ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xxiv.

An Act for reviving and continuing the Powers granted by "The *Great Southern and Western* Railway (*Ireland*) Extension, *Portarlington* to *Tullamore*, Act, 1847," for the compulsory Purchase of Lands and Completion of Works.

[28th *May* 1852.]

WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *Great Southern and Western* Railway (*Ireland*) Extension, *Portarlington* to *Tullamore*, Act, 1847:" And whereas the Powers of compulsory Purchase of Lands by the said Act granted have, except as to certain Lands numbered respectively on the Plans referred to in the said Act 13a, 13b, 14, 14b, 14c, 15, and 15b, in the Townland of *Kilmalogue* in the Parish of *Clonyhurk*, been continued until the Second Day of *July* in the Year One thousand eight hundred and fifty-two, by Warrant under Seal of the late Commissioners of Railways, granted pursuant to the Provisions of the Eleventh of *Victoria*, Chapter Three: And whereas it is expedient that so much of the recited Act as limited

10 & 11 Vict. c. 93.

limited certain Periods for the Exercise of the Powers of compulsory Purchase of Lands thereby granted and for Completion of the Works thereby authorized should be repealed, and that the said Powers extended by the said Warrant should be further continued, and that the Powers for the compulsory Purchase of the said Lands, excepted in such Warrant, should be revived, and that the *Great Southern and Western* Railway Company should be enabled to exercise for a further Period the Powers by the said Act granted for making and completing the Railway thereby authorized; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Certain Provisions of 10 & 11 Vict. c. 93. repealed.

I. That Sections Eighteen and Nineteen of the "*Great Southern and Western* Railway (*Ireland*) Extension, *Portarlington* to *Tullamore*, Act, 1847," with respect to the Periods for Purchase of Lands and Completion of Works, shall be and the same are accordingly hereby repealed.

14 & 15 Vict. c. 70. incorporated.

II. That the "Railways Act (*Ireland*), 1851," shall be incorporated with this Act.

Extension of Time for Purchase of Lands and for Completion of Works

III. That it shall be lawful for the *Great Southern and Western* Railway Company, subject to the Provisions of the "Railways Act (*Ireland*), 1851," to exercise the Powers of entering upon, taking, and using Lands and Buildings granted by the "*Great Southern and Western* Railway (*Ireland*), *Portarlington* to *Tullamore*, Act, 1847," and to make and maintain the Railway by the same Act authorized to be made: Provided always, that the Powers of the said Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act, and that the said Railway and other Works by the said Act authorized to be made shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period all Powers of the said Company for making the said Railway shall cease.

Existing Contracts not to be prejudiced.

IV. That the last preceding Enactment shall not prejudice or affect any Contract or Agreement for the Purchase or taking of Lands entered into before the passing of this Act, but where before the passing of this Act any such Contract or Agreement shall have been entered into or Notice given by the Company for purchasing, taking, or using any Lands for the Purposes of their Undertaking, any such Contract or Agreement or Notice respectively shall be construed and take effect, and the same Proceedings shall be had thereunder,

under, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Persons aggrieved by Extension of Time may have Compensation.

V. That the Arbitrator who, under the Provisions of the "Railways Act (*Ireland*), 1851," shall award or assess the Compensation to be made by the said Company to the Owners or Occupiers of or other Persons interested in any Lands to be taken or used under the Powers of this Act for the Purposes of the said Railway, shall in estimating the Amount of such Compensation have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of the Extension of Time for the Purchase of Lands under the Provisions of this Act.

Interest on Calls not to be paid out of Capital.

VI. That it shall not be lawful for the said Company, out of any Money by any Act relating to the said Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by any Act relating to the said Company authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest by way of Discount on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

VII. That it shall not be lawful for the said Company, out of any Money by any Act relating to the said Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

VIII. Whereas an Act was passed in the Session of Parliament held in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Session of Parliament held in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Session of Parliament held in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Session of Parliament held in the Eighth Year of the Reign of Her said

said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway, &c. not exempt from Provisions of future General Acts.

IX. That nothing herein contained shall be deemed or construed to exempt the said Railway or the said Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Act.

Short Title.

X. That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, and other Proceedings, it shall be sufficient to use the Expression "The *Great Southern and Western* Railway (*Ireland*) Act, 1852."

Expenses of Act.

XI. That the Costs, Charges, and Expenses of and incidental to the passing this Act shall be paid by the said Company.

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