## CHAP. xxvii.

A.D. 1871.

An Act to extend the powers of "The Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole Railway Company" for the taking of lands and for the completion of their undertaking; and for other purposes.

[25th May 1871.]

WHEREAS by the "Dublin, Rathmines, Rathgar, Rathfarnham, and Rathcoole Railway Act, 1864," (which Act is herein-after referred to as "the Act 1864,") the Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole Railway Company (herein-after referred to as "the Company") were incorporated and empowered to construct the railways by the Act of 1864 authorised, and it was by that Act, or by the Acts incorporated therewith, provided that the powers of the Company for the compulsory purchase of lands for the purposes of such railways should not be exercised after the expiration of three years from the passing of that Act, and that on the expiration of five years from the passing of that Act the powers granted to the Company for making such railways should cease to be exercised: 27 & 28 Vict. c. cclxxxi.

And whereas by the "Dublin, Rathmines, &c. Railway Act, 1865," (which Act is herein-after referred to as "the Act of 1865,") the powers of the Company were extended as in that Act mentioned (and the Act of 1864 and the Act of 1865 are together herein-after referred to as "the former Acts"): 28 & 29 Vict. c. cclxv.

And whereas in compliance with an application made by the Company to the Board of Trade in pursuance of the provisions of a Public General Act known as "The Railways (Extension of Time) Act, 1868," the Board of Trade by their warrant bearing date the 17th day of April 1870 extended the time limited for the completion of the railways and works as in said warrant authorised for a period of two years from the 29th day of July 1869 (being the maximum period for which under the provisions of "The Railways (Extension

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of Time) Act, 1868," the time limited for the completion of works by any former Act relating to a railway company can be so extended):

And whereas in order to enable the Company to carry out their undertakings it is expedient that the period for the compulsory purchase of lands and for the completion of the railways and works authorised by the Act of 1864 should be further extended:

And whereas by sec. 27 of the Act of 1864 it was enacted that the Company should construct so much of that part of the railway by the Act of 1864 authorised as the commissioners of the Rathmines and Rathgar township should deem necessary as a tunnel, commencing from a point in land belonging to Mr. Lawrenson north of Leinster Road in the said township, continuing thence from and terminating at the point where the railway leaves the township boundary at or near Cremorne Rathgar, to the satisfaction of the engineer of the commissioners of the township:

And whereas it is expedient that so much of the said section as binds the Company to construct that part of their said railway in a tunnel should be repealed:

And whereas it is also expedient that such further and other powers and provisions as are herein-after contained should be conferred and made:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

**1.** This Act may be cited for any purpose as "The Dublin, Rathmines, &c. Railway (Extension of Time) Act, 1871."

Provisions of Public Acts herein named incorporated.

**2.** "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," and "The Railways Act (Ireland), 1864," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

**3.** 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 Company incorporated and authorised by the former Acts and this Act; and

The expressions "the railways," "the railways and works," or "the undertaking," mean the railways and works authorised by the former Acts respectively, or any part thereof.

Powers for compulsory purchases limited.

**4.** The powers of the Company for the compulsory purchase of lands required for the purpose of the railways authorised by the Act of 1864 may be exercised within, but shall not be exercised after, the expiration of two years from the passing of this Act.

Period for completion of works.

**5.** The railways and works authorised by the Act of 1864 shall be completed within three years from the passing of this Act; and if the railways and works shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railways and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Bond given under the former Act not to be invalidated.

**6.** Whereas under the 35th section of the Act of 1864 a bond has been entered into for securing the completion of the railways by that Act authorised: Be it enacted, that nothing in this Act contained shall invalidate or in any way affect the validity of the said bond, or the liability of any person under the same.

Repeal of sect. 27 of Act 1864.

**7.** Section 27 of the Act of 1864 is hereby repealed, and the Company, in lieu of constructing the railways, or any part or parts thereof, in the said section described or referred to in the manner by the section contemplated or provided, may and shall be at liberty to construct the railways, or any such part or parts thereof, as aforesaid in accordance with the plans and sections deposited with the clerk of the peace for the county of Dublin, in the month of November 1863, in respect of the application to Parliament for the Act of 1864, as freely and fully in all respects as if the said section 27 had never been sanctioned or included in the Act of 1864.

Deposits for future Bills not to be paid out of capita

**8.** The Company shall not, out of any money by any Act relating to them 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.

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**9.** Nothing herein contained shall be deemed or construed to exempt the railways by the former Acts and by this Act authorised to be made from the provisions of any general Act relating to

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future general Acts.

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 rate of fares and charges authorised to be taken by the Company, or of the rates for small parcels.

Provisions of former Acts applied to this Act.

**10.** Save as in this Act otherwise provided, the provisions contained in the former Acts shall be read with and form part of this Act as if those several provisions were repeated in this Act.

Expenses of Act.

**11.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.