of railway by this Act authorised; the expression “the canal” means the Royal Canal forming part of the undertaking of the Company; the expression “the Spencer Dock” means the new floating dock within the parish of Saint Thomas, in the county of the city of Dublin, constructed by the Company as herein-before recited, and which shall be deemed to include the entire dock accommodation situate between the bridge carrying the Great Northern Railway of Ireland across the upper end of such dock and the entrance thereto at the River Liffey; the expression “the Canal Acts” means the Acts set forth in the Schedule (A.) to this Act annexed; the expression “the Loan Commissioners” means the Public Works Loan Commissioners. Interpretation of terms.

PART I.—NEW WORKS.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose; that is to say, Power to make railway according to deposited plans.

A loop line of railway, two furlongs three and a half chains in length, wholly situate within the townland of Mullingar and parish of Mullingar, all in the county of Westmeath, commencing and terminating by junctions with the Company's railway.

6. With respect to tolls, rates, and charges, and for all other purposes whatsoever, the railway shall be part of the undertaking of the Company. Tolls.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

Period for completion of works.

Penalty imposed unless the line is opened within the time limited.

7. If the railway shall not be completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

8. If the Company fail within the period limited by this Act to complete the railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened, in the name and with the privity of the Accountant General of the Court of Chancery in Ireland, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such line by unforeseen accident or circumstance beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of deposit.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims

in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

A.D. 1877.

10. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections relating thereto respectively, the several works herein-after described, with all proper works and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for those purposes ; (that is to say,)

Power to
make other
works.

- (1.) They may, within seven years after the passing of this Act, raise the water level of Lough Owell, in the parishes of Mullingar, Portnashangan, Leny, and Portloman, in the county of Westmeath, and its tributaries, to a height not exceeding two inches below the Ordnance bench mark on the base stone at the corner of the existing valve-house at the existing supply cut, in the townland of Culleenmore, in the said parish of Mullingar, indicating 329.6 feet above the Ordnance datum line, and for that purpose they may raise the overfall at the head of the existing supply cut in the said townland, and the overfall at Mount Murray, in the townlands of Mount Murray and Rathbennet, in the parishes of Portnashangan and Leny, in the county of Westmeath, in such way and by such means as they may from time to time find necessary to maintain the said level, and may from time to time take and use and divert into the canal the waters of the said lough when so raised in like manner and as freely in all respects as they now take and use the waters of the said lough : Provided that if by the exercise of the said powers or by raising the level of the said lough any damage shall be done to the lands bordering on or in the neighbourhood of the said lough, the said lands shall be deemed to be lands injuriously

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 Vict.]

A.D. 1877.

affected by the execution of the works, and the parties interested in the said lands shall be entitled to compensation accordingly: Provided also, that the Company, at the request in writing of the owner for the time being of the Clanhugh Estate, shall erect, or in default of the Company the owner may erect, at the expense of the Company, upon some part of the estate to be agreed upon between the said owner and the Company, a permanent standard showing the height to which the Company may under the powers of this Act raise the level of Lough Owell; and any difference between the said owner and the Company touching the site or nature of the said standard shall be settled, upon the application of either party, by the engineer to the Board of Public Works in Ireland, or by some engineer to be appointed by him:

- (2.) They may erect stores, granaries, and other buildings for the accommodation of the traffic of the Spencer Dock:
- (3.) They may fill up the canal harbour the property of the Company at Broadstone, in the parish of Saint Michan and county of the city of Dublin, and also a portion of their canal leading into the said harbour in the said parish and in the parish of Grangegorman and county of Dublin, for a distance of one hundred and fifty yards or thereabouts, measuring in a north-easterly and northerly direction from the entrance to the said harbour, and terminating at a point sixty-five yards or thereabouts north from the present opening footbridge, and they may remove the existing stores and buildings connected with the said harbour and portion of canal: Provided always, that before filling up the said harbour and portion of canal the Company shall in substitution therefor provide and construct wharfage of a length equivalent to the wharfage now existing at the said harbour, and they shall also construct and complete a sufficient turning-place for the convenience of the boats navigating the canal at a point as nearly as conveniently may be to the Broadstone terminus of the canal, and adjoining the portion of canal hereby authorised to be filled up: Provided also, that in filling up the said harbour and portion of canal provision shall be made by the Company at their own expense, by such works as may be necessary, for maintaining a sufficient and suitable means of supply to the North Dublin Union of any water which at the time of the passing of this Act the said union are entitled to take from the said harbour and portion of canal:

[40 & 41 VICT.] *The Midland Great Western Railway of Ireland Act, 1877.* [Ch. cxxxix.]

- (4.) They may, in the parishes of Saint Michan and Saint Mary, in the county of the city of Dublin, and parishes of Saint George and Grangegorman, in the county of Dublin, make a new road or approach to their Broadstone Station, commencing at Mountjoy Street opposite Saint Mary's Chapel of Ease, and terminating at that station at or nearly opposite the front or southern entrance thereof: A.D. 1877.
- (5.) They may divert the public road at the north-east side of their Liffey Branch Railway, commencing at the south-east side of the lattice bridge of the Great Northern Railway (Ireland), and terminating at the south-west end of West Road, all in the parish of Saint Thomas and county of the city of Dublin:
- (6.) They may raise to an extent not exceeding three feet the existing footbridge across the Cavan and Sligo branch of the Company's railway, situate at a point one hundred and forty yards or thereabouts, measuring in a northerly direction, from the Company's station at Mullingar:
- (7.) They may cleanse, deepen, and maintain the existing watercourse which now runs under the Mayo branch of the Company's railway into a certain lough or lake delineated on the deposited plans, situate on the north side of the said railway at a point about sixty-seven miles, measuring along the Company's railway, from their Athlone Station, and may abstract and apply to the Company's uses for the purposes of their railway the waters of the said lough or lake, and the waters passing along the said watercourse; and all roads, approaches, and streets within the city of Dublin by this enactment authorised, shall, so soon as the same have been made and completed by the Company, vest in and become the property of the corporation.

11. And for the protection of the rights, property, and interests of the corporation of the city of Dublin, be it enacted as follows: Provisions for the protection of the corporation of Dublin.

- (1.) Before the Company proceed to make any new road, street, or approach within the said city, or temporarily to stop up, alter, or divert any street, lane, or passage vested in or the property of the corporation, they shall give to the engineer for the time being of the corporation not less than three clear days notice in writing of such their intention, and no such road, street, lane, or passage shall be made, stopped up, altered, or diverted, except under such regulations as to temporary accommodation and otherwise, and according to such plan as shall be approved

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

of by such engineer: Provided always, that if such engineer or other officer of the corporation duly authorised by them for the purpose shall fail to attend at the time fixed by such notice as aforesaid for commencing to make such new street, road, or approach, or for the temporary stopping up, alteration, or diversion of such street, lane, or passage, or shall not propose any plan for the same, or make any regulations in relation thereto, or shall refuse or neglect to superintend the proposed works, the Company may forthwith proceed to execute, and may execute, the works specified in such notice without the superintendence of such engineer or other officer:

- (2.) When the Company shall commence to make or temporarily stop up, alter, or divert any such road, street, lane, or passage as aforesaid, they shall, with as little detriment and inconvenience to the public as the circumstances will permit, and with all convenient speed, complete the work and fill in the ground and reinstate and make good the road or pavement so made, stopped up, altered, or diverted, and carry away the rubbish occasioned thereby; and the Company shall at all times whilst any such street, lane, or passage shall be so stopped up or interfered with, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such street, lane, or passage where the same shall be stopped up or interfered with every night during which the same shall be stopped up or interfered with, and shall keep any road or pavement which has been made, altered, or broken up in good repair for six months after making, replacing, and making good the same, and for such further time (if any), not being more than twelve months in the whole, as the soil so broken up shall continue to subside:
- (3.) If the Company make default in complying with any of the provisions of the two immediately preceding sections, they shall forfeit to the corporation a penalty not exceeding five pounds for each day during which any such default as aforesaid shall continue after they shall have received notice thereof:
- (4.) If any such default as last aforesaid be made, the corporation or their engineer having the control or management of the street, lane, or passage in respect of which such default shall be made may cause such default to be

remedied, and any work made necessary thereby to be executed, and the expense of remedying such default or executing such work shall be repaid to such engineer or other officer by the Company, and accounted for by him to the corporation, and such expense may be recovered in the same manner as damages are recoverable under any Act incorporated with this Act :

- (5.) In case it shall be necessary for the Company, for the purpose of constructing any of the works by this Act authorised, to raise, sink, or otherwise alter the position of any water mains, pipes, or other works belonging to the corporation, or any of the sewers or drains in the said city, the same shall be done with as little detriment and inconvenience to the public and to any houses or persons supplied with water by means of such mains, pipes, or other works, or accommodated by such sewers or drains, as the circumstances will permit, and all works relating to or involving interference with such mains, pipes, sewers, drains, or other works as aforesaid, or necessary for the protection of the same, shall be executed at the cost of the Company and to the reasonable satisfaction in all things of the corporation or their engineer for the time being :
- (6.) It shall not be lawful for the Company in executing any of the works within the city of Dublin by this Act authorised to remove or displace any of the water mains, pipes, or other distributory works, or the sewers or drains belonging to or vested in the corporation, or to do anything to interrupt or impede the supply of water into or through such mains, pipes, or other distributory works, or the flow of sewage through such sewers or drains, until good and sufficient arrangements shall first have been made at the expense of the Company for carrying on the supply of water and the flow of sewage to the reasonable satisfaction of the engineer of the corporation :
- (7.) If it shall be necessary to construct any of the works by this Act authorised over any water main or pipe of the corporation, the Company shall at their own expense, and to the reasonable satisfaction of the engineer of the Corporation, construct and maintain a good and sufficient culvert over such main or pipe so as to cover the same and make it accessible for the purpose of repairs, together with all such other works as may be necessary for the protection from injury of such main or pipe :

[Ch. cxxxix.] *The Midland Great Western Rail- [40 & 41 VICT.]
way of Ireland Act, 1877.*

A.D. 1877.

- (8.) If the Company or any of their contractors, agents, officers, workmen, or servants, or any person in the employment of them, or of any of them, shall in the execution of any of the works within the city of Dublin by this Act authorised interrupt the supply of water supplied by the corporation, or cause or do any other damage or injury whatsoever, the Company shall make good and be responsible for any loss occasioned thereby to the corporation, or to any person or persons suffering such damage or injury :
- (9.) Notwithstanding anything in this Act contained, it shall not be lawful for the Company to take any of the lands in the city of Dublin now in the possession of the corporation shown upon the deposited plans, other than the lands coloured red upon a copy of the deposited plans of the said lands signed in duplicate by John Kilkelly, on behalf of the company, and by John MacSheehy, on behalf of the corporation, and a copy of the said plan, coloured as aforesaid, shall within one month after the passing of this Act be deposited for public inspection in the office of the clerk of the peace for the county of the city of Dublin :
- (10.) Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, and privileges hitherto vested in or possessed by the corporation.

Providing
for compen-
sation to
owners of
lands on
Lough
Owell.

12. At any time within three years after the raising by the Company of the water level of Lough Owel in pursuance of the powers conferred on them by this Act, and whether the Company shall or shall not have raised the same to the extent herein-before authorised, the owners or any of the owners for the time being of the lands bordering on the said lough or in the immediate neighbourhood thereof may claim from the Company compensation for damage done to their respective lands by reason of the raising of the said water level or by the works of the Company for the purposes thereof, whether such damage consists in the covering of the said lands by the heightened water of the lough, or by the washing away of the said lands, or by soakage, or otherwise ; and such claim may relate not only to the damage theretofore done to the said lands by the means aforesaid, in so far as the same may not have been already compensated, but also to the permanent injury which may be fairly apprehended thereto from the exercise of the powers of this Act ; and if the Company dispute any such claim, the same shall be referred to arbitration in the manner prescribed by "The

Lands Clauses Consolidation Act, 1845," with respect to the A.D. 1877.
settlement of disputed compensation :

Provided first, that any number of owners of lands in re-
spect to which compensation is claimed may join in the
same reference to arbitration, and the award shall in that
case specify the amount of money (if any) to be paid
to each claimant :

- (2.) Provided also, that any gross sum awarded in respect of a
claim for past and prospective damage shall be deemed
to be full compensation for all damage which may have
been done to the said lands previously to the date of the
award by reason of the works of the Company in raising
the said water level, and also for all damage which may
thereafter accrue to the said lands by reason of the said
works, and shall exonerate the Company from all further
claims with respect to damage to the said lands :
- (3.) Provided also, that nothing contained in this Act or in the
deposited plans, and no payment or compensation made
by the Company by virtue of any such award, shall
divest the said owners, or any of them, of their several
estates in the lands to which the said compensation
relates, or shall confer upon the Company any title or
interest (whether legal or equitable) in or to the said lands,
or any power of entry therein or use thereof :
- (4.) Provided lastly, that nothing in this Act contained shall
take away, prejudice, or alter any of the rights, powers,
or privileges of the Company in relation to the said Lough
Owell, or the waters thereof, possessed by the Company at
the time of the passing of this Act.

PART II.—ADDITIONAL LANDS, &c.

13. Subject to the provisions of this Act, the Company, in
addition to the other lands which they are by this Act authorised to
acquire, may from time to time purchase, take, hold, use, and
appropriate so much of the lands following shown on the deposited
plans and described in the deposited books of reference relating
thereto as the Company may require for the purposes of their
undertaking; (that is to say,)

Power to
take lands
for general
purposes
of the
Company.

Certain lands in the Arran Quay Ward, parish of Grangegorman
and county of Dublin; but subject always to this provision,
that if the Company shall for the purposes of their undertaking
use and appropriate the thoroughfare or passage shown upon
the deposited plans and numbered thereon three, four, and five

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

in the parish of Grangegorman, they shall at the same time provide a suitable passage not less than twenty-one feet in width in lieu thereof, to the satisfaction of the engineer of the corporation, between Monk's Place and the North Circular Road :

Certain lands in the North Dock Ward, parish of Saint Thomas and county of the city of Dublin, situate between the lattice bridge of the Great Northern Railway and West Road; but subject always to this provision, that the Company shall not take, use, or appropriate any part of the said West Road numbered nineteen on the deposited plans :

Certain lands in the North Dock Ward, situate at or near the north-east end of Lower Oriel Street, where it adjoins the wharf of the Spencer Dock, also lands in the said ward adjoining the south-east end of Jane Place Upper, both in the parish of Saint Thomas and county of the city of Dublin :

Certain lands in the townland of Castleknock, parish of Castleknock and county of Dublin, situate to the south-west of the new bridge carrying the high road from Dublin to Blanchardstown over the Company's railway :

Certain lands in the townland of Leixlip and Easton, parish of Leixlip and county of Kildare, situate on the east side of the Leixlip Railway Station of the Company :

Certain lands in the townland of Leggagh, parish of Drakestown and county of Meath, situate on the west side of the Navan and Kingscourt Railway at or near nine miles and one hundred and fifty yards from Navan Junction :

Certain lands in the townland of Mullingar, parish of Mullingar and county of Westmeath, situate on the south, north, and north-east sides of the Mullingar Railway Station :

Certain lands in the townlands of Ranaghanbawn and Cooldoney, parish of Abbeylara and county of Longford, situate on the east side of the Cavan Branch Railway at or near sixty-seven miles and three quarters from the Company's Broadstone Terminus, Dublin :

Certain lands in the townland of Knockmore Eighter, Creaghanboy, and Manulla, parish of Manulla and county of Mayo, situate on the north side of the Company's Mayo Branch Railway at or near sixty-seven miles from the Athlone Railway Station belonging to the Company :

Certain lands in the townland of Attimonmore South, parish of Killimordaly and county of Galway, situate on the north and south sides of the Company's railway from Dublin to Galway

at or near one hundred and seven miles and a quarter from the said Broadstone Terminus, Dublin; A.D. 1877.

Certain lands in the townlands of Willsborough and Mountain Upper, parish of Kiltullagh and county of Roscommon, situate on the south side of the said Mayo branch at or near forty miles and seven hundred yards from the said Athlone Station.

14. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

15. The quantity of land to be taken by the Company under the powers of this Act for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre. Lands for extraordinary purposes.

16. 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 three years from the passing of this Act. Powers for compulsory purchases limited.

PART III. — GENERAL POWERS.

17. The Company may, notwithstanding anything to the contrary contained in "The Lands Clauses Consolidation Act, 1845," or in any Act relating to the Company with which that Act is incorporated, retain and hold any lands belonging to them in the parishes of Grangegorman, Castleknock, and Clonsilla, in the county of Dublin; Navan, Drakestown, Kilcock, and Ardagh, in the county of Meath; Urney, in the county of Cavan; Ardcarne and Roscommon, in the county of Roscommon; Kilmanahan, Kilcleagh, and Saint Mary, in the county of Westmeath; Cloncurry, in the county of Kildare; Kilbride, in King's County; and Kilcolman, in the county of Mayo, and which have not yet been applied to the purposes of the Company, for the periods following; that is to say, as regards such of the said lands as are situate near or adjoining any railway or station of the Company, and which the Company may be of opinion that they may require for the purposes of stations, sidings, and other conveniences, for the period of ten years from the passing of this Act, and as regards the other of the said Extension of time for the sale of the Company's superfluous lands.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877. lands, for the period of two years from the passing of this Act; but the Company shall, at the expiration of such respective periods, sell and dispose of as superfluous lands all such parts of those lands respectively as shall not then have been sold or disposed of or applied to or are not then retained by the Company for the purposes in this section named.

Period for holding half-yearly meetings.

18. Notwithstanding anything contained in any of the Acts relating to the Company, the half-yearly meetings of the Company shall be held in the months of February or March and August or September in every year, or at such other periods as shall be appointed for that purpose by an order of a general meeting of the Company.

PART IV.—CANAL AND DOCK RATES.

Powers to Lord Lieutenant or Board of Control as to certain tolls on canal.

19. From and after the passing of this Act the Company may demand and recover such tolls, rates, and charges in respect of the use of the canal by empty boats, and for the use of the graving docks and wharves thereon, as the Lord Lieutenant or other chief governor or governors of Ireland may by order prescribe; and all such tolls, rates, and charges shall be deemed within and subject in all respects to the powers exerciseable by the Lord Lieutenant or other chief governor or governors of Ireland, or the Board of Control in Ireland, in pursuance of section 38 of "The Midland Great Western Railway of Ireland Act, 1845," or otherwise howsoever.

Power to recover tolls.

20. The Company may recover the tolls in respect of the use of the canal by the Canal Acts authorised in the manner prescribed by "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the collection and recovery of rates, and for this purpose sections thirty-four, forty, forty-one, forty-three, forty-four, forty-five, and forty-six of that Act, so far as applicable, are incorporated with this Act.

Power to Company to make byelaws with respect to the navigation and use of their canal.

21. Subject to the provisions contained in "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the byelaws to be made by the undertakers, the Company may from time to time make, repeal, and alter such byelaws as they shall see fit with respect to the matters following; (that is to say,) the navigation and use of the canal, the good order and government of vessels and barges using the same, the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the canal undertaking, the regulation of the use of fires and lights within any barge or other vessel within the said limits,

the prevention of injury to the canal or to any barge or other vessel using the same, the use of the cranes, weighing machines, weights, and measures belonging to the Company, and the duties and conduct of the weighers and meters employed by them, the regulation of the duties and conduct of their officers and servants, and generally with respect to the administration and management of the canal, and the security, protection, and efficient working of the same: Provided always, that no byelaws (except such as relate solely to the Company or their officers and servants) shall come into operation until the same shall be allowed by the Lord Lieutenant or other chief governor or governors of Ireland; and it shall be incumbent on the said Lord Lieutenant or other chief governor or governors to inquire into any byelaws tendered to him or them for that purpose, and to allow or disallow the same, as he or they shall think meet, and such allowance or disallowance shall be communicated to the Company within two months after delivery of a copy of the proposed byelaws to the said Lord Lieutenant or other chief governor or governors, and, failing any communication from him or them to the contrary, the said byelaws shall at the expiration of the said two months be deemed to have been approved, and shall thereupon come into operation; and provided also, notwithstanding anything contained in the said provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," that it shall not be necessary to have such byelaws approved by a judge of the superior courts or the justices at the quarter sessions in Ireland.

A.D. 1877.

22. From and after the passing of this Act, and notwithstanding anything in the Canal Acts or any other Act relating to the Company contained, the Company may from time to time demand and recover in respect of every vessel entering into or leaving or lying-by in the Spencer Dock, and in respect of every ton of goods, wares, merchandise, and other things from time to time landed or shipped at or from the Spencer Dock, or stored or lying therein, or any passenger landing or embarking thereat, and in respect of the use of the Company's cranes, any sum, rate, or dues not exceeding those enumerated and set forth in the Schedule (B.) to this Act annexed: Provided always, that such sums, rates, or dues shall, within three months from the passing of this Act, and thereafter from time to time as occasion may require, be submitted to and approved by the Board of Trade.

Wharfage rates on vessels and goods using the Spencer Dock.

23. The Company may from time to time demand and recover for the use of any of their warehouses, wharves, cranes, and weighing machines in connexion with the Spencer Dock from the owner or

Charges for warehousing, &c.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

person having the charge of animals, goods, wares, merchandise, and other things deposited therein, or loaded or unloaded thereon, or weighed by means thereof, such charges as may from time to time be approved by the Board of Trade.

Power to vary tolls and charges from time to time.

24. The Company may from time to time vary the tolls, rates, and charges, or any of them, in respect of the Spencer Dock hereby authorised, in such manner as they think expedient, by reducing or raising the same, provided that the said tolls, rates, charges, and duties do not exceed the prescribed maximum, and provided also that they be at all times charged equally to all persons in respect of the same description of vessel and the same description of goods.

Partial incorporation of "The Harbours, Docks, and Piers Clauses Act, 1847."

25. For the purposes of the Spencer Dock, the several clauses and provisions following of "The Harbours, Docks, and Piers Clauses Act, 1847," are (except where expressly varied by or inconsistent with this Act) incorporated with this Act; that is to say, the provisions with respect to the construction of that Act; to the rates to be taken by the undertakers (except clauses twenty-five, twenty-six, and thirty); to the collection and recovery of rates; to the appointment of harbour-masters, dock-masters, and pier-masters, and their duties; to the discharging of vessels and the removal of goods; to the protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury; to the police of the harbour, dock, or pier; to the appointment of meters and weighers, and their duties; to the byelaws to be made by the undertakers; to the tender of amends; to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices; and to access to the special Act.

Saving rights of the Dublin Port and Docks Board.

26. Provided nevertheless, that nothing in this Act contained shall take away, prejudice, or alter any of the estates, rights, interests, powers, or privileges hitherto vested in or exercised by the Dublin Port and Docks Board, and specially the powers contained in Part VII. of "The Dublin Port and Docks Act, 1869," under the head of "Docks and Quays."

PART V.—CAPITAL.

Power to apply corporate funds to purposes of Act.

27. The Company may apply to the purposes of this Act any moneys which they now have in their hands, or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to Company to raise by

28. The Company may from time to time raise by borrowing on mortgage of their undertaking or by the creation of debenture stock

the sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence, which shall be borrowed and taken up by the Company in the sums, at the times, and subject to the conditions, and applied by them, in the manner hèrein-after mentioned; (that is to say,)

A.D. 1877.
—
mortgage or
debenture
stock
327,615*l.* 8*s.*
3*d.* to pay
off Loan
Commis-
sioners.

- (1.) The Company may from time to time borrow so much of the said sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence, subject to the provision herein-after contained, as shall be necessary to pay the instalments from time to time payable by them of the principal sums remaining due to the Loan Commissioners at and after the passing of this Act under the provisions of the securities held by them for the repayment of the original loan of five hundred thousand pounds, and the sums so from time to time borrowed shall be applied for the purpose of reducing the principal sum so due as aforesaid and to no other purpose whatever:
- (2.) Subject to the provision herein-after contained, no portion of the said sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence shall be taken up or borrowed until the said sum of twenty-two thousand eight hundred and four pounds seven shillings and ninepence, the residue of one hundred and eleven thousand pounds authorised by the fifthly-recited Act to be raised as aforesaid, shall have been raised and applied towards the payment of the moneys due by the Company to the Loan Commissioners, pursuant to the provisions of that Act:
- (3.) The Company, with the written consent and approval of the Loan Commissioners, and also with the consent of the shareholders of the Company, present in person or by proxy, holding at least three fourths of the paid-up capital of the Company, represented at a special meeting convened with notice of the object, may determine to repay the whole of the principal moneys then remaining due to the Loan Commissioners; and the Company may for that purpose borrow and take up the said sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence by this Act authorised to be borrowed as aforesaid, in addition to the said sum of twenty-two thousand eight hundred and four pounds seven shillings and ninepence, or so much thereof or of the said sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence as shall not have

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

been already raised and applied in terms of the fifthly-recited Act and this Act; and the sums of money so raised shall be applied by the Company in paying off and extinguishing the principal moneys then remaining due to the Loan Commissioners, and to no other purpose whatever:

- (4.) If the Company shall not determine to pay off the whole sum remaining due to the Loan Commissioners, but shall continue to pay off the same by instalments in manner provided by the thirdly-recited Act, they shall not borrow under the powers of this Act more of the said sum of three hundred and twenty-seven thousand six hundred and fifteen pounds eight shillings and threepence than they have at the time actually repaid to the Loan Commissioners of the principal moneys due to them after applying the said sum of twenty-two thousand eight hundred and four pounds seven shillings and ninepence as aforesaid, and then only after they shall have proved to the satisfaction of a justice of the peace acting for the city of Dublin the amount so for the time and from time to time repaid by them by the production to such justice of a certificate or certificates of the secretary of the Loan Commissioners verifying the amount so for the time and from time to time repaid by the Company, or of such other evidence as shall be deemed sufficient by such justice, who shall thereupon grant his certificate of the amount proved to have been so repaid as aforesaid, which last-mentioned certificate shall be sufficient evidence thereof.

Saving rights
of Loan Com-
missioners.

29. Provided always, that the securities now held by the Loan Commissioners in respect of the said sum of five hundred thousand pounds shall, so long as the said sum is not fully paid off, continue to have priority over all mortgage or other securities to be granted by virtue of this Act, and that nothing in this Act or the fifthly-recited Act contained shall prejudice or affect, or be construed, deemed, or taken to lessen, prejudice, or affect, the securities granted by the Company to the Loan Commissioners or their secretary, or the terms or conditions of such securities, nor shall anything in this Act or the fifthly-recited Act lessen, abridge, or in any manner alter, prejudice, or affect the security created by the thirdly-recited Act under which the baronies of Moycarn and Athlone, in the county of Roscommon, all the several baronies and half baronies in the county of Galway and the county of the town of Galway, are liable to contribute to the payment of the said debt due to the Loan Commissioners as by the thirdly-recited Act provided; and all the

provisions of the thirdly-recited Act in relation to the appointment and duties of the auditor or auditors, and the raising of the moneys payable thereunder, as well as the several other provisions of the thirdly-recited Act, save so far as the same may be altered by this Act, and by the arrangement under the fifthly-recited Act between the Company and the said baronies, counties, and county of the town, but not further or otherwise, it being hereby declared and provided that nothing in this Act or the fifthly-recited Act shall affect, lessen, abridge, or alter the liability of the said baronies, counties, or county of the town as between them and the Loan Commissioners. A.D. 1877.

30. For the purposes of this Act and for the general purposes of their undertaking the Company may raise any capital not exceeding in the whole the sum of three hundred thousand pounds, in addition to the capital which they are by their existing Acts authorised to raise, but have not raised, and in addition also to the other moneys which they are authorised to raise by this Act; and such sum of three hundred thousand pounds, and any capital which the Company are by their previous Acts authorised to raise, may be raised by the issue, at the option of the Company, of new ordinary shares or stock, or new preference shares or stock, bearing a fixed preferential dividend at a rate not exceeding five pounds per centum per annum, or wholly or partially by any one or more of those modes respectively; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

Power for
the Company
to raise
additional
capital, &c.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," shall extend and

[Ch. cxxxix.] *The Midland Great Western Rail- way of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877.

apply to the Company and to the additional capital which they are by this Act and by their previous Acts authorised to raise.

Shares not to be issued till one-fifth part thereof shall have been paid.

31. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

New shares or stock to be subject to the same incidents as other shares or stock.

32. The capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

33. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

New shares issued under this Act and any other Acts of past or present sessions may be of same class.

34. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act and any other Act passed in the present session, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares, they may, if they think fit, raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to borrow.

35. The Company may, in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole one hundred thousand pounds, and of that sum they may borrow not exceeding twenty-five thousand pounds in respect of every seventy-five thousand pounds of such additional capital, but no part of any such several sums of twenty-five

A.D. 1877.

thousand pounds shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that portion of the additional capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up *bonâ fide*, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

36. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money, or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made, or to the continuance of any proceedings which may have been commenced, prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver.

37. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, and subject

Existing mortgages to have priority.

[Ch. cxxxix.] *The Midland Great Western Rail- [40 & 41 VICT.]
way of Ireland Act, 1877.*

A.D. 1877. to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture
stock.

38. Subject to the provisions of Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," the Company may create and issue debenture stock in respect not only of the sums authorised by this Act to be raised by mortgage, but also in respect of the sum of one hundred and seventy-one thousand pounds authorised by the fifthly-recited Act to be raised by mortgage; but, notwithstanding anything contained in the said Part III., the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application
of additional
capital.

39. The moneys raised under this Act by the Company, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

PART VI.—PURCHASE OF SLIGO AND BALLAGHADERREEN
JUNCTION RAILWAY.

Sligo Com-
pany to
make and
the Company
to accept
transfer, &c.

40. The Sligo Company, upon payment to them of the purchase money herein-after expressed, shall transfer and convey to the Company, and the Company shall purchase, at the price of twenty-four thousand pounds, the undertaking, railways, stations, works, lands, property, estate, real and personal, and plant, and rights, privileges, and easements connected therewith, now or hereafter vested in or at law or in equity belonging to or enjoyed by the Sligo Company, or which they are authorised to construct, purchase, or acquire, and either before or after completion, and also all the powers of the Sligo Company, except only the powers for the regulation of their internal affairs; provided that the personal estate by this Act authorised to be transferred and conveyed shall not include any moneys, securities for money, or debts due or belonging to the Sligo Company at the time of such transfer and conveyance: Provided also, that such transfer and conveyance shall as from the date thereof be deemed to be an amalgamation of the undertaking of the Sligo Company with the undertaking of the Company according to the true intent and meaning of Part V. (relating to amalgamation) of "The Railways Clauses Act, 1863."

41. As regards the working and maintenance of the undertaking of the Sligo Company, and the receipts from and expenses of such working and maintenance, the transfer and conveyance shall have effect as from the first day of October one thousand eight hundred and seventy-six, and the Company shall be entitled and liable accordingly. A.D. 1877.
Time of transfer taking effect.

42. The purchase money of twenty-four thousand pounds shall be paid to the Sligo Company out of any moneys belonging to the Company or to be raised under the provisions of this Act not later than the expiration of one calendar month after the passing of this Act; provided that the Sligo Company before or at that time deduce to the Company a good title to the real and personal estate by this Act authorised to be transferred and conveyed, discharged of all liabilities, or within such further time as may be necessary to enable the Sligo Company to deduce such title so discharged of all liabilities as aforesaid: Provided also, that the Company may, if they think fit, and shall, if so required by the Commissioners of Public Works in Ireland, pay to the said Commissioners and not to the Sligo Company the principal and interest due and payable to the said Commissioners on mortgage of the undertaking of the Sligo Company, and any payment so made shall have effect as a payment to the Sligo Company of a part of the purchase money equal to the amount so paid: Provided further, that in case any difference shall arise between the companies as to the time or mode of paying the purchase money, or as to the title of the Sligo Company or the discharge of such liabilities, or as to any other matter incidental thereto, the same shall be referred to the arbitration of Her Majesty's Attorney General for Ireland for the time being, or of a barrister to be named by him, whose decision shall be final and binding on both companies. Purchase money to be paid within one month after passing of Act.

43. The receipt or acknowledgment by the Sligo Company under the hands of three of their directors of the whole of the purchase money, or any part thereof, shall be a good and sufficient discharge to the Company for the sum specified in such receipt, and the Company shall not be bound to see to the application of such money, or be answerable or accountable for any loss, misapplication, or non-application thereof. Receipt of the Sligo Company to be good discharge for purchase money.

44. Upon such transfer and conveyance the Sligo Company shall proceed to wind up their affairs, and shall apply the purchase money and all other the assets of the Sligo Company as follows; (that is to say,) Application of purchase money.

Firstly. In paying off in full the debt of thirteen thousand three hundred pounds secured on mortgage to the Commissioners of

A.D. 1877.

Public Works in Ireland, with the interest due thereon to the time of payment :

Secondly. In paying the expenses of winding up the affairs of the Sligo Company :

Thirdly. In paying the other debts and liabilities of the Sligo Company, and, subject as herein provided, they shall distribute and pay the surplus (if any) to and among the several persons who at the time of such transfer and conveyance are the registered shareholders of the Sligo Company, in proportion to their respective shares of the capital of that company, or their respective executors, administrators, successors, or assigns.

Payments into court by Sligo Company on winding-up.

45. Provided that if the Sligo Company are for twelve months after the period for the distribution of their net moneys unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid, and who can give an effectual receipt for the same, they may pay the same into the Court of Chancery in Ireland under any Act from time to time in force for the relief of trustees.

Dissolution of Sligo Company.

46. When the moneys and effects of the Sligo Company are distributed in accordance with this Act, and the affairs of that Company are finally wound up, then that Company shall be by this Act dissolved, and shall thenceforth wholly cease to exist.

PART VII.—MISCELLANEOUS.

For protection of Post Office telegraphs.

47. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply ; (that is to say,)

(Notice to be given before interfering with telegraphs.)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto ; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required

A.D. 1877.

to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General :

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company :

(Compensation by Company to Postmaster General, and penalty.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

(Saving for Telegraph Act and agreements.)

48. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, except such interest on money advanced by any shareholder beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on calls paid up.

49. The Company shall not, out of any moneys by this Act 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, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the

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

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877. Company to construct any railway or execute any other work or undertaking.

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

50. Nothing in this Act contained shall exempt the Company or the railways and canals of the Company from the provisions of any general Act relating to railways, canals, or navigations, or the better and more impartial audit of the accounts of railway or canal 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 tolls for small parcels and the maximum rates of fares and charges authorised to be taken by the Company.

Expenses of Act.

51. All the 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.

SCHEDULES referred to in foregoing Act.

SCHEDULE (A.)

ACTS relating to the ROYAL CANAL.

29 Geo. III. cap. 33., 1789.	55 Geo. III. cap. 182., 1815.
30 Geo. III. cap. 20., 1790.	58 Geo. III. cap. 35., 1818.
53 Geo. III. cap. 101., 1813.	

SCHEDULE (B.)

TABLE of DUES, TOLLS, RATES, and CHARGES in respect to the use
of the SPENCER DOCK.

TONNAGE RATES.

INWARD CHARGES:—	s.	d.
For every vessel entering with a cargo from any port in the United Kingdom or the Isle of Man, per register ton	0	6
For every vessel entering with a cargo from any other port or place, per register ton	1	0

OUTWARD CHARGES:—

For every vessel clearing for any port in the United Kingdom or the Isle of Man, per register ton	0	6
For every vessel clearing for any other port or place than above described, per register ton	1	0
For every vessel entering or leaving the dock for the sole purpose of delivering, loading, or unloading ballast, per register ton	0	3
For every vessel entering or leaving the dock without delivering or loading a cargo, per register ton, half the above rates.		

For the above Rates any vessel may remain in the Dock as follows :

Vessels arriving from or clearing out to ports in the United Kingdom or the Isle of Man, two weeks.

Vessels arriving from or clearing out to any other ports or place, four weeks.

Vessels delivering ballast only, two weeks.

Vessels using the dock without delivering or loading a cargo, for repair, lying-by, or any other purpose, two weeks.

[Ch. cxxxix.] *The Midland Great Western Railway of Ireland Act, 1877.* [40 & 41 VICT.]

A.D. 1877. After the expiration of such respective periods a further sum of one penny per ton per week shall be payable in respect of each vessel.
 No river and canal craft to be charged for passing through and out of the dock.

DUES, TOLLS, and RATES ON GOODS, CATTLE, and PASSENGERS shipped or unshipped or landed at the SPENCER DOCK.

	s.	d.
For every ton of coals - - - - -	0	2
For every ton of coke, culm, pig iron, iron ore, bricks, fireclay, cement, slates, chalk, sand, ballast, stone, lime, manure - - - - -	0	3
For every load of timber of whatever description, each load containing 50 cubic feet, discharged from or loaded into any vessel in the dock -	0	3
And in case such timber shall continue in the dock for a longer period than fourteen days, then for each week or part of a week beyond such fourteen days, per load - - - - -	0	3
For every ton weight of goods, wares, or merchandise of every other description discharged from or loaded into any vessel in the dock -	0	4
Or, at the option of the Company, for every ton measurement of such goods, each ton measurement - - - - -	0	6
For every package or parcel of goods less than a ton, either of weight or measurement, the same sum as is payable in respect of a ton.		

LIVE STOCK.

Horses, per head - - - - -	1	6
Oxen, cows, and bulls, per head - - - - -	1	0
Ponies, mules, and asses - - - - -	0	6
Calves, lambs, sheep, goats, and pigs, per head - - - - -	0	1
Geese in flocks, for every 50 or less number - - - - -	1	0

PASSENGERS.

For every passenger who shall land or embark from the dock in any ship or decked vessel, for each and every time - - - - - 0 1

Each passenger to be allowed to take 150 lbs. weight personal luggage free of toll.

And in case any such goods, wares, or merchandise, or other things herein-before mentioned, shall continue stored or lying on any of the wharfs or quays of the dock for a longer period than one week, then for each week beyond such first week, per ton per week - - - - - 0 4

No dues, tolls, or rates shall be charged on goods, cattle, or passengers shipped or unshipped over-side, into, or from any vessel lying in the dock from or into any canal craft, such goods, cattle, or passengers having been carried or intended to be carried on the canal in such canal craft, and in respect of which goods, cattle, or passengers tolls, rates and charges for the use of the canal shall have been paid to or may be demanded and recovered by the Company.

[40 & 41 VICT.] *The Midland Great Western Rail-* [Ch. cxxxix.]
way of Ireland Act, 1877.

A.D. 1877.

CRANES.

Vessels may be accommodated with the use of cranes at the dock under conditions to be prescribed by the Company, who shall in no case be liable for the failure of any part of a crane or chain connected therewith, at the following rates for every lift, viz. :

	s.	d.
If under 12 cwt. - - - - -	0	2
For 12 and under 15 cwt. - - - - -	0	3
For 15 and under 20 cwt. - - - - -	0	4
For 20 and under 40 cwt., per ton - - - - -	0	6
For 40 and under 60 cwt., per ton - - - - -	0	9
For 60 and upwards, per ton - - - - -	1	0
Coals unshipped per steam crane, per ton - - - - -	0	4

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