CHAPTER cxlii.

An Act to confer further powers upon the Great Northern Railway Company (Ireland) and for other purposes. A.D. 1905.

[4th August 1905.]

WHEREAS it is expedient that the Great Northern Railway Company (Ireland) (in this Act referred to as "the Company") should be authorised to make the road diversion and exercise the other powers with reference to their undertaking in this Act mentioned:

And whereas plans and sections showing the lines and levels of the road diversion by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the respective counties of Antrim Armagh Tyrone Dublin Meath and Monaghan which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

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 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:—

1. This Act may be cited for all purposes as the Great Northern Railway (Ireland) Act 1905. Short title.

A.D. 1905.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts are except where expressly varied by this Act incorporated with and form part of this Act.

Diversion of road at Blaris.

3. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections alter divert and stop up so much of the main public road leading from Lisburn to Upper Ballinderry in the townland of Knockmore in the parish of Blaris and rural district of Lisburn in the county of Antrim as lies between points respectively 13·5 chains or thereabouts measured in a north-westerly direction and 9·5 chains or thereabouts measured in a south-easterly direction along the said road from the centre of the railway of the Company at the point where the said railway is crossed by the said road and may carry the said road as so diverted over the railway of the Company by means of a bridge and approaches thereto 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 that purpose.

Power to stop up right of way at Muckno.

4. Subject to the provisions of this Act the Company may stop up and discontinue the private rights of way over lands of the Company in the townland of Moraghy and parish of Muckno in the rural district of Castleblayney in the county of Monaghan and the level crossing over their railway in the same parish such right of way and level crossing extending between the public road on the north-eastern side of the said railway and the lands in the said townland to be acquired under the provisions of this Act as hereinafter mentioned and being situate thirteen chains or thereabouts measured in a north-westerly direction from the booking office at Castleblayney Station and thereupon all private rights of way over the said lands shall be extinguished:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to deviate in construction of road diversion.

5. The Company may in constructing the road diversion by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited

plans and from the levels thereof shown on the deposited sections to any extent not exceeding two feet.

Provisions as to repair of road diversion.

6. Subject to the provisions of this Act the road diversion to be made under the authority of the section of this Act of which the marginal note is "Diversion of road at Blaris" shall when made and completed be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as roads of a similar nature within the parish in which such road will be situate are from time to time liable to be repaired or maintained.

If any question shall arise between the Company and any of such parties as to the due completion of such road such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days' notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such road shall be conclusive evidence of the fact so certified.

Stopping up road in case of diversion.

7. The Company shall not stop up the portion of the existing main public road referred to in the section of this Act of which the marginal note is "Diversion of road at Blaris" until two justices shall have certified that the new road has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority liable to repair the existing road fourteen days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all public rights of way over or along the said portion of the existing road shall be extinguished 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 road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to acquire lands for general purposes.

8. 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 enter upon and take compulsorily or by agreement for the improvement and enlargement of

A.D. 1905.

their railways stations and works and for the constructing of new and the extending of existing stations buildings sidings warehouses wharves depôts and other accommodation for mineral goods and cattle traffic and for the getting of ballast and materials and for other the purposes of their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference and may hold for all the purposes of their undertaking such of those lands as have already been purchased by or on behalf of the Company.

In the county of Armagh—

(A) Lands in the townland of Aughlish in the parish of Ballymore and rural district of Tanderagee bounded on the west by the railway lines and siding of the Company on the north by the bridge over the railway of the Company twenty-three chains or thereabouts north of the booking office at Scarva Station and extending eastwards from the western boundary fence of the railway of the Company forty-five feet or thereabouts at the north end and extending southwards along the said boundary fence for a distance of four hundred and forty feet or thereabouts;

(B) Lands in the townland of Lisdrumgullion in the parish and urban district of Newry bounded on the south and east by the boundary fence of the railway of the Company on the north by the road crossing the said railway on the level thirty-one chains or thereabouts northwards of the Edward Street Station at Newry and extending in a westerly direction thirty feet or thereabouts at the north end and two hundred feet or thereabouts at the south end:

In the county of Tyrone—

(c) Lands in the townland of Cloghfin in the parish of Termonmaguirk and rural district of Omagh on the north side of the railway of the Company bounded on the south and west by the boundary fence of the railway of the Company at Sixmile-cross Station and extending eighty-five feet or

thereabouts in a northerly direction and seven chains or thereabouts in an easterly direction along the said railway:

In the county of Dublin—

(D) Lands in the townland of Tankardstown in the parish and rural district of Balrothery bounded on the south-west by the railway lines and siding of the Company on the south-east by the factory of the Balbriggan Seamills Hosiery Company on the north-west by the road leading to the Coast-guard Station and extending in a north-easterly direction eighty-five feet or thereabouts from the centre of the up main line of the railway of the Company:

In the county of Meath—

(E) Lands in the townland of Gormanston in the parish of Stamullin and the Meath rural district of Drogheda Union bounded on the east by the railway lines and siding and the Gormanston Station of the Company on the south by the public road leading to Gormanston Station and extending westwards eighty feet or thereabouts and northwards along the railway fourteen chains or thereabouts;

(F) Lands in the townland of Painestown in the parish of Painestown and rural district of Navan bounded on the south by the railway lines and siding of the Company on the west by the public road crossing the said railway on the level at Beauparc Station and extending in a northerly direction two hundred and ten feet or thereabouts and in an easterly direction along the said railway thirteen chains or thereabouts;

(G) Lands in the townland of Dillonsland in the parish and urban district of Navan bounded on the south by the railway lines and sidings and the Navan Station of the Company on the west by Railway Street and extending in a northerly direction one hundred and eighty feet or thereabouts and in an easterly direction along the said railway seventeen chains or thereabouts:

A.D. 1905.

In the county of Monaghan—

(H) Lands in the townlands of Moraghy and Connabury in the parish of Muckno partly in the urban district of Castleblayney and partly in the rural district of Castleblayney bounded on the north-east by the down passenger platform siding and workshop of the Company at Castleblayney on the south by the public road from Bellatrain to Castleblayney and extending in a westerly direction along the said road two hundred and sixty feet or thereabouts and in a north-westerly direction along the railway of the Company fourteen chains or thereabouts.

As to private rights of way over lands taken compulsorily.

9. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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 cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

11. 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.

Correction of errors &c. in deposited plans and books of reference.

12. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described on the deposited plans or in the deposited books of reference the Company may after ten days' notice to the owners lessees and occupiers of the land affected by the proposed correction apply to two justices for the

correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerks of the peace of the several counties in which the lands affected thereby shall be situate and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or books of reference shall be deemed to be corrected according to such certificate and the Company may take the lands in accordance with such certificate.

Owners may be required to sell parts only of certain properties.

13. And whereas in the exercise by the Company of the powers conferred upon them by this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Restriction on taking houses occupied by working class.

14. The Company shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were occupied either wholly or partially by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses

A.D. 1905.

which were not so occupied on the fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions 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 for Ireland 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.

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 "working class" means mechanics artizans 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 in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Company may apply corporate funds.

15. The Company may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are by any Act authorised to raise and which are not required for the purposes to which they are by any such Act made specially applicable.

Provision as to general Railway Acts.

16. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better or 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 to be taken by the Company.

Costs of Act.

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.