



CHAPTER clxiii.

An Act to enable the Midland Great Western Railway of Ireland Company to construct a railway from Kingscourt to Castleblayney to acquire additional lands and for other purposes. A.D. 1903.
[11th August 1903.]

WHEREAS by the Midland Great Western Railway of Ireland Act 1845 (hereinafter called "the Act of 1845") the Midland Great Western Railway of Ireland Company (hereinafter called "the Company") were incorporated and authorised to make a railway from Dublin to Mullingar and Longford :

And whereas by several subsequent Acts of Parliament the powers and rights of the Company were extended and enlarged and the Company are now the owners and workers of a line of railway from Dublin to Kingscourt in the county of Cavan :

And whereas the construction of railways from Kingscourt to Castleblayney in the county of Monaghan in extension of the railway of the Company and a junction with the Great Northern Railway (Ireland) at Castleblayney would be of public and local advantage :

And whereas it is expedient that the Company should be authorised to run over and use that portion of the Great Northern Railway (Ireland) situate between that junction and Castleblayney Station including that station :

And whereas it is expedient that the Company should be authorised to acquire and hold for the purposes of their undertaking and for extending their stations sidings and other conveniences the lands and premises hereinafter mentioned :

And whereas it is expedient that the Company should be authorised to build provide maintain work and manage and to lease hotels in connection with their undertaking :

A.D. 1903. And whereas it is expedient that the powers hereinafter contained should be conferred on limited owners :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and to pay interest thereon out of capital and that such further powers as are hereinafter contained should be granted to the Company :

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised and plans of the lands required or which may be taken for the purposes of this Act and also books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Dublin Meath Kildare Westmeath Roscommon Mayo Cavan and Monaghan and are hereinafter respectively 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 King'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 as the Midland Great Western Railway of Ireland Act 1903.

Incorporation of general Acts. **2.** The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act :—

The Lands Clauses Acts (so far as not inconsistent with or altered by the Railways Act (Ireland) 1851) the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

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 non-payment of calls ;
The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of the borrowed money into capital ;
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 :

A.D. 1903.
—

And Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

3. The provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act be read and construed as if the expression “ clerks of the district councils within which such parishes are included in Ireland ” and the words “ clerks of the district councils ” (as the case may be) had been inserted in those sections in lieu of the expression “ the postmasters of the post towns in or nearest to such parishes in Ireland ” and in lieu of the word “ postmasters ” (as the case may be).

As to deposit of plans with clerks of unions.

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 And in this Act—

Interpretation.

“ The Company ” means the Midland Great Western Railway of Ireland Company ;
“ The Great Northern Company ” means the Great Northern Railway Company (Ireland) ;
“ The railway ” “ the railways ” mean the railways by this Act authorised or each of such railways as the case may require.

A.D. 1903.

Power to
make rail-
ways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways widening of bridges and works hereinafter 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 deposited plans and described in the deposited books of reference as may be required for those purposes The railways widenings of bridges and other works hereinbefore referred to and authorised by this Act are—

A Railway No. 1 17 miles 2 furlongs 2 chains or thereabouts in length commencing in the townland of Corgarry in the parish of Enniskeen in the county of Cavan at a point in the centre of the rails of the Kingscourt Station of the railway of the Company at the termination thereof at the said Kingscourt Station and distant sixty-three yards or thereabouts measured along the rails in a northerly direction from the northern extremity of the platform of the said Kingscourt Station and terminating at Castleblayney in the townland of Drumillard Little in the parish of Muckno in the county of Monaghan at a point sixty-six yards or thereabouts north of the public road which leads from New Street Castleblayney to Monaghan measured at right angles from a point in that road distant eight hundred and seventeen yards or thereabouts measured along the public road in a north-westerly direction from the public pump in West Street near the Great Northern Railway (Ireland) Station at Castleblayney :

A Railway No. 2 5 furlongs 8·5 chains or thereabouts in length commencing by a junction with Railway No. 1 in the townland of Drumcrew in the parish of Clontibret in the county of Monaghan at a point on the public road which leads from Castleblayney to Broomfield four hundred and ninety yards or thereabouts measured in a southerly direction along that road from the junction of that road and the road which passes under the Great Northern Railway bridge at Drumcrew Lough and terminating in Castleblayney in the urban district of Castleblayney in the parish of Muckno county of Monaghan by a junction with the Great Northern Railway (Ireland) at a point in the centre of the rails thereof distant thirty yards or thereabouts measured along the rails in a southerly direction from the south face of the first

overhead stone bridge on the Dundalk side of Castleblaney Station : A.D. 1903.

A widening of the bridges carrying the railway of the Company over the public road and the Shannon Canal at the west end of the Athlone Station of the Company in the parish of St. Peter's and county of Westmeath on the south sides of each bridge to the extent of sixty feet or thereabouts.

6. For the protection of the Great Northern Railway (Ireland) Company (in this Act called "the Great Northern Company") the following provisions shall have effect (that is to say) :—

For protec-
tion of Great
Northern
Railway
(Ireland)
Company.

(1) The junction by this Act authorised by Railway No. 2 with the railway of the Great Northern Company shall be made at such point within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the chief engineer for the time being of the Great Northern Company or in case of difference as shall be settled by arbitration :

(2) In constructing the said junction and works aforesaid the Company their agents or contractors or their respective servants or workmen shall as far as may be avoid any obstruction impediment or interference with the free and uninterrupted and safe user of the railway and works of the Great Northern Company or with the traffic thereon and if any obstruction or interference shall be occasioned to the traffic of or upon the railway of the Great Northern Company the Company shall pay to the Great Northern Company full compensation in respect thereof :

(3) The Company shall at their own expense construct the said junction in all respects according to plans and specifications to be previously submitted to and approved in writing by the said chief engineer and any difference in respect of such plans between such chief engineer and the engineer for the time being of the Company shall be settled by arbitration and the Company shall not commence the construction of the said junction or enter on the lands of the Great Northern Company or in any way interfere with their railway works or property until such plans and specifications have been so submitted and approved or any difference in respect thereof settled by arbitration as aforesaid Provided always that if the said chief engineer shall not have expressed his approval or disapproval of the said plans and

A.D. 1903.

specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (4) During the construction of the said junction and works in connection therewith the Company shall bear and on demand pay to the Great Northern Company the reasonable expense of the employment by the Great Northern Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :
- (5) The Great Northern Company shall maintain the said junction and works in substantial repair and good order and condition and all necessary and reasonable costs and expenses of or incidental to the said maintenance shall be repaid to the Great Northern Company by the Company at the end of each half-year :
- (6) The Great Northern Company may from time to time erect maintain and alter such signals and other works and conveniences in connection therewith as may reasonably be found requisite in consequence of the construction of the said junction and may appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the prevention of danger or detention to or interference with traffic at or near the said junction by reason of the construction of such junction The working of such signals and other works and conveniences in connection therewith and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to the Great Northern Company and all the costs and expenses of erecting and maintaining such signals and other works and conveniences in connection therewith and the wages of such watchmen pointsmen switchmen and other persons together with the expenses of maintaining the junction and works shall at the end of every half-year be repaid by the Company to the Great Northern Company on demand :

- (7) The Company shall not in any case without the previous consent in writing and under the common seal of the Great Northern Company acquire any lands or property of the Great Northern Company but the Company may purchase and take and the Great Northern Company shall sell and grant accordingly an easement or right of using in perpetuity so much of the land of the Great Northern Company as may be necessary for the construction of the said junction and works in connection therewith by this Act authorised : A.D. 1903.
- (8) If by reason of the use by the Company of the Castleblaney Station of the Great Northern Company any alteration or enlargement of that station is rendered necessary such alteration or enlargement shall be carried out in such manner and at such cost as may be agreed on between the Company and the Great Northern Company or as failing agreement shall be determined by arbitration in manner hereinafter provided and the arbitrator in determining the proportions of cost to be borne by each Company shall take into account any advantage or benefit which may accrue to the Company or the Great Northern Company from such alteration or enlargement :
- (9) All matters which are by this section to be settled by arbitration or any difference which may arise in respect of any matters provided for by this section or as to the true intent and meaning thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

7. The following provisions with respect to the widening of bridges by this Act authorised shall apply and have effect for the protection of the Commissioners of Public Works in Ireland (in this section referred to as "the commissioners") :—

For protection of Commissioners of Public Works in Ireland.

- (1) The Company shall not under the powers of this Act without the previous consent of the commissioners in writing take use or acquire more of the Shannon Canal and the banks thereof than may be absolutely necessary for the actual widening of the Company's railway :
- (2) The Company may by themselves their agents contractors and workmen from time to time enter upon the adjoining premises of the commissioners within the limits of deviation

A.D. 1903.

shown upon the deposited plans for the purpose of altering repairing maintaining and ameliorating the works authorised by this Act doing as little damage as may be to the lands canal and property of the commissioners and restoring the surface of the soil making up the bank of the said canal and making good all other loss or damage sustained or done without unreasonable delay and in default thereof the commissioners may proceed to make the same good and the costs and expenses in connection therewith shall be a debt due by the Company to the commissioners :

- (3) The Company shall before proceeding to widen their bridge over the said canal or executing any works affecting the same submit to the commissioners a schedule of the waterway and such plans sections and surveys as shall be necessary to enable the commissioners to decide upon its adequacy and the Company shall not proceed with the works until the commissioners have given the certificate which they are empowered to give by the Railways Clauses Consolidation Act 1845.

Power to cross certain roads on level.

8. Subject to the provisions of the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 in reference to the crossing of roads on the level the Company may in the construction of the railway hereinafter mentioned carry the same with a single line only whilst such railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say):—

No. on deposited Plan.	Townland.	Parish.	Description of Road.
RAILWAY NO. 1.			
4	Lisnakeeny - - - -	Magheraaloone -	Public road.
21	Drummond - - - -	Magheraaloone -	Public road.
7	Drumgoosat - - - -	Magheraaloone -	Public road.
4	Losset - - - -	Magheraaloone -	Public road.
15	Lisnagunnion - - - -	Donaghmoyne -	Public road.
1A	Tullyvaragh Upper - -		
10	Garrauroe or Cornamucklagh	Donaghmoyne -	Public road.
13	Taplagh - - - -	Donaghmoyne -	Public road.
3	Derrylan or Knocknamullagh		
3	Drumganus Lower - -	Donaghmoyne -	Public road.
11	Mullaghanees - - - -	Clontibret - -	Public road.

[3 EDW. 7.] *Midland Great Western Railway of [Ch. clxiii.] Ireland Act, 1903.*

9. Notwithstanding anything shown upon the deposited plans the public road numbered 3 on the deposited plans in the townland of Cabra and parish of Enniskeen shall be carried over the Railway No. 1 by means of a bridge and the Company may for that purpose divert the said road within the limits of deviation.

A.D. 1903.

Bridge to be constructed at Cabra.

10. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclination not steeper than the inclination hereinafter mentioned in connection therewith respectively (that is to say) :—

Inclinations of certain roads.

No. on Plan.	Townland.	Parish.	Description of Road.	Intended Inclination.
		RAILWAY NO. 1.		
11	Mullaghanee -	Clontibret -	Public road -	1 in 15
21	Drummond -	Magheracloone -	Public road -	1 in 30
7	Drungoosat -	Magheracloone -	Public road -	Horizontal.

11. The Company may make the arches of the bridges for carrying the Railway No. 1 over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say) :—

Height and span of bridges.

No. on deposited Plan.	Townland.	Parish.	Description of Road.	Height	Span.
		RAILWAY NO. 1.			
				Feet.	Feet.
18	Drummond -	Magheracloone -	Public road -	15	20
22	Derrylavan -	Magheross -	Public road -	15	20
24	Mullanarry -	Magheross -	Public road -	15	20
4 & 4A	Drummond Etra -	Magheross -	Public road -	15	25
6	Creevy (Swinburn)	Donaghmoyne -	Public road -	15	20
2	Tullyvaragh Lower	Donaghmoyne -	Public road -	15	20
17	Drunganus Lower	Donaghmoyne -	Public road -	15	20
1	Aghadreenan -				
10	Clonavogy -	Clontibret -	Public road -	15	20
167	Connabury -	Muckno -	Public road -	15	60
1	Drumillard Little -				

12. The Company may make the roadways over the bridges by which the following roads will be carried over the Railway No. 1 of such width between the fences thereof as the Company think fit

Widths of roadways over bridges.

[Ch. clxiii.] *Midland Great Western Railway of Ireland Act, 1903.* [3 EDW. 7.]

A.D. 1903. not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say) :—

No. on Plan.	Townland.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY No. 1.				
14	Ballycartlan -	Magheracloone -	Public road -	Feet. 16
24	Corduff (Kelly) -	Magheross -	Public road -	16
6	Cloghvalley Upper	Magheross -	Public road -	20
9	Cloghvalley Upper	Magheross -	Public road -	25
27	Connabury -	Muckno -	Public road -	20

Power to divert roads as shown on deposited plans.

13. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

No. on Plan.	Townland.	Parish.
RAILWAY No. 1.		
19	Ballycarton - - -	Magheracloone.
15	Drummond - - -	Magheracloone.
21	Drummond - - -	Magheracloone.
7	Lisnagunnion - - -	Donaghmoyne.
4	Tullyvaragh Lower - - -	Donaghmoyne.
9	Brackagh - - -	Donaghmoyne.
3	Drumganus Lower - - -	Donaghmoyne.
11	Mullaghanee - - -	Clontibret.
5	Mullaghanee - - -	Clontibret.
3	Drumcrew - - -	Clontibret.

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of roads stopped up as far as the same is bounded on both sides by lands of the Company.

Land for extraordinary purposes.

14. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten

acres but nothing in that Act or this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. A.D. 1903.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands by Company.

16. 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 enter upon take use and appropriate for the purposes of their undertaking all or any of the lands hereinafter mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say) :— Power to Company to acquire lands for general purposes.

In the county of Dublin—

Certain lands in the townlands of Ballyboggan South and Cabragh in the parish of Finglas situate on the south side of and at or near the distance-post on the railway of the Company indicating two miles from Broadstone Dublin ;

Certain lands in the townlands of Pelletstown and Cabragh in the parish of Castleknock situate on the south side of and adjoining the Company's railway and adjacent to the distance-post on the railway of the Company indicating two miles from Broadstone Dublin ;

Certain lands in the townlands of Pelletstown and Cabragh in the parish of Castleknock situate on the south side of and adjoining the Company's railway at or near the distance-post on the railway of the Company indicating three miles from Broadstone Dublin ;

Certain lands in the townland of Kellystown in the parish of Clonsilla adjacent to Clonsilla Railway Station and situate on the south side of and adjoining the Company's railway :

In the county of Meath—

Certain lands in the townlands of Knockmark and Drumree in the parish of Knockmark adjacent to Drumree Railway Station and situate on the north-east and south-west sides of and adjoining the Company's Meath Branch Railway ;

Certain lands in the townland of Kilmessan in the parish of Kilmessan situate on the west side of and adjoining the Company's railway at or near Kilmessan Railway Station ;

A.D. 1903.

- Certain lands in the townland of Assey in the parish of Assey situate on the east and west sides of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating twenty-six miles from Broadstone Dublin ;
- Certain lands in the townland of Grange in the parish of Bective adjacent to Bective Railway Station and situate on the east and west sides of the Company's Meath Branch Railway ;
- Certain lands in the townlands of Dillonsland and Limekilnhill in the parish of Navan adjacent to Navan Railway Station and situate on the east side of and adjoining the Company's railway ;
- Certain lands in the townland of Moathill in the parish of Navan situate on the east and west sides of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating thirty-one and a quarter miles from Broadstone Dublin ;
- Certain lands in the townland of Silloge in the parish of Kilberry adjacent to Gibbstown Railway Station and situate on the east side of the Company's Meath Branch Railway ;
- Certain lands in the townland of Balsaw in the parish of Kilberry situate on the east side of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating thirty-six miles from Broadstone Dublin ;
- Certain other lands in the said townland of Balsaw in the parish of Kilberry at or near Wilkinstown Railway Station and situate on the east and west sides of and adjoining the Company's Meath Branch Railway ;
- Certain lands in the townland of Wilkinstown in the parish of Kilberry situate on the east side of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating thirty-seven and three-quarter miles from Broadstone Dublin ;
- Certain other lands in the said townland of Wilkinstown in the parish of Kilberry adjacent to Wilkinstown Railway Station and situate on the west and east sides of and adjoining the Company's Meath Branch Railway ;
- Certain lands in the townland of Leggagh in the parish of Drakestown situate on the west side of and adjoining the

- Company's Meath Branch Railway at or near the distance-post on that railway indicating thirty-nine and three-quarter miles from Broadstone Dublin ;
- Certain lands in the townland of Nobber in the parish of Nobber adjacent to the Nobber Railway Station and situate on the south-west side of and adjoining the Company's Meath Branch Railway ;
- Certain lands in the townland of Boynagh in the parish of Kilmainham adjacent to Kilmainham Wood Railway Station and situate on the east side of and adjoining the Company's Meath Branch Railway ;
- Certain lands in the townland of Eden in the parish of Kilmainham adjacent to Kilmainham Wood Railway Station and situate on the west and east sides of and adjoining the Company's Meath Branch Railway ;
- Certain lands in the townlands of Ballynaclose and Lisnagrow in the parish of Enniskeen situate on the east and west sides of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating forty-seven and three-quarter miles from Broadstone Dublin ;
- Certain lands in the townland of Boynagh in the parish of Enniskeen situate on the west side of and adjoining the Company's Meath Branch Railway at or near the distance-post on that railway indicating forty-nine miles from Broadstone Dublin ;
- Certain lands in the townland of Drumgill in the parish of Enniskeen adjacent to Kingscourt Railway Station and situate on the east side of and adjoining the Company's railway ;
- Certain lands in the townland of Townparks in the parish of Athboy adjacent to Athboy Railway Station and situate on the north-east side of and adjoining the Company's railway ;
- Certain lands in the townlands of Molerick and Kilnagalliagh and Ballastport in the parish of Clonard adjacent to Hill of Down Railway Station and situate on the north and south sides of and adjoining the Company's railway :
- In the county of Cavan--
- Certain lands in the townland of Corgarry in the parish of Enniskeen adjacent to Kingscourt Railway Station and

A.D. 1903.

situate on the east and west sides of and adjoining the Company's railway :

In the county of Kildare—

Certain lands in the townland of Greenfield and College Land in the parish of Laraghbryan adjacent to Maynooth Railway Station and situate on the south side of and adjoining the Company's railway :

In the county of Westmeath—

Certain lands in the townland of Athlone in the parish of St. Mary's adjacent to Athlone Railway Station and situate on the north and south sides of and adjoining the Company's railway ;

Provided always that nothing in this Act shall authorise the Company to acquire the lands shown on the deposited plans and numbered 43 44 45 and 46 in the said townland of Athlone and parish of St. Mary ;

Certain lands in the townlands of Bogganfin Bellaugh Monksland and canal and banks in the parish of St. Peter's adjacent to Athlone Railway Station and situate on the north and south sides of and adjoining the Company's railway ;

Certain lands in the townlands of Warrensfields Cloghanboy and Curragh in the parish of St. Mary's situate on the north and south sides of and adjoining the Company's railway from Dublin to Galway at or near the distance-post on that railway indicating seventy-seven and a quarter miles from Broadstone Dublin :

In the county of Mayo—

Certain lands in the townlands of Ballykerrigan Lagaturin and Ardboley North in the parish of Balla adjacent to Balla Railway Station and situate on the north and south sides of and adjoining the Company's railway ;

Certain lands in the townlands of Knocklehaugh and Commons in the parish of Kilmoremoy situate on the east and west sides of and adjoining the Company's Mayo Branch Railway at or near the distance-post on that railway indicating one hundred and sixty-six miles from Broadstone Dublin ;

Certain lands in the townlands of Creggaun and Rahans in the parish of Ballynahaglish situate on the east and west sides of and adjoining the Company's Mayo Branch Railway at or near the distance-post on that railway

indicating one hundred and sixty-six miles from Broadstone Dublin ; A.D. 1903.

Certain lands in the townland of Friarsground in the parish of Annagh adjacent to the Ballyhaunis Railway Station and situate on the north side of and adjoining the Company's railway ;

Certain lands in the townlands of Cherryfield Devlis and Clagnagh in the parish of Began adjacent to Ballyhaunis Railway Station and situate on the north and south sides of and adjoining the Company's railway :

In the county of Roscommon—

Certain lands in the townland of Monksland in the parish of St. Peter's situate on the north side of and adjoining the Company's railway from Dublin to Galway at or near the distance-post on that railway indicating seventy-nine miles from Broadstone Dublin.

17.—(1) The Company and any company or person lawfully working or using the railways may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the following portion of railway (that is to say) :—

Power to run
over Great
Northern
Railway to
Castle-
blayney.

So much of the railway belonging to the Great Northern Company as lies between the termination of Railway No. 2 and the station of that company at Castleblayney including that station :

Together with all other stations and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works telegraphs and telephones and conveniences on or connected with the said portion of railway and stations respectively And as regards traffic of every description conveyed by them the Company may demand and take upon and in respect of the said portion of railway the rates and charges which the Great Northern Company are entitled to demand and take.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other considerations to be paid by the Company for and in respect of the use of the said portion of railway stations works and conveniences shall be such as may be agreed upon between the Company and the Great Northern Company or failing such agreement as may be determined on the

A.D. 1903. application of either of the Companies or persons interested by the Railway and Canal Commissioners or any two of them.

(3) In running over and using the said portion of railway and using the stations sidings and conveniences in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on the portion of railway so used shall be at all times observed so far as such regulations and byelaws shall be applicable.

(4) Provided that the Company shall not use any telegraphs or telephones used by the Postmaster-General for the service of the Post Office without his consent.

Facilities for Company's traffic.

18. The Great Northern Company shall afford all requisite facilities for the purpose of traffic of every description and shall receive book through forward accommodate or deliver on and from their railway and at the stations warehouses and booking offices thereof all traffic coming from or destined for the undertaking of the Company and in all respects on an equality with their own proper traffic.

Nature and extent of traffic facilities.

19. The traffic facilities to be so afforded by the Great Northern Company shall include through booking through invoicing through waggons trucks and other arrangements and facilities as may be agreed on or failing such agreement as shall be determined by the Railway and Canal Commissioners or any two of them.

Terms &c. on which facilities shall be given.

20. The terms and conditions on which the Great Northern Company shall afford the traffic facilities by this Act prescribed and the through rates for the traffic for which the facilities are afforded shall be such terms and conditions and such lawful through rates respectively as may be agreed on between the Company and the Great Northern Company or failing such agreement as shall be determined by the Railway and Canal Commissioners or any two of them.

Persons under disability may grant easements &c.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

22.—(1) Any limited owner as defined in this Act may with the sanction of the Commissioners of Public Works in Ireland (in this section called “the commissioners”) given under this section grant to the Company either without payment of purchase money or compensation or in consideration of the issue as hereinafter provided of shares or stock in the undertaking of the Company any land which the Company are authorised to purchase and take for the purposes of the railways of the Company and may convey the same free from all incumbrances thereon Provided that the costs or expenses incurred by such limited owner or any successor in title in the land or by the trustees (for the time being) hereinafter mentioned or by any incumbrancer on the land of all conveyances and assurances to the Company of such lands and of evidencing and verifying the title to the same or to the said shares or stock when issued to the trustees as hereinafter provided and of appearing before the commissioners shall be paid by the Company and such costs and expenses may be taxed in manner provided in respect to costs incurred under the provisions of the Railways Act (Ireland) 1864 and if within seven days after demand of the amount certified the same be not paid it may be recovered in the manner provided by the thirteenth section of the Railways Act (Ireland) 1851.

A.D. 1903.
As to limited
owners.

(2) The commissioners shall not give their sanction under this section unless they are satisfied that the estate of which the land so to be purchased and taken forms part will be permanently increased in value by the construction of the railways Provided always that in the case of a free grant of land by the limited owner to the Company the commissioners shall certify that in their opinion the said estate will be permanently increased in value to an amount greater than the value of the land so granted and in case such land shall be granted in consideration of the issue of shares or stock that in the opinion of the commissioners the said estate will be permanently increased in value to an amount exceeding the difference between the value of the land so granted and the actual value of such shares or stock at the date of the transfer or conveyance of the land to the Company Provided also that if the land proposed to be granted is subject to incumbrances the commissioners before giving their sanction under this section shall cause notice to be given to the incumbrancers and shall consider the objections (if any) raised by them.

(3) Where any limited owner grants any land to the Company in consideration of the issue of shares or stock in the undertaking

A.D. 1903. — the amount of such shares or stock shall be equal in nominal value to the purchase money of such land and such shares or stock shall be issued to two trustees nominated by the limited owner to be held by them upon the like uses and trusts and for the same purposes as the estate of which such land formed part stood settled Provided that such shares or stock shall be deemed to be shares or stock fully paid up of the undertaking of the Company.

(4) If either or both of the trustees die resign or become incapable of acting then the limited owner or his successor in title may nominate by writing under his hand another person or other persons to be a trustee or trustees in place of the trustee or trustees having died resigned or become incapable of acting.

(5) If any one trustee die resign or become incapable of acting the remaining trustee shall continue to be as competent to act as if no such deficiency in number had occurred and no act of the surviving trustee shall be invalidated or illegal by reason of a vacancy not being filled up or by reason of any irregularity or omission in or about any appointment of a new trustee or trustees.

(6) Trustees appointed under this section shall be indemnified against any claim or any loss by reason of their acting and taking and holding any shares or stock under the provisions and for the purposes of this section.

(7) The term "limited owner" in this section shall mean any person or persons by whom the powers of sale conferred by section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised.

Owners may be required to sell parts only of certain lands and buildings.

23. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :

A.D. 1903.

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

A.D. 1903.

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Tolls for use
of railways.

24. The railways shall for the purposes of tolls rates and charges and subject to the provisions of this Act in all other respects be deemed part of the railways of the Company.

Period for
completion
of works.

25. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty im-
posed unless
line is
opened with-
in time
limited.

26. If the Company fail within the period limited by this Act to complete the railways 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 railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts 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 or interested in accordance with the provisions of the next following section of this Act 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 of the Accountant-General of the Supreme Court in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter 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 circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

A.D. 1903.
—

27. 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Application
of penalty.

28.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district ten or more houses

Restrictions
on displac-
ing persons

A.D. 1903. which on the fifteenth day of December last were or have been
of labouring since that day or shall hereafter be occupied either wholly or partly
class. by persons belonging to the labouring class as tenants or lodgers
unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred

pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty. A.D. 1903.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the last two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

A.D. 1903.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the said Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling ; and

The expression “labouring class” means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

29. The Company may in any county in which their railways are situated acquire build or otherwise provide and hold hotels and refreshment places or any interests therein and work the same as part of and for the purpose of the undertaking of their railway and may furnish stock and manage the same and the business thereof and may employ managers and servants therein or in connection therewith and may in the name of the Company or of any officer or servant of the Company or other person apply for obtain and hold any excise and other usual or necessary licences in connection with and for the purposes of such hotels and refreshment places or the Company may lease or let for a term not exceeding twenty-one years any hotel or for a term not exceeding five years any refreshment room provided by them under the provisions of this section The Company may also with the consent of three fourths of the shareholders present in person or by proxy at a meeting specially convened for the purpose advance money to owners of hotels situated as aforesaid on such security as they think fit For the purposes aforesaid or any of them the Company may apply their corporate funds to an extent not exceeding thirty thousand pounds but so that the same shall be applied only to purposes to which capital is properly applicable.

A.D. 1903.

Power to provide hotels and refreshment places.

30. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with their railway which have not yet been applied to the purposes for which they were acquired are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of those respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Extending time for sale of certain superfluous lands.

31. Whereas great risk to the safety of the traffic on the railways of or worked by the Company is caused by persons trespassing thereon and interfering with the signals and works of the Company and also by the trespassing of cattle and other animals on such railways and accidents have been occasioned in

Protection of Company's railways from trespass.

[Ch. clxiii.] *Midland Great Western Railway of Ireland Act, 1903.* [3 EDW. 7.]

A.D. 1903. consequence of such trespassing and persons cattle and other animals trespassing have been killed or seriously injured and the working of such railways has been interrupted and it is expedient to make more effectual provision for preventing such trespassing Therefore any person who shall trespass upon any of the railways of or worked by the Company shall without having received any personal or other warning than hereinafter mentioned forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence And also the owner or agister of any cattle or other animals found on the said railways or the slopes or sides thereof except through the default of the Company shall notwithstanding the provisions as to trespass of animals contained in section 30 of the Summary Jurisdiction (Ireland) Act 1851 be liable to pay to the Company the following penalty for trespass (viz.) :—

For every horse mare pony mule ass bull cow bullock heifer pig calf sheep lamb or goat ten shillings :

And should any owner or agister of cattle or other animals again permit or suffer his cattle or other animals to trespass on the said railways or the slopes or sides thereof he shall pay double the above-mentioned penalties and for a third or subsequent trespass treble the above-mentioned penalties and such penalties shall be recoverable summarily under the said Summary Jurisdiction Act :

Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the Court that they have painted on boards or printed painted or enamelled on enamelled or other iron or any other material public warning to persons against trespassing upon their railways and against allowing their cattle or other animals to trespass thereon and that one or more of such boards has been affixed at the station on their railway or at the level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such warning as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed :

Provided also that no person lawfully crossing the railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided also that this enactment shall not interfere with but shall be subject to any future general enactment relating to trespass upon railways.

Company to provide coach

32.—(1) The Company may provide own work and use coaches motor cars and other vehicles to be drawn or moved by

animal power electricity or any mechanical power (such electrical power being entirely contained in and carried along with such coaches cars and other vehicles and not otherwise without the permission of the Postmaster-General) for the conveyance of passengers parcels and goods in connection with or in extension of their railway system and may make charges in respect of such conveyance and may enter into contracts or agreements with any company or person with reference to the supply and working of such coaches motor cars and other vehicles and may apply their corporate funds to the purposes aforesaid or any of them Provided that this section shall not be deemed to authorise the working of the Company's railways by electrical power.

A.D. 1903.
—
and motor
car service.

(2) The provisions of the Conveyance of Mails Act 1893 with respect to the conveyance of mails on tramways by tramway companies shall apply to the conveyance of mails by the Company by means of any coaches motor cars or other vehicles used by them for the conveyance of passengers parcels and goods under this section.

33. The Company with the authority of a majority of the votes of the shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may authorise the directors from time to time—

Power to
contribute to
pension and
benefit funds.

- (1) To establish funds for providing pensions or other benefits for persons in the service or employment of the Company or for their widows and orphans subject to such rules and conditions and to such an amount as the directors think fit ;
- (2) To contribute to the pension or endowment fund or funds of any society duly registered under the Friendly Societies Acts and comprising persons in the service or employment of the Company.

34. The Company may apply for the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage or debenture stock and which may not be required for the purposes for which the same were authorised to be raised.

Application
of funds.

35. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole two hundred and thirty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue

Power to
raise addi-
tional capital.

A.D. 1903. — any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to same incidents as other shares or stock. **36.** 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.

New shares or stock to form part of capital of Company. **37.** The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock. **38.** 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 up and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock. **39.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New and existing shares or stock may be of same class. **40.** 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 the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow. **41.** The Company may in respect of the additional capital of two hundred and thirty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole seventy-five thousand pounds but no part thereof 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital 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 *bonâ fide* and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons 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.

A.D. 1903.

42. 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 interest or principal or principal and interest shall be and the same is hereby repealed 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.

43. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

[Ch. clxiii.] *Midland Great Western Railway of Ireland Act, 1903.* [3 EDW. 7.]

A.D. 1903.

Existing mortgages to have priority.

44. 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 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.

Application of moneys.

45. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and subject thereto to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Interest not to be paid out of capital.

46. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

47. The Company shall not out of any money by this Act 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.

Saving Crown rights.

48. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Provision as to general Railway Acts.

49. Nothing in this Act contained shall exempt the Company or 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 passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

50. 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.

SCHEDULE referred to in the foregoing Act.

A.D. 1903.

DESCRIBING BUILDINGS AND MANUFACTORIES WHEREOF PORTIONS
ONLY ARE REQUIRED TO BE TAKEN BY THE COMPANY.

Townland.	Parish.	No. on deposited Plan.
RAILWAY No. 1.		
Connabury - - -	Muckno -	54 55 56 57 58 59 60 61 62 63 82 83 84 85 86 87 90 93 95 96.
Drumillard (Little) -	Muckno -	3.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

