

[44 & 45 VICT.] *Midland Great Western Railway* [Ch. xcvi.]  
*of Ireland Act, 1881.*



### CHAPTER xcvi.

An Act to confer Further Powers on the Midland Great Western Railway of Ireland Company and for other purposes. A.D. 1881.  
[27th June 1881.]

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 railways and other works hereinafter described :

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 connected with their undertaking the lands and premises hereinafter mentioned :

And whereas the Royal Canal Company (hereinafter called "the Canal Company") were authorised to let or sell all the redundant water of the Royal Canal beyond what might be necessary for the uses of navigation for bleach-greens mills or manufactures or other use whatsoever and it was declared that the absolute and sole property of the said water should be vested in the Canal Company whose whole rights powers and privileges were vested in the Company by the Midland Great Western Railway of Ireland Act 1845 : 8 & 9 Vict.  
c. cxix.

And whereas the Canal Company as the former owners of the canal and the Company since the canal became vested in them have supplied various localities in the county of Dublin and also the Corporation of Dublin (hereinafter called "the Corporation") with water and it is expedient in order to afford an improved supply that the Company should as far as practicable be enabled to continue the present supply and also a supply from a higher level :

And whereas it is expedient that the grand jury of the county of Cavan should be required to make such baronial contribution as is hereinafter provided in augmentation of the revenue of the undertaking :

And whereas it is expedient that the Company should be enabled to avail themselves of the Relief of Distress (Ireland) Amendment 43 & 44 Vict.  
c. 14.

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A.D. 1881. Act 1880 with reference to the construction of the Loughrea Branch Railway hereinafter authorised :

And whereas for the purposes of this Act it is expedient that the Company should be empowered to raise additional capital as hereinafter provided :

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 Cavan Mayo Kildare Roscommon and Galway and are hereinafter 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.

1. This Act may be cited as the Midland Great Western Railway of Ireland Act 1881.

Incorporation of  
general Acts.  
8 & 9 Vict. c. 18.  
14 & 15 Vict. c. 70.  
8 & 9 Vict. c. 20.  
23 & 24 Vict. c. 106.  
23 & 24 Vict. c. 97.  
27 & 28 Vict. c. 71.  
31 & 32 Vict. c. 70.  
28 & 27 Vict. c. 92.

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 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act and 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.

Deposit of  
plans with  
clerks of  
unions.

3. With reference to this Act all the provisions of sections 7 8 and 9 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 postmasters of the post-towns in or nearest such parishes in Ireland" or in lieu of the word "postmasters" as the case may be.

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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 term "person" shall include corporation the expression "the railway" means the railways by this Act authorised or each of such railways as the case may require the expression "the canal" means the Royal Canal forming part of the undertaking of the Company the expression "the baronies" or "the said baronies" means the baronies of Clanmahon Tullyhunco and Upper Loughtee in the county of Cavan.

Interpreta-  
tion of  
terms.

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 hereinafter described with all proper stations sidings approaches 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 as may be required for that purpose that is to say:—

Power to  
make rail-  
way.

LOUGHREA BRANCH:

1. A branch railway eight miles six furlongs fifteen yards in length situate wholly within the county of Galway commencing by a junction with the Company's Galway Extension line of railway in the townland of Attimonmore South in the parish of Killimordaly and terminating in the townland of Cosmona in the parish of Loughrea.

KILLASHANDRA BRANCH:

2. A branch railway six miles seven furlongs one hundred and twenty-six yards in length situate wholly within the county of Cavan commencing by a junction with the Company's branch railway to the town of Cavan in the townland of Crenard in the parish of Kilmore and terminating at the north side of Yewer Street or Lane in the townland of Portaliff in or near the town of Killashandra parish of Killashandra.

6. Subject to the provisions of this Act the Company may with all proper works and conveniences connected therewith alter and widen in the lines shown on the deposited plans relating thereto the street or place known as Saint Mary's Place in the parish of Saint

Power to  
widen St.  
Mary's Place  
Dublin.

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Mary and county of the city of Dublin 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 that purpose.

Lands for extraordinary purposes.

7. 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 two acres.

Period for compulsory purchase of lands.

8. 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.

Power to cross certain roads on the level.

9. Subject to the provisions of the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the 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):

RAILWAY NO. 1.

No. on deposited Plan.	Townland.	Parish.	Description of Road.
8	Carrowkeel - -	Kiltullagh - -	Public road.
8	Cahernamuck West	Kilconickny - -	Do.

Inclination of a certain road.

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

RAILWAY NO. 2.

No. on deposited Plan.	Townland.	Parish.	Description of Road.	Intended Inclination.
1	Drumroosk -	Killashandra	Public road -	1 in 15 on one side of the bridge.

Period for completion of works.

11. If the railway shall not be completed within five years from the passing of this Act then on the expiration of that period:

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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. A.D. 1881.

12. 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 Chancery Division of the High Court of Justice 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 were 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 Provided also that if the said Loughrea Branch Railway shall not be constructed by the Company under the powers conferred by the Relief of Distress (Ireland) Amendment Act 1880 as herein-after provided the Company shall not be liable to any penalty in respect of the non-construction or non-completion of the said Loughrea Branch Railway.

Penalty imposed unless the line is opened within the time limited.  
17 & 18 Vict. c. 31.

13. 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

Application of penalty.

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in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice 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 said Chancery Division 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 said Chancery Division 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.

Tolls.

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

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

15. 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):

Certain houses premises ground and laneway situate on the south side of Saint Mary's Place and west side of Upper Dorset Street in the parish of Saint Mary and county of the city of Dublin;

Certain lands in the townland of Grangegorman Middle in the parish of Grangegorman and county of Dublin adjoining Quarry Lane and Beggs' Boro';

Certain lands in the townland of Cabragh in the parish of Finglas and county of Dublin situate to the south of and adjacent to the Company's main line of railway between their Cattle Parks and the railway bridge to the south of Broome Bridge;

Certain lands adjacent to and lying to the south of the Company's main line of railway at or near the distance post denoting ten and a half miles from Dublin and near the quarry

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known as Mount Thunder in the townland of Newtown parish of Leixlip and county of Kildare ;

Certain lands in the townland of Boycetown parish of Kilcock and county of Kildare situate to the north of the Company's main line of railway near the Kilcock railway station and to the west of Allen Bridge ;

Certain lands in the townland of Martinstown parish of Cadams-town and county of Kildare situate on the northern side of the Company's Edenderry branch railway between a quarter and half a mile from the junction of the said branch railway with the Company's main line of railway ;

Certain lands with the house or buildings thereon in the townland of Drumhawragh parish of Drumlumman and county of Cavan situate at or near the distance post denoting seventy-seven and three-quarter miles from Dublin on the western side of the Company's said Cavan branch railway ;

Certain lands in the townland of Monksland parish of Saint Peter's and county of Roscommon adjoining the Company's existing balance pit situate north of their Galway extension line of railway ;

Certain lands in the townland of Clagnagh parish of Began and county of Mayo situate to the north of and adjoining the Great Northern and Western (of Ireland) Railway ;

Certain portion of the lands of Cosmona in the parish of Loughrea situate to the north of the intended branch railway No. 1 together with the privilege of abstracting water from the mill stream which forms the northern boundary of the said lands of Cosmona :

**16.** For the protection of the rights property and interests of the Corporation be it enacted as follows : Protection of 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 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

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- 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



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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 :
- (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) Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the estates

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rights interests powers and privileges hitherto vested in or possessed by the Corporation.

Power to take easements &c. by agreement.

**17.** 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 rent-charges 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.

Supply of water at a higher level.

**18.** In order to afford an improved supply of water from the canal the Company may in addition to their present supply supply water from a higher level and they may make and carry into effect contracts and agreements with the Corporation or any person or persons for such supply from a higher level and the Company may lay down such mains pipes and other works in addition to those already existing as may be necessary for such supply from a higher level Provided always that the Company shall not break up or interfere with any public road street or thoroughfare within the borough of Dublin without the previous consent in writing of the Corporation under their corporate seal Provided also that except as aforesaid nothing in this section contained shall alter increase lessen or interfere with any right or power the Company now possess or enjoy in regard to the supply of water from the canal nor shall any supply from a higher level interfere with or prejudicially affect the use of the canal for the purposes of navigation.

Compensation to mill-owners and others.

**19.** Any millowners or other persons who may be prejudicially affected by the Company supplying water from the canal from a higher level as aforesaid shall be entitled to compensation and such compensation shall in case of difference be settled by arbitration in the manner provided by the Railways Act (Ireland) 1851 and the Acts amending the same for ascertaining the purchase money or compensation to be paid by railway companies in Ireland for the lands required for their undertakings.

Protection of Alliance Gas Company.

**20.** For the protection of the Alliance and Dublin Consumers' Gas Company (hereinafter referred to as "the Alliance Company") the following provisions shall be observed and have effect (that is to say)—

In the execution of the powers and construction of the works by this Act authorised or any of them—

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- (1) The Company if they shall deem it necessary to raise sink or otherwise alter the position of any mains pipes or other works belonging to the Alliance Company shall cause the same to be done with as little detriment and inconvenience to the Alliance Company and to any houses premises or persons supplied with gas or other illuminating power by means of such mains pipes or other works as the circumstances will permit. A.D. 1881.
- (2) The Company shall not remove or displace any mains pipes or other works belonging to the Alliance Company nor do anything to interrupt or impede the supply of gas or other illuminating power into through or by means of such mains pipes or other works until good and sufficient arrangements have been made by the Company for enabling the supply of gas or other illuminating power to be carried on by the Alliance Company.
- (3) The Company shall repair and make good all damage done to the property of the Alliance Company by disturbance occasioned by the construction of any of the works authorised by this Act.
- (4) The Company if they construct any work over any main or pipe of the Alliance Company shall 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 other works necessary for the protection from injury of such main or pipe and the Company in case they undermine any gas main or other work of the Alliance Company shall cause the same to be temporarily supported during the execution of the work and the foundation afterwards made good or in case it is found absolutely necessary to remove such gas main or work shall make good and effectual arrangements for enabling the supply of gas or other illuminating power to be carried on otherwise than through or by means of such main or work.
- (5) All works authorised or required to be executed by the Company involving interference with any mains pipes syphons plugs or other works of the Alliance Company or the supply thereby of gas or other illuminating power shall be executed at the cost of the Company and to the reasonable satisfaction in all things of the Alliance Company or their engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice from the Company or their proper officer of any

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such works which notice the Company (save in cases of sudden emergency) shall be bound to give.

(6) If the Company or any of their contractors agents officers workmen or servants or any person in the employment of them or any of them interrupt the supply of gas or other illuminating power by the Alliance Company the Company shall make good any loss occasioned thereby to the Alliance Company and the amount shall be determined by arbitration in manner next hereinafter provided.

(7) Any dispute or controversy between the Alliance Company and the Company touching or concerning the true meaning or construction of this Act or any of the provisions thereof or any payment to be made by the Company to the Alliance Company under such provisions shall be referred to arbitration in accordance with the provisions of the Railway Companies Arbitration Act 1859 as if the Alliance Company and the Company were two railway companies.

(8) 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 vested in or possessed by the Alliance Company under the special Acts relating to that Company or otherwise howsoever.

22 & 23 Vict.  
c. 59.

Construction  
of Loughrea  
Branch  
Railway.

**21.** Whereas by the Relief of Distress (Ireland) Amendment Act 1880 the Commissioners of Public Works in Ireland are authorised to make loans to railway and other companies on the conditions in that Act mentioned and whereas the Loughrea Branch Railway by this Act authorised is referred to in the Schedule to that Act by the name of "Railway from Loughrea to Attymon or its vicinity" And whereas the Company are a Railway Company incorporated by Act of Parliament having unexhausted borrowing powers Be it therefore enacted that if the Company shall desire to avail themselves of the provisions of the said Relief of Distress (Ireland) Amendment Act 1880 and shall then be in possession of unexhausted borrowing powers they shall be deemed to be a railway company with borrowing powers within the meaning of the 13th section of that Act and of the Schedule thereto.

Guaranties  
by baronies  
in county of  
Cavan.

**22.** With respect to the contribution by the said baronies towards the cost of construction and maintenance of the said Killashandra Branch be it enacted as follows:

(1) The said baronies shall as and from the date of the said Killashandra Branch Railway being opened for public traffic contribute and pay to the Company by way of contribution for

the period of thirty five years the yearly sum of six hundred pounds Provided always that the Company shall fairly work the said Killashandra Branch Railway for public traffic of all descriptions so long as the said annual contributions are paid by the said baronies and subject to the provisions of this Act all lands and hereditaments tenements or premises within the said baronies shall be and the same are hereby charged and made chargeable according to the rateable value for the time being with the payment of the said yearly sum of six hundred pounds Provided also that the yearly payments by the said baronies respectively shall not exceed the following sums that is to say—By the barony of Clanmahon one hundred and twenty-eight pounds eleven shillings and threepence by the barony of Tullyhunco three hundred and eighty-five pounds fourteen shillings and nine pence by the barony of Upper Loughtee eighty-five pounds fourteen shillings.

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- (2) The secretary of the grand jury for the county of Cavan shall lay before such grand jury at the spring assizes in every year after the completion and opening for public traffic of the said Killashandra Branch Railway a certificate of the amount of the contribution due by the said baronies respectively as aforesaid and the said grand jury is hereby empowered and required from time to time and without application to presentment sessions to present the sum mentioned in such certificate to be raised and levied off the baronies and the same sum shall be apportioned and raised and levied from and off the baronies in like manner as any presentment made under the authority of an Act passed in the sixth and seventh years of the reign of His late Majesty King William IV. chapter 116 and the Acts amending the same and together with and as part of the presentments made at such assizes. And the banking company acting as treasurer of the said county shall out of the first moneys remaining in their hands after repayment of Government advances gaol expenses and salaries of public officers payable by them pay the sum so presented by the grand jury to the secretary of the Company or in such other manner as the Company shall direct and if the said grand jury shall fail to present the sum specified in the certificate so laid before them or any part of such sum the secretary of such grand jury shall and he is hereby required to insert such sum or such portion thereof as may be omitted in his warrant for raising the moneys presented at the same assizes as if such sum had been duly presented by such grand jury to be raised in manner herein-before mentioned and the

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amount so inserted shall be apportioned raised and levied on and off the rateable district as if the same had been duly presented and the amounts so raised and levied shall be paid to the Company or in such other manner as the Company shall direct.

(3) All moneys paid to or on behalf of the Company under this section shall be treated by the Company as revenue arising from their undertaking :

(4) All liability of the baronies to subsequent contribution and of the said secretary with respect thereto under this section shall absolutely cease and determine upon the expiration of thirty-five years from the opening for public traffic of the Killashandra branch.

but such determination shall not prevent the Company from receiving in accordance with this section the amount of any contribution then due.

Tenants  
may deduct  
from the  
rent half the  
cess payable  
under this  
Act.

**23.** When any person occupying any lands tenements or hereditaments in the said baronies who has paid any county cess under the foregoing provisions of this Act shall be liable to pay rent in respect of such lands tenements or hereditaments he may deduct from such rent for each pound of the rent which he shall be liable so to pay one-half of the sum which he shall have paid as county cess under the provisions of this Act in respect of each pound of the net annual value of such lands tenements or hereditaments as valued under the Acts relating to the valuation of rateable property in Ireland and so in proportion for any less sum than a pound Provided always that it shall not be lawful for any such person to deduct from the rent payable by him for such lands tenements or hereditaments a larger sum than one-half of the amount of the county cess that has been paid by him in respect of the same under the provisions of this Act and Provided also that no deduction shall be made from tithe rent-charge or other composition in lieu of tithes for or on account of any such county cess so paid as aforesaid.

In case of  
premises  
valued at  
and under  
four pounds  
immediate  
lessors to  
pay county  
cess.

**24.** Whenever the net annual value of all the lands tenements or hereditaments situate in the said baronies occupied by any person under any tenancy does not exceed four pounds so valued under the Acts relating to the valuation of rateable property in Ireland and any grand jury cess is under the provisions of this Act leviable in respect of the said lands tenements and hereditaments then the following provisions shall apply :

(1) Such cess shall after the passing of this Act be paid and payable by the immediate lessor or lessors of such person and may be recovered from such immediate lessor or lessors in like

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manner as but for the provisions of this section it might have been recovered from the person occupying such lands tenements or hereditaments.

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(2) If any such cess payable by any such immediate lessor be not paid within four months after the same has become due the person duly authorised to collect the same may give notice in writing to the occupier for the time being of such lands tenements or hereditaments to pay the cess due in respect of the same and after the expiration of one calendar month from the time of giving such notice it shall be lawful to recover such cess from such occupier or on his default from any subsequent occupier of the said lands tenements or hereditaments in like manner as if the same were cess due in respect of lands tenements and hereditaments of a net annual value greater than four pounds.

(3) Every such occupier so paying such cess may deduct from the rent he may be then or next thereafter liable to pay in respect of such lands tenements or hereditaments the whole of any such cess that he may have paid in respect of the same and if rent sufficient to cover such cess be not then or do not thereafter become due from such occupier in respect thereof he shall be entitled to recover the same from such immediate lessor by civil bill.

25. When any moneys may be deducted on account of any county cess paid under the provisions of this Act from any rent payable to any person in respect of any lands tenements or hereditaments and such person shall also pay a rent in respect of such lands tenements or hereditaments he shall be entitled to deduct from the rent payable by him a sum bearing such a proportion to the amount of county cess deducted as aforesaid from the rent payable to him as the rent payable by him bears to the rent payable to him not exceeding the half of the said county cess payable by him. Provided always that no lessee or other person paying any county cess under this Act in respect of any lands hereditaments or premises held by him for lives renewable for ever or for the residue of any term of years which when originally created shall have been not less than nine hundred years shall deduct any portion of such county cess from the rent payable by him in respect of such lands hereditaments or premises and provided also that no deduction in respect of county cess paid under the provisions of this Act shall be made from any rent charge granted by way of jointure or any other rent charge or annuity granted limited or devised for a life or lives in being only or for years determinable on a life or lives in being.

Sub-lessors may make proportionate reductions from superior landlord's rent.

[Ch. xcvi.] *Midland Great Western Railway [44 & 45 Vict.]  
of Ireland Act, 1881.*

A.D. 1881.

Receipt for  
cess to be  
taken in  
discharge.

**26.** In all cases a receipt for the county cess to be levied under the authority of this Act in respect of any lands hereditaments or premises shall be accepted by every person entitled to receive rent in respect of the same in lieu of such a portion of rent as the person tendering such receipt is hereby entitled to deduct from such rent by reason of his payment of the county cess for which such receipt shall be given. Provided always that no deduction on account of any payment of county cess under this Act shall be held to be a discharge of any portion of any payment of rent due from the person entitled to make such deduction so as to prejudice the right of any landlord to recover the possession of any lands hereditaments or premises by ejectment for non-payment of rent thereof in any case where the remaining portion of such rent shall be unpaid but it shall be lawful for such landlord to proceed for the recovery of such lands hereditaments or premises by ejectment as effectually as if the entire payment of rent out of which such deduction is hereby allowed had remained wholly due or unpaid.

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  
raise addi-  
tional  
capital, &c.

**28.** For the purposes of this Act specially authorised and also for the general purposes of their undertaking the Company may from time to time raise additional capital not exceeding in the whole two hundred and fifty thousand pounds by the issue at the option of the Company 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 and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :

8 & 9 Vict.  
c. 16.

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 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



[44 & 45 VICT.] *Midland Great Western Railway* [Ch. xcvi.]  
*of Ireland Act, 1881.*

The provision to be made for affording access to the special Act by all parties interested; A.D. 1881.

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 apply to the Company and to the additional capital which they are by this Act authorised to raise. 26 & 27 Vict. c. 118.

**29.** 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. Shares not to be issued until one-fifth paid.

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

**31.** 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. Dividends on new shares or stock.

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

**33.** The Company may in respect of the additional capital of two hundred and fifty 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 eighty thousand pounds and of that sum they may borrow not exceeding twenty thousand pounds in respect of every sixty thousand pounds of such additional capital but Power to borrow.

[Ch. xcvi.] *Midland Great Western Railway* [41 & 45 VICT.]  
of *Ireland Act*, 1881.

A.D. 1881. no part of any such several sums of twenty thousand pounds shall be borrowed until shares for so much of the portion of additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion of 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 in such portion of additional 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 such portion of 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.

Appointment  
of a receiver.

**34.** 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 any 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.

Existing  
mortgages  
to have  
priority.

**35.** All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the

[44 & 45 VICT.] *Midland Great Western Railway* [Ch. xcvi.]  
*of Ireland Act, 1881.*

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.

A.D. 1881.

**36.** 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 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 mortgages granted after the passing of this Act.

Debenture stock.

**37.** The moneys raised under this Act by the Company whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the undertaking of the Company.

Application of moneys.

**38.** 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.

**39.** The Company shall not out of any money 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 Company to construct any railway or execute any other work or undertaking.

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

**40.** 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 maximum rates

Provision as to general Acts.

[Ch. xcvi.] *Midland Great Western Railway* [44 & 45 VICT.]  
*of Ireland Act, 1881.*

A.D. 1881. of fares and charges or the rates for small parcels authorised to be  
charged by the Company.

Expenses of  
Act.

**41.** 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.

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