CHAPTER cxxvi.

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An Act for enabling the Great Southern and Western Railway Company to extend their railway to Baltinglass, and to form a junction with the Limerick and Kerry Railway at Tralee; to acquire additional lands; and for other purposes. [18th July 1881.]

WHEREAS it is expedient that the Great Southern and Western Railway Company (in this Act called "the Company") should be empowered to construct a railway from their station at Sallins, in the county of Kildare, to Baltinglass, in the county of Wicklow; and also a railway to join their railway with the Limerick and Kerry Railway at Tralee, in the county of Kerry, and to acquire for other purposes connected with their undertaking the lands and buildings in this Act mentioned:

And whereas plans and sections, showing the respective lines and levels of the intended railways by this Act authorised to be made, and plans of the lands by this Act authorised to be acquired and appropriated, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the several counties within which those works will be constructed and those lands are situate, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the Company have by their various Acts been authorised to raise the sum of six millions three hundred and nine thousand nine hundred and forty pounds by shares:

And whereas the authorised loan capital of the Company consists of the sum of one million one hundred and three thousand nine hundred and sixty-five pounds:

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And whereas it is expedient that the Company should be authorised to raise the capital necessary for the purposes of this Act by a further issue of debenture stock:

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:—

Short title.

1. This Act may be cited for all purposes as the "Great Southern and Western Railway Act, 1881."

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
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.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act, 1845, and Part III., relating to debenture stock of the Companies Clauses Act, 1863; the Lands Clauses Consolidation Act, 1845, as amended 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 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.

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, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of sections seven, eight and nine of the Railways Clauses Consolidation Act, 1845, shall be read and construed as if, instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland," the expression "clerks of the unions within which such parishes are included in Ireland," and as if, instead of the word "postmasters," the words "clerks of the unions" had been used and inserted throughout those sections.

Power to make railways and works.

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 and works herein-after described with all proper stations, approaches, works and conveniences connected with such railways and may exercise the powers

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herein-after described, 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 those purposes (that is to say):

A railway twenty-four miles and one hundred and eighty-three yards in length, commencing in the townland of Osberstown, in the parish of Naas in the county of Kildare, by a junction with the railway of the Company near their Sallins Station, at a point on the said railway thirty-eight yards or thereabouts west of the west corner of the south abutment of the bridge carrying the public road leading from Naas to Sallins over the said railway, and terminating in the townland of Baltinglass west and parish of Baltinglass in the county of Wicklow, on the north side of the public road leading from Mill Street, in the town of Baltinglass, to the town of Timolin, at a point thereon fifty-five yards or thereabouts west of the north-west corner of the Methodist Chapel in the said town of Baltinglass:

A railway one chain ten yards in length, situate wholly in the townland of Cloonalour in the parish and township of Tralee, in the county of Kerry, to join the Limerick and Kerry Railway, commencing by a junction with the railway of the Company at a point thereon thirty yards or thereabouts west of the western end of the Company's passenger station building at Tralee, measured along the passenger line of rails, and terminating by a junction with the said Limerick and Kerry Railway, at a point thereon thirty-two yards or thereabouts, measured in a westerly direction from the commencement of the said railway (Number 2), at or near the west side of the public road leading from Tralee to Listowel:

Provided always, that the Company shall not commence to construct the said railway in the said townland of Cloonalour aforesaid until the fifth day of August one thousand eight hundred and eighty-one, and in case the Limerick and Kerry Railway Company shall have formed a junction with the railway of the Company under the powers of the Limerick and Kerry Railway Act, 1873, before the said fifth day of August one thousand eight hundred and eighty-one, the powers by this Act conferred upon the Company for constructing the said railway shall cease and determine. 36 & 37 Vict. c. ccxlvi.

Company may acquire additional lands.

6. Subject to the provisions of this Act, and in addition to the other lands which they are by this Act authorised to acquire, the Company may from time to time enter upon, take, use and appropriate to purposes connected with their undertaking, all or any of

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the lands, houses and buildings following, delineated on the deposited plans and described in the deposited books of reference relating thereto respectively (that is to say):

Certain lands situate in the townland of Kilnockan and parish of Mallow, in the county of Cork, lying on the north side of Mallow Station, adjoining the railway on the east and west sides of the said railway, near the one hundred and forty-four and a quarter mile-post from Dublin:

Certain lands situate in the townland of Annabella in the parish of Mallow, in the county of Cork, lying on the north of Mallow Station, and adjoining the railway on the west side of the said railway, near the one hundred and forty-four and a quarter mile-post from Dublin:

Certain lands in the townland of Castle View in the parish of Castle Island, in the county of Kerry, lying on the north of and adjoining the Castle Island Station of the Company's Castle Island Branch Railway:

Certain lands in the townland of Cahereen west in the parish of Castle Island, in the county of Kerry, lying on the west of the Castle Island Station, and adjoining the Company's Castle Island Branch Railway on the north and south sides thereof.

Certain lands in the townland of Moyeightragh, in the parish and township of Killarney, in the county of Kerry, lying on the east of and adjoining the Company's Tralee Branch Railway, and near the forty and a quarter mile-post from Mallow.

Railways to form part of railway of Company.

7. The Company may demand and receive for and in respect of the railways by this Act authorised the same tolls and charges which they may now receive in respect of their existing undertaking, and the railways shall in all respects be deemed part of the railway of the Company.

Debenture stock.

8. The Company may create and issue debenture stock not exceeding in the whole two hundred thousand pounds, 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 such mortgages.

Power to apply corporate funds to purposes of Act.

9. The Company may apply to the purposes of this Act any of the 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.

Application of moneys.

10. All moneys raised under this Act by debenture stock shall be applied only for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

Lands for extraordinary purposes.

11. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed six acres.

Period for compulsory purchase of lands.

12. 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.

13. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railway Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railways carry the same with a single line only whilst the said railways shall respectively consist of a single line, and afterwards with a double line only, across and on the level of the roads herein-after mentioned (that is to say) :—

Number on Deposited Plans.	Townland.	Parish.	County.	Description of Road.
RAILWAY NO. 1.				
35	Naas East -	Naas - -	Kildare -	Public.
RAILWAY NO. 2.				
2	Cloonalour -	Tralee - -	Kerry -	Public.

Inclinations of certain roads.

14. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith (that is to say) :—

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Number on Deposited Plans.	Parish.	Townland.	Description of Road.	Intended Inclinations.
9	Ballymore Eustace.	Gaganstown -	Public -	1 in 15 on one side and 1 in 20 on the other
1	Carnalway -	Mullaghboy -	Public -	1 in 12 on one side and level on the other
14	Kill -	Swordlestown, North.	Public -	1 in 11 on one side and 1 in 20 on the other
23	Dunlavin -	Dunlavin, Lower.	Public -	1 in 12 on one side and 1 in 20 on the other

Penalty unless railways are opened within the time limited.

15. If the Company fail within the period limited by this Act to complete the railways, 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 railways are completed and opened for public traffic, or until the sum received in respect of such penalty amounts to five per cent. 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 three 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 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 railways by unforeseen accident or circumstances beyond their control: Provided, that want of sufficient funds shall not be held to be a circumstance beyond their control.

17 & 18 Vict. c. 31.

Application of penalty.

16. 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 has been interfered with or otherwise rendered less valuable by the commencement, construction or abandonment of the railways, or any portion thereof, or who 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 has been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the said Chancery Division may seem fit; and if no such compensation is payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 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.

Period for completion of works.

17. If the railways authorised by this Act shall not be completed within five years from the passing of this Act, then, on the expiration of such period, the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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

18. The Company shall not, out of any money by this Act 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.

Provision as to general railway Acts.

19. Nothing herein contained shall be deemed or construed to exempt the railways 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

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Parliament of the authorised maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act.

20. All the costs, charges and expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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