CHAPTER clx.

An Act to empower the Great Southern and Western Railway Company to construct certain new railways to acquire additional lands to enlarge and improve their station at Waterford to confer further powers upon the Company to enable them to raise additional capital and for other purposes. [11th August 1903.] A.D. 1903.

WHEREAS it is expedient that the Great Southern and Western Railway Company (in this Act called "the Company") should be empowered to make the new railways new and diverted roads and to stop up the roads and discontinue the level crossings widen the bridges and execute the other works and exercise the other powers in this Act respectively mentioned and to acquire for the purposes of the works by this Act authorised and for the general purposes of their undertaking the lands in this Act also mentioned:

And whereas it is expedient that the Company should be authorised to enlarge and improve their station at Waterford and to acquire lands for such purpose:

And whereas it is expedient to confer powers on the Company with respect to providing omnibuses and also further powers as regards hotel and other accommodation in connection with their railways and for other matters as hereinafter provided:

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

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised to be constructed and plans of all lands by this Act authorised to be acquired and

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appropriated and also books of reference containing the names of the owners or 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 respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

Short title.

1. This Act may be cited for all purposes as the Great Southern and Western Railway Act 1903.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by or inconsistent with 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.

Extending provisions of Companies Clauses Acts.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

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 the 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 as amended by subsequent Acts are except when varied by or inconsistent with this Act incorporated with and form part thereof.

Interpretation.

4. 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.

As to deposit of plans with clerks of district councils.

5. 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 district councils within which such parishes are included in Ireland" or the words "clerks of the district councils" (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).

Power to construct railways.

6. 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 railway or siding hereinafter described with all proper stations sidings roads 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 those purposes The railways and railway or siding hereinbefore referred to are—

A Railway (No. 1) 2 furlongs 3·70 chains in length wholly in the county and county borough of Waterford commencing in the townland of Mountmisery in the parish of Kilculliheen in the county borough of Waterford by a junction with the Company's North Wharf Extension Railway at a point two hundred and twenty-five yards or thereabouts measured in a westerly direction from the centre of the bridge carrying Dock Road over the said Extension Railway and terminating in the townland of Mountmisery in the parish of Kilculliheen in the county borough of Waterford by a junction with the authorised Joint Railway of the Fishguard and Rosslare Railways and Harbours Company and the Dublin Wicklow and Wexford Railway Company authorised by the Fishguard

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and Rosslare Railways and Harbours Act 1898 and therein described as Railway No. 15 and Railway No. 16 at a point on the west side of Salvation Lane twenty-five yards or thereabouts measured in a southerly direction from the north-east corner of Sion Row where the latter abuts on Salvation Lane:

A Railway (No. 2) 1 furlong 2·5 chains in length wholly in the county and county borough of Waterford commencing in the townland of Mountmisery in the parish of Kilculliheen in the county borough of Waterford by a junction with Railway No. 1 at a point thereon 1 furlong 6 chains 25 links or thereabouts from the commencement of said Railway No. 1 and terminating in the same townland at a point twenty yards or thereabouts measured in a north-easterly direction from the north-west corner of the Company's North Wharf Goods Store and ninety yards or thereabouts measured in an easterly direction from the north-east corner of the Company's passenger station buildings at Waterford (North) Station:

A Railway (No. 3) 1 furlong 1·10 chains in length wholly in the county and county borough of Waterford commencing in an extra-parochial place adjacent to the townland of Mountmisery in the parish of Kilculliheen in the county borough of Waterford by a junction with the railway of the Company at a point one hundred and fifty-five yards or thereabouts measured in a westerly direction from the north-west corner of the Company's passenger station buildings at Waterford (North) Station and terminating in the townland of Mountmisery in the parish of Kilculliheen in the county borough of Waterford at a point twenty-two yards or thereabouts measured in a north-westerly direction from the north-east corner of said passenger station buildings and ninety-six yards or thereabouts measured in a north-westerly direction from the north-west corner of the Company's North Wharf Goods Store:

A Railway (No. 4) 1 furlong 8·3 chains in length situate wholly in the Queen's County commencing in the townland of Ballyreilly in the parish of Aghaboe by a junction with the Company's railway at a point one hundred and sixty-seven yards or thereabouts measured in a north-easterly direction from the mile post thereon denoting sixty-six and a quarter miles from Dublin and terminating in the same townland

and parish by a junction with the Company's Ballybrophy and Birdhill Branch Railway at a point sixty yards or thereabouts measured in a northerly direction from the mile post on the Company's aforesaid Ballybrophy and Birdhill Branch Railway denoting sixty-seven miles from Dublin:

A Railway (No. 5) 2 furlongs 6 chains in length wholly situate in the South Riding of the county of Tipperary commencing in the townland of Kyle in the parish of Solloghodbeg by a junction with the Company's railway at a point two hundred and eighty yards or thereabouts measured in a north-easterly direction from the mile post thereon denoting one hundred and six and a half miles from Dublin and terminating in the townland of Milltown in the parish of Solloghodmore by a junction with the Company's Limerick and Waterford Branch Railway at a point one hundred yards or thereabouts measured in a north-westerly direction from the mile post thereon denoting twenty-one and a half miles from Limerick:

A Railway or Siding (No. 6) 8·56 chains in length situate wholly in the county of Kerry commencing in the townland of Cloonalour in the parish of Tralee at the termination of the Company's siding at a point twenty-eight yards or thereabouts measured in a southerly direction from the south-east corner of their station building on the eastern side of the public road leading from Tralee to Listowel and terminating in the same townland on the western side of Edward Street at a point one hundred and seventeen yards or thereabouts measured in a south-westerly direction from the centre line of the Company's railway where it crosses the public road leading from Tralee to Listowel.

Railways to form part of undertaking of Company.

7. With respect to tolls rates and charges and for all purposes whatsoever the railways by this Act authorised shall form part of the Company's undertaking.

Power to cross certain road on the level.

8. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the said Railway or Siding No. 6 carry the same with a single line only whilst the railway shall consist of a single

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line and afterwards with a double line only across and on the level of the road next hereinafter mentioned (that is to say) :—

No. of Railway or Siding.	No. on deposited Plan.	Parish.	Description of Road.
6	13	Tralee - -	Public road.

Provided always that notwithstanding anything contained in this Act or in the Acts incorporated therewith the Company shall not use or permit to be used steam or electrical locomotive power for propelling carriages waggons or trucks across the said road on the level nor shall they allow any carriage waggon or truck to stand across the same nor shall they obstruct or in any way impede or interfere with the traffic on such road further or otherwise than may be necessary during the passage of carriages waggons and trucks from and to the railway of the Company across the said road into and from the mill yard of Robert McCowen and Sons Limited and the Company shall not be required to erect a lodge nor shall they erect gates across the said road in connection with the said level crossing Provided also that at both sides of the said road at the said level crossing gates shall be erected and maintained by the Company across the rails of the railway opening away from the road which gates shall at all times (except when opened during the passage of carriages waggons trucks or other vehicles across the said road) be kept closed for the purpose of preventing trespass on the railway :

Provided also that the said level crossing and the said road at that point shall be made and maintained by the Company in accordance with the requirements and to the reasonable satisfaction of the engineer for the time being of the urban district council of Tralee.

Inclination of roads.

9. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connection therewith respectively (that is to say) :—

No. of Railway.	No. on deposited Plan.	Townland.	Parish.	Description of Road.	Intended Inclination.
1	1	Mountmisery -	Kilculliheen -	Public road -	1 in 30
2	1	Mountmisery -	Kilculliheen -	Public road -	1 in 30
3	1	Mountmisery -	Kilculliheen -	Public road -	1 in 6

No. of Railway.	No. on deposited Plan.	Townland.	Parish.	Description of Road.	Intended Inclination.
		Works and Sidings.			
	7	Lavistown -	Saint Martin -	Public road -	1 in 26
	7A	Lavistown -	Saint Martin -	Public road -	1 in 20
	13	Burgagery Lands West.	Saint Mary's Clonmel.	Public road -	1 in 27
	3	Grangegorman Middle.	Grangegorman	Accommodation road.	1 in 15

Width of certain roadways.

10. The Company may make the roadways over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width hereinafter mentioned in connection therewith (that is to say) :—

No. of Railway.	No. on deposited Plan.	Townland.	Parish.	Description of Roadway.	Width of Roadway.
1	1	Mountmisery -	Kilculliheen -	Public road -	30 feet
2	1	Mountmisery -	Kilculliheen -	Public road -	30 feet
3	1	Mountmisery -	Kilculliheen -	Public road -	30 feet
		New Road No. 5.			
	3	Grangegorman Middle.	Grangegorman	Accommodation road.	20 feet

Power to divert roads as shown on deposited plans.

11. The Company may subject to the provisions of this Act divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

No. of Railway.	Townland.	Parish.	No. of Road on deposited Plan.
1	Mountmisery - -	Kilculliheen - -	1
2	Mountmisery - -	Kilculliheen - -	1
3	Mountmisery - -	Kilculliheen - -	1
	Road Diversion No. 2.		
	Lavistown - -	Saint Martin - -	7
	Lavistown - -	Saint Martin - -	7A
	New Roads Nos. 3 and 4.		
	Burgagery Lands West -	Saint Mary's Clonmel -	13

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And when and so soon as such portions of each of the said roads is so stopped up all rights of way over the same shall cease 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.

Height and span of bridge.

12. The Company may make the arch of the bridge for carrying the railway over the road next hereinafter mentioned of any height and span not less than the height and span hereinafter mentioned in connection therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height in Feet.	Span in Feet.
	Road Diversion No. 2.			
7 and 7A	Saint Martin - -	Public road - -	14	15

As to repair of new roads.

13. Subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 and subject as regards roads in the borough of Clonmel to the provisions of the section of this Act of which the marginal note is "For protection of corporation of Clonmel" and subject also as regards the new road (No. 1) situate in the county borough of Waterford to the provisions of the section of this Act of which the marginal note is "For protection of corporation of Waterford" the diversions of roads to be made under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads within the townlands and parishes in which such diverted roads will be situate are from time to time liable to be repaired or maintained :

Provided always that the new road (No. 5) referred to in the section of this Act the marginal note of which is "Width of certain roadways" and in subsection (8) of the section of this Act the marginal note of which is "Company may execute other works and exercise certain powers" when such road is diverted shall be from time to time repaired and maintained by and at the expense of the same parties as at present maintain the road for which the said new road No. 5 is substituted.

Lands for extraordinary purposes.

14. The Company may take for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any

quantity of land not exceeding five acres but nothing 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 taken under the powers of this section.

Company may execute other works and exercise certain powers.

15. 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 relating thereto execute the works and exercise the powers hereinafter mentioned 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 those purposes (that is to say) :—

(1) They may stop up and discontinue and divert so much of the public roads known as Terminus Street and Dock Road and so much of the approach to the bridge crossing the River Suir as lies between the said roads and the gates at the northern termination of the said bridge in the townland of Mountmisery in the parish of Kilculliheen in the county and county borough of Waterford between a point thereon thirty yards or thereabouts measured in a westerly direction from the centre of the bridge carrying Terminus Street over the Company's North Wharf Extension Railway and a point eighty-five yards or thereabouts measured in an easterly direction from the centre of the bridge carrying Dock Road over the Company's North Wharf Extension Railway and the Company may construct a new road (No. 1) between the points aforesaid :

(2) They may divert the public road leading from the public road from Kilkenny to Carlow to the public road from Kilkenny to Dunbell and crossing the Company's Maryborough to Waterford and Carlow to Kilkenny Branch Railways in the townland of Lavistown in the parish of Saint Martin in the county of Kilkenny between a point on the said road in the said townland one hundred and thirty yards or thereabouts measured in a south-westerly direction along the said road from the centre of the level crossing by which the said road crosses the said railways and a point on the said road in the said townland seventy-five yards or thereabouts measured in a north-easterly direction along the said road from the centre of the above-mentioned level crossing and they may construct a new road (No. 2) between the points aforesaid :

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(3) They may carry the said road (No. 2) under their Maryborough to Waterford and Carlow to Kilkenny Branch Railways by means of a bridge and they may stop up and close the existing level crossing:

(4) They may stop up and discontinue as a public road so much of the existing road which now crosses the railway of the Company by a level crossing in the townland of Burgagery Lands West in the parish of Clonmel known as the Fethard Road as lies between a point thirty-three yards or thereabouts measured in a southerly direction from the centre of the said level crossing and a point one hundred and fifty-five yards or thereabouts measured in a northerly direction from the said level crossing:

(5) They may stop up and close the existing level crossing of the railway of the Company in their station yard at Clonmel and discontinue and extinguish all rights of way over the same:

(6) They may make and maintain a new or diverted road (No. 3) commencing in the said townland at a point on the said Fethard Road thirty-three yards or thereabouts measured in a southerly direction from the centre of the said level crossing and terminating in the said townland at a point on the public road which is carried over the Company's Waterford and Limerick Branch Railway at Clonmel Station by a bridge fifty-five yards or thereabouts measured in a southerly direction from the centre of the said bridge:

(7) They may make and maintain a new or diverted road (No. 4) commencing in the said townland at a point on the said Fethard Road one hundred and fifty-five yards or thereabouts measured in a northerly direction from the centre of the said level crossing and terminating at a point on the public road which is carried over the Company's Waterford and Limerick Branch Railway at Clonmel Station by a bridge one hundred and twenty yards or thereabouts measured in a northerly direction from the centre of said bridge:

(8) They may stop up and discontinue and extinguish all rights of way over so much of the existing road leading from the Cabra Road which crosses the Company's North Wall Extension Railway in the county borough of Dublin in the townland of Grangegorman Middle and the parish of Grangegorman as lies between a point on the said road one

hundred and thirteen yards or thereabouts measured in a northerly direction from the centre of the bridge carrying the said road over the railway and a point on the said road twenty yards or thereabouts measured in a westerly direction from the centre of the said bridge and the Company may construct a new road (No. 5) in lieu thereof between the points above described and may widen and improve the said bridge :

(9) They may widen the bridges which carry their Drumcondra and North Dublin Link Railway over the public roads known as Spring Garden Street and Annesley Avenue both in the parish of Saint Thomas in the county borough of Dublin.

All public rights of way over or along any road which shall under the provisions of this Act be diverted stopped up or discontinued shall be extinguished as from the date of such diversion stopping up or discontinuance but any such road shall not be stopped up or discontinued unless and until the new roads which are by this Act authorised to be respectively substituted therefor are completed to the satisfaction of two justices Provided that the Company shall before applying to the said justices for their certificate that any road is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which the road is situate.

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 any portion of any road or level crossing so stopped up.

For protection of corporation of Dublin.

16. For the protection of the Right Honourable the Lord Mayor aldermen and burgesses of the city of Dublin (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Company have effect (that is to say) :—

(1) The widening of the bridges authorised by section 15 subsection (9) of this Act shall be carried out by the Company to the reasonable 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 footpaths to project beyond those already erected The said bridges shall be made and maintained

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perfectly watertight and so constructed as to deaden as far as possible the sound of engines carriages and traffic passing over them and the Company shall erect proper and suitable screens to the said bridges to the reasonable satisfaction of the engineer to the corporation :

(2) The Company shall erect maintain and keep lighted at their own expense during the same hours that street lamps are kept lighted in the city of Dublin two gas lamps under each of the said bridges if so required by the corporation The burner in each of such 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 said city :

(3) The Company shall not commence to widen either of the bridges hereinbefore referred to until plans have been approved of by the corporation and one month's notice in writing of their intention to widen such bridges shall be given by the Company to the town clerk by leaving the same at his office in the City Hall Dublin :

(4) The Company shall not commence to widen any bridge 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 of the city of Dublin And the Company shall take all proper precautions for the protection of the public and shall properly fence light and watch all works in connection with the public streets and highways during the widening of the said bridges 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 :

(5) The Company shall not under the powers of this Act have or exercise any control or right over any portion of the thoroughfare under either of the said bridges :

(6) In case it shall be necessary for the Company at any time to raise sink or otherwise alter the position of any water mains pipes electric lighting apparatus 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 or electricity 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 electric lighting apparatus 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 reasonable satisfaction in all things of the engineer to the corporation:

(7) The Company shall not remove or displace any of the water mains pipes or other distributory works or the electric lighting apparatus sewers or drains belonging to or vested in the corporation nor do anything to interrupt or impede the supply of water or electric energy into or through such mains pipes or other works or the flow of sewage through such sewers or drains nor alter the position of any electric lighting or 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 electricity and the flow of sewage or the lighting of the streets to the reasonable satisfaction of the engineer to the corporation:

(8) If it shall be necessary to construct any works over any water main pipe wire 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 pipe wire 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 pipe wire or sewer:

(9) If the Company or any of their contractors agents officers workmen or servants or any person in their employment shall at any time interrupt the supply of water or electricity supplied by the corporation or cause or do any other damage 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:

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

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they shall have received one week's notice in writing thereof and such penalty may in case of default in payment be recovered in the same manner as damages are recoverable under any Act incorporated with this Act:

(11) The corporation shall afford every facility for the carrying out by the Company of all the works to be constructed by them in accordance with the provisions in this section contained:

(12) 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.

For protection of Waterford Harbour Commissioners.

17. For the protection of the commissioners for improving the port and harbour of Waterford (in this section called "the commissioners") the following provisions shall notwithstanding anything shown on the deposited plans and sections or in this Act contained apply and have effect unless otherwise agreed upon in writing between the commissioners and the Company (that is to say):—

(1) The Company shall not divert the public highway numbered 1 on the deposited plans in the parish of Kilculliheen and townland of Mountmisery nor commence the construction of the new portion thereof authorised by this Act (in this section called "the new portion") or any temporary or permanent works connected therewith affecting the River Suir or the banks walls quays or wharves thereof until they shall have given to the commissioners two months' notice in writing of their intention to commence the same by leaving such notice at the office of the commissioners with plans and other necessary particulars for the construction of the new portion and works connected therewith and until the commissioners shall have signified their approval of the same in writing and the Company shall comply with and conform to all reasonable directions and regulations of the commissioners in the construction of the new portion and works connected therewith and shall save harmless the commissioners against all and every expense to be occasioned thereby and all such works shall be constructed to the reasonable satisfaction of the engineer or other officer or

officers of the commissioners and the new portion and works shall thereafter be maintained and kept in good order and repair by and at the costs charges and expenses in all respects of the Company and of the parties and in the manner provided by the section of this Act the marginal note of which is "As to repair of new roads" and all reasonable costs charges and expenses which the commissioners may incur in the preparation or examination of plans or designs and reasonable compensation shall be paid to the commissioners by the Company on demand The commissioners shall not be liable or be held accountable at any time hereafter for any injury or damage caused to the new portion or works connected therewith by reason of any ship or vessel striking or fouling the same :

(2) If the commissioners fail to signify their approval or disapproval or other directions in reference to the said plans and other particulars as aforesaid within thirty days from the receipt thereof or if in the opinion of the Company the commissioners shall unreasonably withhold their assent from such plans and particulars aforesaid or shall require as a condition of their written assent thereto the making of such further works or such extensive alterations of the works proposed as the Company are or may be unwilling to undertake it shall be lawful for the Company or the commissioners to require the difference between them as to the character and extent of such works or alterations to be decided by arbitration as hereinafter provided :

(3) The Company shall when and so soon as the permanent works are completed and within fourteen days after notice from the commissioners so to do forthwith proceed to remove any erections or materials for temporary works which may have been placed in the said river by the Company and on their failing so to do the commissioners may remove the same and charge the Company with the expenses of so doing and the Company shall forthwith repay to the commissioners the proper and reasonable expenses incurred in such removal :

(4) The engineer or other officer of the commissioners with the requisite assistants and workmen shall at all reasonable times have free access to the new portion and works connected therewith by this Act authorised with authority to inspect the same and the workmanship and materials thereof and the state of repair of the same :

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(5) In the event of any rebuilding reconstruction or repair of the new portion interfering with the navigation of the said river from time to time becoming necessary or desirable no such rebuilding reconstruction or repair shall be commenced until a plan and other necessary and appropriate details of the proposed rebuilding reconstruction or repair shall have been previously submitted to the commissioners and such rebuilding reconstruction or repair shall be carried out to their reasonable satisfaction:

(6) In case of any difference or dispute arising at any time between the Company and the commissioners or their respective engineers as to anything to be done or not to be done or as to any matters provided for under this section or as to the effect or meaning thereof such difference or dispute shall be referred to settled and determined by an arbitrator to be appointed by the Board of Trade on the application of the Company and the commissioners or either of them and the decision of such arbitrator (who shall have authority to determine by whom the costs of such reference shall be paid) shall be binding and conclusive.

For protection of corporation of Clonmel.

18. For the protection of the mayor aldermen and burgesses of the borough of Clonmel (in this section called "the corporation") the following provisions shall notwithstanding anything shown on the deposited plans and sections or in this Act contained apply and have effect unless otherwise agreed upon in writing between the corporation and the Company (that is to say):—

(1) The Company shall not divert the public road numbered 13 on the deposited plans in the parish of Saint Mary's Clonmel and townland of Burgagery Lands West nor commence the construction of the new or diverted roads (No. 3) and (No. 4) respectively described in subsections (6) and (7) of the section of this Act the marginal note of which is "Company may execute other works and exercise certain powers" until they shall have submitted detailed plans and other particulars for the construction of and of the width and form of and of the materials proposed to be used in making such new or diverted roads to the corporation for their reasonable approval and until such approval is duly signified in writing under the hand of the town clerk of the borough of Clonmel and in the event of any difference arising the matter in dispute shall be determined by arbitration in the manner hereinafter in this section provided:

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(2) The said road (No. 3) when constructed and dedicated to the public shall be maintained and lighted by the corporation and the corporation shall also maintain the said road (No. 4) when constructed and dedicated to the public and also the road over and the approaches (so far as such approaches are situate within the borough of Clonmel) to the existing bridge carrying the public road over the Company's Waterford and Limerick Branch Railway at Clonmel Station referred to in subsection (6) of the beforementioned section of this Act and in consideration of such maintenance and lighting the Company shall pay to the corporation on demand the sum of twenty-three pounds per annum The first of such annual payments shall be made within twelve months after the passing of this Act:

(3) The Company shall in lieu of the present stone depôt of the corporation which the Company are authorised to acquire under the provisions of this Act and before stopping up the said road numbered 13 as aforesaid transfer and convey in fee to the corporation a piece of land containing about one half of a statute acre situated at the junction of the two roads leading from Clonmel to Fethard (known as Mahony's Cross) and forming part of a field numbered on the deposited plans 9 in the townland of Burgagery Lands West and parish of Saint Mary's Clonmel:

(4) Before the Company stop up the portion of the said road numbered 13 as aforesaid which they are authorised to stop up and acquire under the powers of this Act they shall provide and grant free of charge to the corporation a perpetual easement and right of constructing laying maintaining and inspecting such sewers drains and gas or water mains or pipes together with any necessary works connected therewith as the corporation may from time to time desire to lay construct maintain or inspect in and under lands near to the said portion of road intended to be stopped up as aforesaid so as to enable the corporation to supply gas and water to and to drain lands and property situate on the north side of the railway of the Company Such easement shall be provided in such position as may be agreed upon between the Company and the corporation or as failing agreement shall be determined by arbitration in the manner hereinafter in this section provided:

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(5) In case of any difference or dispute arising at any time between the Company and the corporation as to any matters provided for under this section or as to the effect or meaning thereof such difference or dispute shall be referred to and determined by an arbitrator to be appointed by the Board of Trade on the application of either party and the decision of such arbitrator (who shall have authority to determine by whom the costs of such reference shall be paid) shall be binding and conclusive.

For protection of corporation of Waterford.

19. For the protection of the mayor aldermen and burgesses of the county borough of Waterford (in this section called "the corporation") the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans or sections apply and have effect unless otherwise agreed on in writing between the Company and the corporation (that is to say) :—

(1) The surface of the roadway of the new road (No. 1) (including the footpaths channels and surface drainage thereof) described in subsection (1) of the section of this Act of which the marginal note is "Company may execute other works and exercise certain powers" and numbered 1 on the deposited plans in the townland of Mountmisery and parish of Kilculliheen shall be made and laid by and at the expense of the Company as regards the footpaths thereof with flags and as regards the carriageway thereof either with asphalt or macadam as the Company may determine and the substructure of the said road (including the footpath thereof) shall be made repaired maintained and kept in good order and condition by and at the expense of the Company and the surface of the said road and footpaths when completed shall be repaired by and at the expense of the corporation and the section of this Act whereof the marginal note is "As to repair of new roads" shall not apply to any diversion road authorised by this Act within the county borough of Waterford :

(2) The said new road (No. 1) shall not in any part thereof be of less width than thirty feet between the fences or boundaries thereof :

(3) The Company shall at their expense provide in front of and as an approach to the wooden bridge over the River Suir at Waterford an open space of the dimensions and in the position delineated on the plan signed in duplicate

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by the engineer of the corporation and by the engineer of the Company and the approach to the said bridge shall be constructed with two curves having radii of fifty feet and seventy feet respectively as shown upon the said plan The surface of the said approach (including the footpaths channels and surface drainage thereof) shall be made and laid by and at the expense of the Company as regards the footpaths thereof with flags and as regards the carriageway thereof either with asphalt or macadam as the Company may determine or with such other material in either case as may be agreed upon between the engineer of the Company and the engineer of the corporation and the substructure of the said approach (including the footpaths thereof) shall be made repaired maintained and kept in good order and condition by and at the expense of the Company and the surface of the said approach and footpaths when completed shall be repaired by and at the expense of the corporation:

(4) The outside curve at the northern side of the said new road (No. 1) where such new road will pass by means of a bridge over the existing road known as Dock Road shall have a radius of not less than eighty feet and the outside curve at the southern side of the said new road at the same place shall have a radius of not less than fifty-five feet and the gradients of the said new road shall not be less than those shown upon the deposited sections:

(5) The portion of the existing public road known as Terminus Street situate between the point of commencement of the said new road (No. 1) and the western limit of deviation shown upon the deposited plans in the county borough of Waterford shall not be taken by the Company nor in any way interfered with by them except for the purpose of grading:

(6) The limits of deviation shown upon the deposited plans shall be restricted so as not to include and the Company shall not take any portion of the public portions of the north wharf in the county borough of Waterford:

(7) The Company shall not commence the construction of the said new road (No. 1) above referred to or any works in connection therewith until they shall have given to the corporation at least one month's notice in writing of their intention to commence the same by leaving such notice with

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the town clerk at the Town Hall Waterford with detailed plans and other necessary particulars for the construction of the said new road (No. 1) and works connected therewith and until the corporation shall have signified their approval of the same in writing and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the construction of the said new road (No. 1) and works connected therewith and shall save harmless the corporation against all and every expense to be occasioned thereby and all such works shall be constructed to the reasonable satisfaction of the engineer of the corporation and all reasonable costs charges and expenses which the corporation may incur in the preparation or examination of plans or designs shall be paid to the corporation by the Company on demand:

(8) If the corporation fail to signify their approval or disapproval or other directions in reference to the said plans and other particulars as aforesaid within thirty days from the receipt thereof or if in the opinion of the Company the corporation shall unreasonably withhold their assent to such plans and particulars aforesaid or shall require as a condition of their written assent thereto the making of such further works or such extensive alterations of the works proposed as the Company are or may be unwilling to undertake it shall be lawful for the Company or the corporation to require the difference between them as to the extent and character of such works or alterations to be decided by arbitration as hereinafter provided:

(9) The engineer of the corporation with all requisite assistants and workmen shall at all reasonable times have free access to the said new road (No. 1) and works connected therewith with authority to inspect the same and the workmanship and materials thereof:

(10) If any dispute shall at any time arise between the Company and the corporation respecting the matters and provisions aforesaid or any of them or anything to be done or not to be done under this section or as to the effect or meaning thereof such dispute shall be referred to and settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed by the Board of Trade on the application of either party and the decision of such

arbitrator shall be binding and conclusive and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct. A.D. 1903.

For protection of Waterford Bridge Commissioners.

20. For the protection of the commissioners for building a bridge over the River Suir at Waterford incorporated by an Act passed by the Parliament of Ireland in the twenty-sixth year of his late Majesty King George III. (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed and notwithstanding anything in this Act contained or shown upon the deposited plans apply and have effect:—

(1) Before commencing the construction of the new road (No. 1) by this Act authorised or taking using or otherwise interfering with the bridge lands and other property of the commissioners numbered 24 25 and 94 on the deposited plans in the townland of Mountmisery and parish of Kilculliheen and county borough of Waterford the Company shall erect suitable iron gates at the point which is to form the new northern end of the bridge and provide a new watch or toll house and store and conveniences connected therewith equal in all respects to the existing watch or toll house and store at such point on the bridge as the commissioners may require:

(2) The Company shall take all reasonable precautions in constructing the works mentioned in this section and the said new road (No. 1) to prevent interference with or obstruction to the access to and from the bridge or the traffic thereon Provided always that notwithstanding anything in this section contained the Company shall during the construction of such works and that road provide and maintain to the satisfaction of the commissioners an access of not less than twenty feet in width including a footpath:

(3) Notwithstanding anything in this Act contained the substructure of the new road (No. 1) and any existing works and new works constructed by the Company for maintaining and securing the structure and stability of the bridge shall be executed repaired and maintained by and at the expense of the Company to the reasonable satisfaction of the commissioners:

(4) During the construction of the works mentioned in subsection (1) of this section and the construction of the said new road (No. 1) and works connected therewith the Company shall bear and on demand pay to the commis-

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sioners all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the commissioners for watching the safety of the bridge and the works thereof and for regulating or controlling the traffic to and from the bridge:

(5) The Company shall construct the works mentioned in this section and also the new road (No. 1) and all works both temporary and permanent necessary and incident to the construction thereof so far as they affect the bridge property and works of the commissioners in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by the overseer or engineer of the commissioners and the Company shall not commence the construction of the said works or road or enter upon or interfere with any lands works or property of the commissioners until such plans sections and specifications have been so submitted and approved Provided always that if the said overseer or engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same and in case of the said overseer or engineer and the engineer of the Company failing to agree or of any difference arising between them then the said works and road shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed on or in default of agreement to be appointed at the request of either the commissioners or the Company by the Board of Trade:

(6) The acquisition by the Company of any portion of the bridge under the authority of this Act shall not prejudice or affect the rights powers duties and obligations of the commissioners under the Act 26 George III. cap. 58 (Irish Act) which Act shall apply in respect of the remainder of the bridge as if it were the bridge authorised by and constructed under the authority of that Act.

Works below high water mark not to be commenced without consent

21. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the

previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1903. of Board of Trade.

22. If the railways and other works by this Act authorised 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 same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

23. Subject to the provisions of this Act the Company may enter upon take use and appropriate for purposes connected with their undertaking and for the purposes of this Act all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively (that is to say):— Power to acquire lands for general purposes of undertaking.

(1) Certain lands in the county borough of Dublin in the parish of Saint James situate on the north-west side of and adjoining the Company's railway adjacent to the mile post thereon denoting a half mile from Dublin:

(2) Certain lands in the county borough of Dublin in the parish of Grangegorman in the townlands of Grangegorman Middle and Grangegorman North situate on the north-west side of and adjoining the Company's North Wall Extension Railway adjacent to the mile post thereon denoting two miles from the junction of the said North Wall Extension Railway with the Company's main line at Island Bridge:

(3) Certain lands in the county borough of Dublin in the parish of Saint Thomas situate on the south-west and north-east sides of and adjoining the Company's Drumcondra and North Dublin Link Railway adjacent to the mile post

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thereon denoting four and a quarter miles from the junction of the Company's North Wall Extension Railway with their main line at Island Bridge:

(4) Certain lands in the county of Kildare in the parish of Saint Michael urban district of Athy and townland of Athy situate on the west side of and adjoining the Company's Kildare and Carlow Branch Railway and their station premises at Athy:

(5) Certain lands in the county of Kildare in the parish of Morristownbiller and townlands of Piercetown and Common situate on the south-east side of and adjoining the Company's railway and station premises at Newbridge Station:

(6) Certain lands in the county of Carlow in the parish of Saint Mullins in the townland of Ballyling situate on the north-west and south-east sides of and adjoining the Company's Bagenalstown and Ballywilliam Branch Railway near the mile post thereon denoting eighty-one and three-quarter miles from Dublin:

(7) Certain lands in the county of Carlow in the parish of Saint Mullins in the townland of Turra situate on the westerly and easterly sides of and adjoining the Company's Bagenalstown and Ballywilliam Branch Railway and near the mile post thereon denoting eighty-two and a half miles from Dublin:

(8) Certain lands in the county of Cork (East Riding) in the parish of Brigown in the townland of Brigown situate on the north-west side of and adjoining the Company's station premises at Mitchelstown Station:

(9) Certain lands in the county of Mayo in the parish of Kilcolman in the townland of Clare situate on the east side of and adjoining the Company's Limerick and Sligo Branch Railway and the station premises at Claremorris Station:

(10) Certain lands in the county of Clare in the parish of Tomfinlough in the townland of Mooghaun North situate on the east side of and adjoining the Company's Limerick and Sligo Branch Railway adjacent to the mile post thereon denoting nineteen miles from Limerick:

(11) Certain lands in the county of Clare in the parish of Drumcliff in the townland of Clonroad More situate on the east side of and adjoining the Company's Limerick and Sligo Branch Railway and the station premises at Ennis Station:

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(12) Certain lands in the county of Galway in the parish of Tuam and townland of Vicarschoral Land situate on the south-west side of and adjoining the Company's Limerick and Sligo Branch Railway and the station premises at Tuam Station:

(13) Certain lands in the county of Limerick in the parish of Stradbally in the townlands of Coolreiry and Coolbane situate on the east and west sides of and adjoining the Company's Limerick and Killaloe Branch Railway and the station premises at Castleconnell:

(14) Certain lands in the south riding of the county of Tipperary in the parish of Saint John Baptist in the townland of Manserghehill situate on the west side of and adjoining the Company's Thurles and Clonmel Branch Railway and adjacent to the Company's station premises at Laffan's Bridge Station:

(15) Certain lands in the south riding of the county of Tipperary in the parish of Killardry in the townland of Cappauniac situate on the north side of and adjoining the Company's Limerick and Waterford Branch Railway adjacent to the mile post thereon denoting thirty-three and a half miles from Limerick:

(16) Certain lands in the south riding of the county of Tipperary in the parish of Saint Mary's Clonmel in the townlands of Burgagery Lands West and Burgagery Lands East partly within and partly without the urban district of Clonmel on the north and south sides of and adjoining the Company's Limerick and Waterford Branch Railway and adjacent to the station premises at Clonmel Station:

(17) Certain lands in the south riding of the county of Tipperary in the parish of Derrygrath in the townland of Commons-Entire East situate on the north and south sides of and adjoining the Company's Limerick and Waterford Branch Railway adjacent to the mile post thereon denoting forty-three miles from Limerick:

(18) Certain lands in the county of Kilkenny in the parish of Saint Martin in the townland of Lavistown situate to the north-west of and adjoining the Company's Carlow and Kilkenny Branch Railway and to the south-east of and adjoining the Company's Maryborough to Waterford Branch Railway and adjacent to the level crossing by which the

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public road leading from the public road from Kilkenny to Carlow to the public road from Kilkenny to Dunbell crosses the said railways in the townland of Lavistown.

Power to take additional lands for improving and enlarging their Waterford Station.

24. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of enlarging and improving their passenger and goods station at Waterford the lands hereinafter described and delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

Certain lands in the county and county borough of Waterford in the townlands of Newrath and Mountmisery in the parish of Kilculliheen and an extra-parochial place adjoining the said townlands adjacent to the existing station of the Company on the north bank of the River Suir.

Extending powers as to use of new station and railway to Wicklow Company.

25. The several powers rights facilities and provisions by the Dublin Wicklow and Wexford Railway (New Ross and Waterford Extension) Act 1897 (in this Act called "the Act of 1897") and the Great Southern and Western and Waterford Limerick and Western Railway Companies Amalgamation Act 1900 granted and secured to the Dublin Wicklow and Wexford Railway Company (in this Act called "the Wicklow Company") in respect of and in connection with the use of the existing station of the Company at Waterford and in respect of the running over and use of portions of the railway of the Company shall extend and apply in all respects to the enlarged station and to Railways Nos. 1 2 and 3 by this Act authorised to be constructed and any difference or dispute arising under this section shall be determined by an arbitrator to be mutually agreed upon or failing agreement by arbitration in accordance with the provisions of the Railway Companies Arbitration Act 1859.

Company and Wicklow Company may enter into agreements as to use of new station at Waterford.

26. The Company on the one hand and the Wicklow Company on the other hand may enter into agreements with reference to the use by the Wicklow Company of the enlarged station at Waterford and the railways sidings and works in connection therewith.

Wicklow Company not to use certain telegraph and telephone lines without consent of Postmaster-General.

27. In exercising the running powers and other facilities conferred upon them by section 31 of the Great Southern and Western and Waterford Limerick and Western Railway Companies Amalgamation Act 1900 the Wicklow Company shall not use any telegraphs or telephones used by the Postmaster-General for the service of the Post Office without his consent.

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For protection of Dublin Wicklow and Wexford Railway Company.

28. For the protection of the Dublin Wicklow and Wexford Railway Company (in this section called "the Wicklow Company") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed on in writing between the Company and the Wicklow Company (that is to say):—

(1) Within six months from the passing of this Act the Company shall submit to the Wicklow Company for their approval detailed plans and other necessary particulars for the construction of a central railway station at Waterford and works connected therewith:

(2) Such central station shall be erected within the limits of deviation of Railways Nos. 1 2 and 3 by this Act authorised to be constructed and shown upon the deposited plans and shall be so designed as to provide suitable and adequate accommodation for the coaching traffic of the Wicklow Company:

(3) Until the Wicklow Company shall have signified their approval of the said plans and particulars the Company shall not commence the construction of the said central station and works connected therewith Provided that if the Wicklow Company fail to signify their approval of the said plans and particulars for a period of three months after the receipt of the same from the Company then the said plans and particulars shall on the expiration of the said period be referred to and determined by arbitration in manner hereinafter in this section provided:

(4) The Company shall complete the said central station and open the same for traffic within two years from the settlement of the said plans and particulars either by agreement or by arbitration as the case may be as aforesaid:

(5) The terms and conditions upon which the Wicklow Company are to be entitled to use the said station and works connected therewith shall in default of agreement be determined by arbitration in manner hereinafter in this section provided Provided always that the arbitrator in fixing the payment to be made by the Wicklow Company for such use of the station and works shall have regard to the value (if any) to the Wicklow Company of the conditional statutory powers of the Wicklow Company if this Act had not been passed:

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(6) If the said station is completed within the period mentioned in subsection (4) of this section then the powers granted to the Wicklow Company in respect of the construction of Railway No. 2 authorised by the Act of 1897 shall be and the same are hereby repealed:

(7) Nothing in this Act contained shall take away alter or prejudice the powers rights and privileges vested in the Wicklow Company immediately before the passing of this Act except as otherwise in this Act expressly provided:

(8) If any dispute shall at any time arise between the Company and the Wicklow Company respecting the matters and provisions aforesaid or any of them or anything to be done or not to be done under this section or as to the effect or meaning thereof such dispute shall be referred to and settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed by the Board of Trade on the application of either party and the decision of such arbitrator shall be binding and conclusive and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Period for compulsory purchase of lands.

29. 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.

30. 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.

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

31. And whereas in the construction of the railways and works hereby authorised or otherwise in the exercise of the powers of this Act it may happen that portions only of the lands 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 lands 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 arbitrator to be appointed pursuant to the provisions of the Railways (Ireland) Act 1851 be severed from the remainder of such properties without material detriment to such remainder 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.

Provision as to sale of superfluous lands.

32. The Company may as regards any lands acquired by them and which have not yet been applied to the purposes of the Company or sold or disposed of by them notwithstanding anything to the contrary contained in the Lands Clauses Acts or in any Act relating to the Company with reference to the sale and disposition of superfluous lands retain and hold and deal with and dispose of any such lands for the periods following (that is to say) As regards such of the lands as are situated near to or adjoining any railway or station of the Company for the period of ten years from the commencement of this Act and as regards the rest of the said lands for the period of three years from the commencement of this Act.

Restrictions on displacing persons of labouring class.

33.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers 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 said fifteenth day of December 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 neighbour-

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hood 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 provisions 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 said Local Government Board out of the High Court.

(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 by the Company 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 at any 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 said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the said Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the said 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

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by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Local Government Board under the powers of any previous Act relating to the Company 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 fifteenth day of December last 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 said Local Government Board are 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 said Local Government Board they might have been sufficient to accommodate.

(12) 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 "labouring class" means 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 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.

Penalty imposed unless line is opened within time limited.

34. 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 conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railways And 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 section 3 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 of the Accountant General of the Supreme Court in Ireland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter 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 line 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.

Application of penalty.

35. 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 High Court 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 o 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 railway in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred 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 or retransferred to the Company.

Powers as to hotels &c.

36. The Company may hold maintain erect or build hotels or refreshment rooms or restaurants with all necessary buildings stables and conveniences in connection therewith adjoining or near their railways whether owned or worked and the Company may apply any lands belonging to them for those purposes and may purchase lease rent or otherwise acquire by agreement other lands

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hotels houses or buildings for those purposes and may apply for acquire and hold licences for the sale of wines spirits beer and cider and other liquors for any premises to be used as aforesaid in the name of their secretary or manager or other person nominated by the Company and may maintain equip furnish stock manage and carry on such hotel or hotels refreshment rooms and restaurants or may sell lease let or otherwise dispose of the same and may employ officers managers and servants thereon or in connection therewith and the Company may apply any part of their capital towards such hotel or hotels refreshment rooms or restaurants and the same and all outgoings and receipts connected therewith shall be charged to and form part of the undertaking of the Company out of or by the capital of which the same are respectively made and maintained.

Company may run omnibuses &c.

37. The Company may acquire and hold or hire and run and equip omnibuses coaches or other vehicles to be worked by electrical mechanical or animal power for the conveyance of passengers luggage and goods to or from hotels or railway stations of the Company or any of them throughout their system and for making circuits from their hotels or railway stations to places of interest within reasonable distances and may demand and take fares and charges for such services and may apply their funds to such purposes:

Provided that any omnibuses or other vehicles worked by electrical power under the provisions of this section shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic lines of the Postmaster-General or with telephonic communication by means of any telephonic lines pipes and apparatus of the National Telephone Company Limited.

For prevention of trespass.

38. And whereas great risk to the safety of the traffic on their railways is caused by persons trespassing on such railways and interfering with the signals and works of the Company and accidents have been occasioned in consequence of such trespassing and persons trespassing have been killed or seriously injured and it is expedient to make more effectual provision for preventing such trespassing Therefore any person who shall trespass upon any of the railways of the Company whether owned or worked by them shall without having received any personal or other warning than hereinafter mentioned forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence and such penalty shall upon conviction be recoverable summarily:

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Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the court that they have painted on boards or printed painted or enamelled on enamelled or other iron or any other material public warning to persons not to trespass upon their railways and that one or more of such notices has been affixed at the station on their railway and at the public road level crossing nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such warning as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed Provided also that no person lawfully crossing the railway at any level crossing thereof shall be liable to any such penalty as aforesaid and provided also that this enactment shall not interfere with but shall be subject to any future general enactment relating to trespass upon railways.

Power to Company to raise additional capital.

39.—(1) 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 one hundred and fifty thousand pounds and such additional capital may be raised by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively But the Company shall not issue any share or stock of less nominal value than ten pounds nor shall any share or stock vest in the person 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.

(2) Notwithstanding anything contained in Part II. of the Companies Clauses Act 1863 the Company may in issuing any portion of the additional capital by this Act authorised dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

(3) Notwithstanding anything contained in this Act all preference stock created and issued by the Company under this section of this Act or under any other Act of the present session or any subsequent Act shall subject to the provisions of any such other or subsequent Act rank pari passu without respect to the dates of the Acts of Parliament or resolutions by which such stock was authorised.

Except as otherwise provided new

40. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and

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shares or stock to be subject to same incidents as other shares or stock.

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.

41. 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.

Restriction as to votes in respect of preferential shares or stock.

42. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock of the Company to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

43. Subject to the provisions of any Acts already passed by which the Company are authorised to create new shares or stock not already issued and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to create and issue capital by new shares or stock the Company may if they think fit create and issue new shares or stock of one and the same class for all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to create and issue by the creation and issue of new shares or stock.

Power to borrow.

44. The Company may in respect of the additional capital 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 the sum of fifty 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 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.

45. 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.

46. 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.

47. 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.

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Application of moneys raised under this Act.

48. 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 and to the general purposes of the Company 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.

Crown rights.

49. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

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

50. 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.

51. 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.

52. 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.

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

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Nos. on deposited Plan.
RAILWAY OR SIDING No. 6.	
Tralee - - - -	10 11 12
ADDITIONAL LANDS AND NEW ROAD No. 5.	
Grangegorman - - -	5 6
ADDITIONAL LANDS AND WIDENING OF BRIDGES.	
Saint Thomas - - -	6 8 12 19 21 23
ADDITIONAL LANDS.	
Tuam - - - -	2

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