

[34 & 35 VICT.] *The Midland Great Western Railway* [Ch. lxxix.]  
*of Ireland Act, 1871.*



CHAP. lxxix.

An Act to enable the Midland Great Western Railway of Ireland Company to make a Branch Railway and to acquire additional lands. A.D. 1871.  
[29th June 1871.]

**W**HEREAS it is expedient that the Midland Great Western Railway of Ireland Company (herein-after called "the Company"), incorporated by "The Midland Great Western Railway of Ireland Act, 1845," should be authorised to construct the branch railway herein-after described : 8 & 9 Vict.  
c. cxix.

And whereas it is also expedient that the Company should be enabled to take and hold the lands herein-after mentioned for the general purposes of their undertaking :

And whereas plans and sections of the said branch railway, showing the lines, situation, and levels thereof, and plans showing the said lands, and also books of reference thereto respectively containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and also of the lands which may be required to be taken for the purposes of the said branch railway, have been deposited with the respective clerks of the peace for the county of the city of Dublin, and for the counties of Dublin, Meath, Westmeath, Longford, Roscommon, Mayo, and Galway respectively, in which counties the said lands are respectively situate :

And whereas the objects 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as "The Midland Great Western Railway of Ireland Act, 1871." Short title.



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Provisions of  
general Acts  
herein  
named incor-  
porated.

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," and Part I., relating to the construction of a railway, of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

As to de-  
posit of  
plans with  
clerks of  
unions.

3. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that certificates of any omissions, misstatements, or erroneous description in certain plans and books of reference therein referred to should be deposited with the postmaster of the post towns in or nearest to the several parishes in Ireland in which the lands affected thereby should be situate; and it is also provided that certain plans and sections of such alterations in the original plans and sections as shall have been approved of by Parliament should also be deposited with such postmasters, and be retained and produced by them for inspection in manner therein mentioned: And whereas, in compliance with the present standing orders of both Houses of Parliament, the several plans, sections, and other documents theretofore required to be deposited with the postmasters of the post towns in Ireland are now deposited with the clerks of the unions instead of such postmasters: Be it therefore enacted, that, with reference to this Act, all the provisions of "The Railways Clauses Consolidation Act, 1845," relating to the matters aforesaid, and to the expression "postmasters of the post towns in or nearest to such parishes in Ireland," or the word "postmaster," in the said Act, shall be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland," or the words "clerk of the union," as the case may be, had been used and inserted in such Act in lieu of the expression "the postmaster of the post towns in or nearest such parishes in Ireland," or in lieu of the word "postmaster," as the case may be.

Power to  
make branch  
railway.

4. Subject to the provisions of this Act, and of the Acts and parts of Acts incorporated herewith, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the branch railway herein-after described, with all proper stations, 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, deposited with reference thereto as A.D. 1871.  
aforesaid, as may be required for that purpose; that is to say,

A branch railway, fifty-three chains in length, commencing by a junction with the Liffey Branch Railway at the Newcomen railway bridge, and terminating at the North Wall public street or road in the city of Dublin ten yards to the west side of the Royal Canal Docks drawbridge, all in the parish of Saint Thomas and city of Dublin.

5. Notwithstanding anything contained in this Act, or in the deposited plans and sections, the Company, in constructing, maintaining, and using their railway herein-before described, shall be subject to the following restrictions: Restrictions  
as to con-  
struction of  
railway.

(a.) The Company shall not occupy more of Sheriff Street than will be covered by the works necessary for the crossing thereof upon the level, and the construction and maintenance of the swivel bridge provided for in the said plans and sections:

(b.) During the construction of the said railway, the Company shall only use so much of the land shown on the deposited plans as lies eastward of Guild Street, north of the North Wall, and the Company shall not permanently occupy any portion of Guild Street:

(c.) The swivel bridge hereby authorised to carry Sheriff Street over the Royal Canal shall be constructed with a double line of carriageway and a footway on each side thereof, and before proceeding to construct the same the working drawings therefor shall be submitted to the engineer of the Corporation of Dublin, and failing approval by him within one month after the same shall have been so submitted, the plans shall be submitted to an arbitrator to be appointed by the Board of Trade on the application of either of the parties, who shall have full power to decide upon the matters in difference, and the decision of such arbitrator shall be final:

(d.) The swivel bridge shall never be opened or kept open at the same time as the canal bridge on the quay upon the North Wall, neither shall the same be open for the purposes of the Company's traffic except between the hours of seven in the evening and nine in the morning, unless with the consent of the Corporation of Dublin:

(e.) It shall not be lawful for the Company or for any other persons to move any carriages, waggons, or engines across Sheriff Street otherwise than by animal power.



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Limitation  
of powers to  
take lands in  
Dublin.

6. 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 Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin (herein-after called "the Corporation of Dublin"), upon which the Richmond Female Penitentiary, Grange Gorman, stands, or any of the lands adjoining thereto, shown upon the deposited plans, other than the lands coloured pinn and blue upon a copy of the deposited plan of the said lands, signed in duplicate by Walter Patrick Kirwan and Gerald Fitzjames Barry, on behalf of the Company and of the Corporation of Dublin respectively, dated the eighth day of May one thousand eight hundred and seventy-one. The price to be paid to the corporation by the Company for the purchase of the said lands shall be at the rate of seven hundred pounds per statute acre, 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.

Power to  
take lands  
for general  
purposes of  
the Com-  
pany.

7. Subject to the provisions of this Act, and of the Acts wholly or partially incorporated herewith, 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 plans and described in the books of reference deposited as aforesaid, as the Company may require for the purposes of their undertaking; (that is to say,)

Certain lands in the townland of Grangegorman East, in the parish of Grangegorman, in the county of the city of Dublin, situate to the north of and adjoining to the Richmond Penitentiary:

Certain other portions of the said townland of Grangegorman East, in the parish of Grangegorman and city of Dublin, to the west of and adjoining to the Company's premises:

Certain lands in the townland of Blanchardstown adjoining and to the north of the Royal Canal, and certain lands in the townland of Castleknock adjoining and to the south of the Company's railway:

Certain lands in the townland of Molerick, in the parish of Clonard and county of Meath, situate to the south-west of and adjoining to the Company's ballast pits in said townland of Molerick:

Certain lands in the townlands of Minard and Lismore in the parish of Clongesh, all in the county of Longford, situate on the west side of the Company's railway, and containing two acres and thirty perches of the late Irish Plantation measure,



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more particularly mentioned and described in an agreement dated the third day of May one thousand eight hundred and seventy-one, between Henry Sholto Douglas and Mary Douglas, his wife, and Henry Mitchell Sholto Douglas, his eldest son, of the first part, Nathaniel Bridges and William Powell Murray of the second part, and the Company of the third part: Provided always, that the powers of the Company to take and use the said lands shall not be exercised otherwise than to the extent and in the manner provided by the said agreement:

Certain lands in the townland of Ranelagh, parish of St. Peter's, and county of Roscommon, situate to the south of and adjacent to the Company's Athlone railway station:

Certain lands in the townland of Arm, in the parish of Kilkeevin, in the county of Roscommon, situate to the north and south sides of the Great Northern and Western (of Ireland) Railway, herein-after called the Great Northern Railway:

Certain lands in the townland of Coolnafarna, in the parish of Annah and county of Mayo, situate to the north and south of and adjoining to the Great Northern Railway:

Certain lands in the townlands of Ballinphuil and Clagnah, in the parish of Began and county of Mayo, situate to the north and south of and adjoining to the Great Northern Railway:

Certain lands in the townlands of Cushinkeel and Cushinsheaun, both in the parish of Aghagower and county of Mayo, situate to the north and south of and adjoining to the Great Northern Railway:

Certain lands forming part of the townlands of Kilcornan, in the parish of Monivea and Carrowntober West, in the parish of Athenry and county of Galway, situate north and south of and adjoining to the Company's railway, together with the mill-stream dividing the said townlands where the same passes through the lands so proposed to be taken, and to abstract water therefrom:

Certain lands in the townland of Roscam, in the parish of Oranmore and county of Galway, situate to the north and south of and adjoining to the Company's railway.

8. The branch railway and works by this Act authorised to be constructed shall, for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company.

New branch  
to form part  
of Company's  
undertaking.

9. 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

Power to  
apply cor-  
porate funds  
to purposes  
of Act.

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A.D. 1871. to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Period for compulsory purchase of lands.

10. 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.

Imposing penalty unless railway be opened.

11. If the Company fail within the period limited by this Act to complete the railway authorised to be made by this Act, 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 said 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, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "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 the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, 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 named in such 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 circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty to compensation to parties injured by non-completion of railway.

12. 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 said 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



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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 of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

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**13.** The Branch Railway shall be completed within five years from the passing of this Act, and 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.

Period for completion of works.

**14.** The Company may purchase by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," any quantity of land not exceeding ten acres, in addition to the lands already purchased by them for such purpose.

Lands for extraordinary purposes.

**15.** And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty, or vested in Her Majesty's Principal Secretary of State for the War Department for the public service, should be preserved intact and free from all obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Company to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent, signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the Company.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

**16.** Nothing herein contained shall be deemed or construed to exempt the undertaking of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates of small parcels, authorised by any Act relating to the Company.

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

**17.** 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.

Expenses of Act.

