ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xlv.

An Act to enable the *Great Northern and Western* (*of Ireland*) Railway Company to make a Deviation in their authorized Railway between *Roscommon* and *Castlereagh*; and for other Purposes. [15th *May* 1860.]

WHEREAS an Act was passed in the Session held in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled *An Act for making Railways* 20 & 21 Vict. c. lxxxiv.
from Athlone *to* Roscommon *and* Castlereagh, *to be called* "*The* Great Northern and Western (of Ireland) *Railway*," *and for other Purposes:* And whereas another Act was passed in the Session held in the Twenty-first and Twenty-second Years of Her present Majesty, intituled *An Act to enable the* Great Northern and Western (of Ireland) 21 & 22 Vict. c. xcvi.
Railway Company to make Deviations in their authorized Railways, and to empower the Midland Great Western *Railway* (*of* Ireland) *Company to acquire Shares in the Undertaking of the* Great Northern and Western (of Ireland) *Railway Company; and for other Purposes:* And whereas

22 & 23 Vict. c. xlviii.

another Act was passed in the last Session of Parliament, intituled *An Act to enable the* Great Northern and Western (of Ireland) *Railway Company to extend their Railway to* Castlebar; *and for other Purposes*: And whereas it is expedient that the *Great Northern and Western* (*of Ireland*) Railway Company, incorporated by the first-recited Act, and in this Act called "the Company," should be enabled to make the Deviation herein-after described from the Line of Railway authorized by the first-recited Act: And whereas, under the Provisions of the firstly and secondly recited Acts, an Agreement was on the First Day of *August* in the Year One thousand eight hundred and fifty-nine made between the Company and the *Midland Great Western* Railway (of *Ireland*) Company, by which, amongst other things, the last-mentioned Company are to subscribe towards the Undertaking of the Company, and to work the Traffic on the *Great Northern and Western* (*of Ireland*) Railway, and it is expedient to provide that the Provisions of such Agreement shall apply to the diverted Railway by this Act authorized, instead of the Portion of Railway for which the same is substituted: 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:

8 & 9 Vict. cc. 18. and 20. and 14 & 15 Vict. c. 70., &c. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," so far as the same is consistent with "The Railways Act (*Ireland*), 1851," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," and the Act of the Nineteenth and Twentieth *Victoria*, Chapter Seventy-three, intituled *An Act to continue the Railways Act* (Ireland), 1851, shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Great Northern and Western* (*of Ireland*) Railway Act, 1860."

Power to make a diverted Portion of Railway as herein stated.

III. It shall be lawful for the Company to make and maintain the following diverted Portion of Railway in lieu and in substitution for a Portion of the Railway authorized to be made by "The *Great Northern and Western* (*of Ireland*) Railway Act, 1857," and secondly described in the Twenty-first Section of that Act; (that is to say,)

A Railway

A Railway in substitution for a Portion of the Railway from *Roscommon* to *Castlereagh* secondly described in the Twenty-first Section of "The *Great Northern and Western* (*of Ireland*) Railway Act, 1857," commencing in or near the Enclosure numbered on the Plans referred to in the said Act of 1857 54 in the Townland of *Ballybride* in the Parish of *Roscommon*, and terminating in or near the Enclosure numbered on the same Plans 42 in the Townland of *Island Lower* in the Parish of *Oran*.

Deposit of Plans.

IV. Whereas Plans and Sections of the said diverted Portion of Railway by this Act authorized, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Roscommon*: Therefore, subject to the several Powers and Provisions herein and in the incorporated Acts contained, it shall be lawful for the Company to construct the said diverted Portion of Railway in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the Purposes of the said diverted Portion of Railway and the Works connected therewith.

Company to abandon Parts of Line for which diverted Portion is substituted.

V. The Company shall abandon the Formation of so much of the said Railway by the first-recited Act authorized to be made as lies between the intended Commencement and Termination of the said diverted Portion of Railway by this Act authorized to be made.

Compensation to be made where Contracts have been entered into or Notices given.

VI. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase, for the Purpose of constructing the Portion of Railway so required to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for the Injury or Damage (if any) sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portion of Railway

way shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Diverted Portion of Railway to form Part of Undertaking.

VII. The diverted Portion of Railway by this Act authorized shall be and be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, (except as regards the Periods for the Purchase of Lands and Completion of the Railway,) Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof, and the Capital of the Company shall be applicable to the Construction thereof, and the Clauses and Provisions of the recited Acts shall be read and construed accordingly.

Power to cross certain Roads on the Level.

VIII. Subject to the Provisions of this Act, and "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company, in the Construction of the diverted Portion of Railway by this Act authorized, to carry the same with a Single Line of Railway so long as the Railway shall be a Single Line, or if the Railway shall at any Time be made a Double Line then with any Number of Lines of Railway not exceeding Two, across and on the Level of the public Road numbered 5. in the Townland of *Cloonyquin* in the Parish of *Roscommon* on the Plans deposited for the Purposes of this Act, the Approach to the same being made level on the North Side and One in Thirty on the South Side: Provided always, that it shall not be lawful for the Company in shunting any Train to or from any Siding near to such level Crossing to pass any Train over such level Crossing, or to allow any Train to stand across the same when stopping at a Station.

Company to erect a Station or Lodge at Point of crossing, and abide by Rules, &c. of Board of Trade.

IX. The Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the beforementioned Road on the Level; and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, and with regard to the Speed at which Trains shall pass such Point, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain

maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Lodge or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected instead of level Crossing.

X. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Road on the Level shall have been completed or opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

Period for compulsory Purchases limited.

XI. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Six Months from the passing of this Act.

Period for the Completion of Works.

XII. The diverted Portion of Railway by this Act authorized shall be completed within One Year from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same shall cease.

Provisions of the Agreement of 1st August, 1859 to apply to diverted Portion of Railway.

XIII. The Provisions of the said Agreement of the First Day of *August* One thousand eight hundred and fifty-nine shall apply to the diverted Portion of Railway by this Act authorized to be made, in the same Manner as if such diverted Portion were included in the said Agreement, instead of the Portion of Railway by this Act authorized to be abandoned.

Railway not exempt from Provisions of present and future General Acts.

XIV. Nothing in this Act shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any

future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and the maximum Rates of Fares and Charges authorized to be taken by the Acts relating to the Company.

Expenses of Act.

XV. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

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