CHAPTER lxix.

An Act for transferring to the Great Southern and Western Railway Company the powers of the Drumcondra and North Dublin Link Railway Company incorporated by the Drumcondra and North Dublin Link Railway Act 1894 to empower the Great Southern and Western Railway Company to abandon the construction of Railway No. 2 authorised by that Act and to construct another Railway in lieu thereof to stop up certain Streets and Roads to enter into Agreements with other Companies and for other purposes. [2nd July 1896.]

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WHEREAS by the Drumcondra and North Dublin Link Railway Act 1894 (in this Act called "the North Link Railway Act 1894") the Drumcondra and North Dublin Link Railway Company (in this Act called "the North Link Railway Company") were incorporated with a capital of two hundred thousand pounds and were authorised to make the railways in that Act described as Railway No. 1 and Railway No. 2 in connexion with and in extension of the North Wall Railway of the Great Southern and Western Railway Company (in this Act called "the Company"):

And whereas the North Link Railway Company have not executed any works and have not raised any portion of their authorised capital and it is expedient that the powers of the North Link Railway Company should be transferred to the Company:

And whereas it is expedient that the Company should be authorised to abandon Railway No. 2 authorised by the North Link Railway Act 1894 and be empowered to make another railway in lieu thereof:

And whereas it is expedient that the Company should be authorised to stop up and discontinue as public thoroughfares the streets and roads in this Act mentioned and to provide for the vesting in and appropriation to the purposes of the Company of the portions of the

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streets and roads so stopped up and to empower the Company to substitute embankments for bridges over certain streets and roads crossed by the said Railway No. 1 authorised by the North Link Railway Act 1894:

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that the Company and the London and North Western Railway Company and the Dublin Wicklow and Wexford Railway Company should be authorised to enter into working and traffic agreements as in this Act mentioned:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and plans showing the roads which may be stopped up and the portions of which may be acquired and appropriated by the Company 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 clerk of the county of the city of Dublin and are hereinafter respectively 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:—

Short title.

1. This Act may be cited for all purposes as the Great Southern and Western Railway Act 1896.

Incorporation of general Acts

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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 borrowing of money;
The conversion of the borrowed money into capital;
The consolidation of shares into stock; and
The provision to be made for affording access to the special Act by all parties interested:
And 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.

Interpretation.

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 railway" shall mean the railway by this Act authorised:
The expression "Railway No. 1" shall mean Railway No. 1 authorised by the North Link Railway Act 1894:
The expression "Railway No. 2" shall mean Railway No. 2 authorised by the North Link Railway Act 1894:
The expression "the North Link Railway" shall mean Railway No. 1 as authorised by the North Link Railway Act 1894 and the railway by this Act authorised.

As to deposit of plans with clerks of unions.

4. 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 to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

Dissolution of North Link Company and transfer of powers to Company.

5. On the passing of this Act the North Link Railway Company shall be and the same is hereby dissolved and all the property rights powers privileges and authorities conferred upon or vested in the North Link Railway Company under or by virtue of the North Link Railway Act 1894 (excepting such powers as relate to the raising of capital by the North Link Railway Company) subject to the contracts obligations debts and liabilities of that Company are by this Act transferred to the Company who may hold such property and exercise all such rights powers privileges and authorities as fully and effectually in all respects as the North Link Railway Company might have done if this section of this Act had not been passed and

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subject to the provisions of the said Act and this Act the North Link Railway shall be constructed worked managed and maintained by the Company as part of their undertaking.

Actions not to abate.

6. Nothing in this Act shall cause the abatement discontinuance or determination of or in anywise prejudicially affect any action suit or other proceeding at law or in equity against the North Link Company pending before the passing of this Act but the same may be continued prosecuted or enforced against the Company the Company being for such purpose considered as identical with the North Link Railway Company.

Power to make railway.

7. Subject to the provisions of this Act the Company may in substitution for Railway No. 2 make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith 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 The railway herein-before referred to and authorised by this Act is—

A railway three furlongs one chain and three yards in length in the parish of St. Thomas in the county of the city of Dublin commencing by a junction with Railway No. 1 authorised by the North Link Railway Act 1894 at a point thereon at or near the point of intersection of Northbrook Avenue with North Strand Road and terminating by a junction with the North Wall Extension Railway of the Company at a point thereon three hundred yards or thereabouts measured in a south-easterly direction from the centre of West Road in the parish of St. Thomas in the county of the city of Dublin.

Abandonment of Railway No. 2.

8. The Company shall abandon the construction of Railway No. 2.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

9. The abandonment by the Company under the authority of this Act of the railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the North Link Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the North Link Company for the purposes of the railway to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or

occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the North Link Railway Act 1894.

Compensation to be made in respect of railway abandoned.

10. Where before the passing of this Act any contract has been entered into or notice given by the North Link Company for the purchasing of any land for the purposes of or in relation to the railway or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Power to stop up roads.

11. The Company when they become owners in possession of all property shown on the deposited plans and described in the deposited books of reference abutting on the streets and roads herein-after mentioned may stop up and discontinue the same and may enter upon take use and appropriate such portions of the said roads as are delineated on the deposited plans and described in the deposited books of reference The streets and roads which the Company may so stop up and discontinue are as follows:—

Xavier Avenue
Strandville Avenue
Bessborough Avenue
Stoney Road
Smythfield Avenue:

And notwithstanding anything shown on the deposited sections of Railway No. 1 the Company may on the site of the portions of Xavier Avenue Strandville Avenue and Bessborough Avenue appropriated by them under the powers of this section substitute embankments for the bridges over the said streets or roads shown on those sections:

Provided always that the Company shall before putting in force any of the powers conferred upon them by this section give to the corporation one month's previous notice in writing of their intention so to do so as to enable the corporation to remove divert or otherwise deal with any mains pipes hydrants sewers lamps apparatus and other materials or things belonging to them or under their control in under or upon any of the streets and roads in this section mentioned and the Company shall pay to the corporation the reasonable expenses incurred by them in so doing.

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Extinguishment of rights of way.

12. All rights of way over or along the several roads and streets by this Act authorised to be stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as and from the stopping up purchase or acquisition thereof respectively by this Act extinguished.

For the protection of the Great Northern Railway Company of Ireland.

13. In constructing the railway the following provisions for the protection of the Great Northern Railway Company (Ireland) (herein-after called "the Great Northern Company") shall unless otherwise agreed on in writing between the Great Northern Company and the Company apply to and be obligatory upon the Company:—

(1) The Company shall construct the railway where it passes under the railway of the Great Northern Company at such point or points between the limits of deviation shown on the deposited plans thereof as may be agreed upon between the chief engineer of the Great Northern Company (in this section called "the chief engineer") and the engineer of the Company and so as to leave undisturbed at all times the rails and permanent way of the Great Northern Company:

(2) In constructing and maintaining the railway where the same affects the railway or works of the Great Northern Company the Company their agents or contractors or their respective servants or workmen shall in no way obstruct impede or interfere with the free and uninterrupted and safe user of the said railway or other works of the Great Northern Company or with the traffic thereon and if any obstruction or interference shall be caused or take place the Company shall pay to the Great Northern Company full compensation in respect thereof such compensation to be recovered with full costs in any court of competent jurisdiction:

(3) The Company where the railway is intended to be carried under the railway of the Great Northern Company shall construct a bridge of not less width than thirty feet between the parapets and of such design strength and materials as shall be approved by the chief engineer and the said bridge shall be so constructed that the railway of the Great Northern Company may hereafter be conveniently widened:

(4) The Company shall construct the said bridge and railway where it passes under the railway of the Great Northern Company and all works both temporary and permanent in any way affecting the railway of the Great Northern Company in all respects according to plans sections and specifications to be previously submitted to and approved in writing by the chief

engineer and the Company shall not commence the construction of the railway where it will pass under the railway of the Great Northern Company or enter on the lands of the Great Northern Company or interfere with their railway works or property until such plans sections and specifications have been so submitted and approved Provided always that if the chief engineer shall for a period of two months neglect to approve such plans sections or specifications he shall be deemed to have approved thereof but if he shall disapprove the same then there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after provided :

(5) During the construction of the railway under the railway of the Great Northern Company the Company shall bear and on demand pay to the Great Northern Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :

(6) The Company shall at all times maintain the said bridge and other works by which the railway shall be so carried under the railway of the Great Northern Company in substantial repair and good order to the reasonable satisfaction in all respects of the chief engineer and if and whenever the Company fail so to do the Great Northern Company may make or do such repairs in and upon as well the lands of the Company as their own lands and the sum from time to time certified by the chief engineer to be the reasonable amount expended shall be repaid to the Great Northern Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction :

(7) The Company shall be responsible for and make good to the Great Northern Company all costs losses damages and expenses which may be occasioned to the Great Northern Company or to their railway or to any of their works or property or to the traffic on their railway or to any Company or person using the same by reason of the execution or failure of the said bridge or any of the works by this Act authorised or of any act or omission of the Company or of their contractors or agents or

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of any of the persons in the employment of the Company or their contractors and the Company shall effectually indemnify and hold harmless the Great Northern Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission as aforesaid:

(8) The Company shall not in any case without the previous consent in writing and under the common seal of the Great Northern Company acquire any lands or property of the Great Northern Company but the Company may purchase and take and the Great Northern Company shall sell and grant accordingly an easement or right of using so much of the land of the Great Northern Company as may be necessary for the construction of the railway and the works connected therewith in accordance with the provisions of this section:

(9) If any difference shall arise with respect to any matter under this section between the Company and the Great Northern Company or their respective engineers or concerning any plans sections or specifications to be delivered to the Great Northern Company under this section the matter in difference shall be referred to and be settled by an umpire to be appointed by the Great Northern Company and the Company or if they cannot agree on an umpire then by an umpire to be appointed by the president for the time being of the Institution of Civil Engineers Ireland on the application of either party Provided always that if the chief engineer or engineer of the Company shall happen to be president of the Institution of Civil Engineers Ireland at the time of reference to such president for the appointment of an umpire then the reference for the appointment of an umpire shall be to the president for the time being of the Institution of Civil Engineers London.

For the protection of the Corporation of Dublin.

14. For the protection of the Right Honourable the Lord Mayor aldermen and burgesses of Dublin (in this Act called "the corporation") the following provisions shall unless otherwise agreed upon between the corporation and the Company be binding on the Company (that is to say):—

In constructing the railway and Railway No. 1 within the limits of the city of Dublin the Company shall construct the following works and do the following things (that is to say):—

(1) The Company shall within the time limited by this Act for the compulsory purchase of lands acquire all lands and property within the limits of deviation shown on the deposited plans within the municipal boundaries of the city of Dublin except such portions thereof as the engineer for the time being of the

corporation shall by his certificate in writing exonerate the Company from acquiring:

(2) The Company shall alter and divert the lines and levels of West Road in accordance with the deposited plans and sections and the alteration of such road shall include fencing (by means of rubble masonry walls built in mortar at least five feet high and eighteen inches thick at base battering to fourteen inches at coping) screening metalling paving curbing lighting sewering and draining by the Company and the maintenance for a period of twelve months thereafter to the satisfaction of the corporation and after the expiration of that period the same shall be vested in the corporation as the road authority:

The corporation shall afford every facility for the carrying out by the Company of the works in accordance with the provisions in this section contained:

Provided always that nothing herein contained shall be deemed to imply any consent or authority from the corporation to such alterations or diversions to the injury and prejudice of owners lessees and occupiers of property affected thereby:

(3) The Company shall notwithstanding anything shown upon the plans and sections deposited for the North Link Railway Act 1894 or upon the deposited plans and sections of the railway construct a bridge of not less than forty feet on the square to carry Railway No. 1 and the railway over Northbrook Avenue:

(4) Notwithstanding anything shown upon the deposited plans of Railway No. 1 and the deposited plans of the railway the bridges for carrying the Railway No. 1 and the railway over the following roads (that is to say) Jones Road St. Joseph's Avenue St. James's Avenue Fingall Avenue Ballybough Road Courtenay Lane Spring Garden Lane Annesley Avenue Spring Garden Street North Strand Road Northbrook Avenue and Ossory Road shall be constructed to the satisfaction of the engineer to the corporation and according to plans which shall be mutually agreed upon between the corporation and the Company No piers or columns shall be built on any of the roadways or carriageways Provided always that the Company may erect piers or columns on the footways or paths of Jones Road Ballybough Road and North Strand Road on sites to be agreed on between the Company and the corporation And the said several bridges shall be made and maintained perfectly water-tight and so constructed as to deaden as far as possible the sound of engines carriages and traffic passing over them and the railways so far as the same are situate within the city of

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Dublin shall not be opened for public traffic unless and until the Company have erected proper and suitable screens to all the bridges to the reasonable satisfaction of the engineer to the corporation :

(5) The Company shall erect maintain and light and keep lighted at their own expense during the same hours that street lamps are kept lighted in the city two gas lamps under Ballybough Road Bridge and two under North Strand Road Bridge and one under each of the other bridges both for Railway No. 1 and the railway The burner in each of these lamps shall be such as to give the same light and be capable of consuming the same quantity of gas per hour as is consumed in the ordinary street lamps in the city :

(6) The Company shall not erect or commence to erect any of the bridges herein-before mentioned until plans have been approved of by the corporation and one month's notice in writing of their intention to construct and erect any of such bridges shall be given by the Company to the town clerk by leaving the same at his office in the City Hall :

(7) The Company shall not commence the erection of any bridge or diversion or alteration of the level or section of any road without giving one week's notice in writing to the engineer to the corporation and without first taking out the usual licence issued by the corporation for works to be carried out in the public highways And the Company shall take all proper precautions for the protection of the public and shall properly fence light and watch all works in connexion with the public streets and highways during construction to the reasonable satisfaction of the engineer to the corporation No drainage shall be taken from any portion of the bridges or railway line into the corporation sewers without the knowledge and consent in writing of the engineer to the corporation :

(8) The Company shall not under the powers of this Act or of the North Link Railway Act 1894 have or exercise any control or right over any portion of the thoroughfare under any of the bridges or over altered raised or diverted streets and roadways when vested in the corporation :

(9) Before the Company proceed to make or temporarily stop up alter or divert any street lane or passage vested in or the property of the corporation they shall give to the engineer to 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 the superintendence and in accordance with such regulations as to

the temporary accommodation and otherwise or according to such plan as shall be reasonably approved of in writing 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 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:

(10) 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 provide lights sufficient for the warning of passengers and traffic to be set up and maintained in or about 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 may have been made altered or broken up in good repair for twelve months after making replacing and making good the same:

(11) In case it shall be necessary for the Company for the purpose of constructing any of the works by this Act or the North Link Railway Act 1894 authorised to 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 city of Dublin 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

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reasonable satisfaction in all things of the engineer to the Corporation:

(12) The Company shall not in executing any of the works within the city of Dublin by this Act or the North Link Railway Act 1894 authorised 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 nor 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 nor alter the position of any gas lamp or bracket 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 or the lighting of the streets to the reasonable satisfaction of the engineer to the corporation:

(13) If it shall be necessary to construct any of the works by this Act or the North Link Railway Act 1894 authorised over any water main or pipe or sewer of the corporation the Company shall at their own expense and to the reasonable satisfaction of the engineer to the corporation construct and maintain a good and sufficient culvert over such main or pipe or sewer 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 protecting from injury such main or pipe or sewer:

(14) If the Company or any of their contractors agents officers workmen or servants or any person in their employment shall in the execution of any of the works by this Act or the North Link Railway Act 1894 authorised interrupt the supply of water supplied by the Corporation or cause or do any other damage or injury whatsoever in relation thereto or to any sewers or other property of the corporation the Company shall make good and be responsible for any loss occasioned thereby to the corporation:

(15) The Company will if required by the corporation make an approach not less than thirty feet wide from the eastern end of Northbrook Avenue into the vacant plot of ground lying between Stoney Road and the eastern end of Northbrook Avenue:

(16) If the Company make default in complying with any of the provisions of this section which involve the construction of any work they shall forfeit to the corporation a penalty of three pounds for each day during which any such default as aforesaid

shall continue after they shall have received one week's notice in writing thereof:

(17) If any such default be made in complying with any of the provisions of subsections 5 9 and 10 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 rendered necessary thereby to be executed and the reasonable expense of remedying such default or executing such work shall be repaid by the Company to the corporation and such expense and any penalty as aforesaid may in case of default in payment be recovered in the same manner as damages are recoverable under any Act incorporated with this Act:

(18) In case any difference shall arise between the corporation and the Company or their respective engineers as to any matter under this section the same shall from time to time be referred to an arbitrator to be mutually agreed upon or failing agreement to be appointed by the Board of Trade and the decision of such arbitrator shall be final.

Lands for extraordinary purposes.

15. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to take easements &c. by agreement.

16. 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 this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in under 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.

Period for compulsory purchase of lands.

17. 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.

Inclination of road.

18. In altering for the purposes of this Act the road next hereinafter mentioned the Company may make the same of any inclination

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not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
102	Saint Thomas -	Public road -	1 in 20

Height and span of bridge.

19. The Company may make the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
5	Saint Thomas -	Public road -	15 feet	30 feet

Period for completion of railway.

20. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Owners may be required to sell part only of certain lands and buildings.

21. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that a portion only of the property numbered 110 in the parish of St. Thomas on the deposited plans may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said property whereof a part only is required for the purposes of this Act may if such portion 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 property without material detriment thereto be required to sell and convey to the Company the portion 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 portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Restrictions on displacing persons of labouring class.

22.—(1) The Company shall not under the powers of this Act or under the powers of the North Link Railway Act 1894 purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December next before the passing of this Act or the Act of 1894 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been since that day or shall hereafter be so occupied unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provision of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board 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.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Local Government Board may from time to time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings

belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the said Local Government Board have for the purposes of inquiries directed by the said Local Government Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the plans deposited in respect of this Act or the Act of 1894 occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act or the Act of 1894 as the case may be which have been acquired by or on behalf of the Company or the North Link Railway Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the respective fifteenth day of December by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" includes mechanics artisans 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

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domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Repeal of section 10 of North Link Railway Act 1894.

23. Section 10 of the North Link Railway Act 1894 the marginal note of which is "For the protection of the corporation of Dublin" is hereby repealed.

Imposing penalty if North Link Railway not opened within period limited.

24. If the Company fail within the period limited by the North Link Railway Act 1894 and this Act to complete the North Link 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 said railway is completed and opened for public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway:

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854:

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 the said third section of the said Act to an account opened or to be opened in the name of the Accountant General of the Supreme Court in the bank and to the credit 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 certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway in respect of which the penalty has been incurred 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.

Providing for application of penalty.

25. 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 said 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 North Link Railway Company by the North Link Railway Act 1894 or 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 in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit:

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 if a receiver has been appointed or the Company is insolvent or the said railway or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Release of North Link Railway deposit.

26. In consideration of the liability hereby imposed upon the Company to the penalty by this Act provided in respect of Railway No. 1 and the abandonment under the powers of this Act of Railway No. 2 in lieu of which the railway by this Act authorised will be constructed by the Company sections 33 and 34 of the North Link Railway Act 1894 are hereby repealed and the High Court may at any time after the passing of this Act and without requiring the production of a certificate of the passing of the said Act of 1894 order (according to the provisions of the Parliamentary Deposits Act 1846) the payment or transfer to the depositors referred to in the said sections or other the persons entitled thereto of the sum of seven thousand two hundred and sixty-five pounds five shillings and one penny two and three-quarters per centum consolidated stock now in Court in respect of the said railways and any interest or dividend payable thereon.

Power to enter into working agreements with the London and North Western and the Dublin Wicklow and Wexford Railway Companies.

27. The Company on the one hand and the London and North Western Railway Company and the Dublin Wicklow and Wexford Railway Company or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

The use or working of the North Link Railway and the City of Dublin Junction Railways and the Dublin and Kingstown Railway of the Dublin Wicklow and Wexford Railway Company or of any part of those railways or either of them and the conveyance of traffic thereon:

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The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

Short-distance charge in case of working agreement where rates and charges fixed with reference to existing Rates and Charges Order of another company.

28. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use by the Company or the London and North Western Railway Company as the case may be of any portions of the railway of the Dublin Wicklow and Wexford Railway Company or for the working and use by that Company of the North Link Railway the railways of the two companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the Dublin Wicklow and Wexford Railway Company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic (including perishable merchandise exceeding fifty-six pounds in weight by passenger train) conveyed partly on the railway of the Company and partly on the railway of the Dublin Wicklow and Wexford Railway Company the Dublin Wicklow and Wexford Railway Company shall be deemed to be a company connected with the Company and specified in the appendix to the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892:

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Saving for Postmaster-General.

29. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the North Link Railway and the City of Dublin Junction Railway and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in the respective undertakings of the Company and the Dublin Wicklow and Wexford Railway Company for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways aforesaid are worked by the London and North Western Railway

Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power to raise additional capital.

30. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole the sum of two hundred thousand pounds and such additional capital may be raised by the issue at their option of new ordinary shares or stock But the Company shall not issue any share or stock of less nominal value than ten pounds nor shall any stock or 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 or the whole of the stock shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

31. Except as by this Act otherwise provided 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.

Dividends on new shares or stock.

32. 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 stock as the case may be.

Power to borrow.

33. The Company may in respect of the additional capital of two hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one hundred thousand pounds but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted and one half of such 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 shares for the whole of such capital have 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 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 the said additional capital as is to be created by

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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 or was issued and accepted and paid up bonâ fide and are or is held by the persons or corporations to whom the same were or was issued or their executors administrators successors or assigns and also so far as the said additional 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.

For 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 interest 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 undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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.

Former mortgages to have priority.

35. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages to be granted by virtue of this Act But nothing in this section contained shall affect any priority of the interest of any debenture stock created and issued by the Company.

Debenture stock.

36. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and to section 24 of the Great Southern and Western Railway Act 1895.

Application of moneys raised under this Act.

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

in each case purposes to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise under any of the 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.

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

38. 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.

Interest not to be paid on calls paid up.

39. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Railway to be subject to general Acts.

40. Nothing herein contained shall be deemed or construed to exempt any company named in this Act or the railways of any such 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 Parliament of the authorised maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

41. 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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