CHAPTER lxxxvii.

An Act to enable the Navan and Kingscourt Railway Company to make Deviations in their Railways; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS by "The Navan and Kingscourt Railway Act, 1865," the Navan and Kingscourt Railway Company (in this Act called "the Company") were incorporated and authorised to make a railway from Navan in the county of Meath to Kingscourt in the county of Cavan: 28 & 29 Vict. c. cccl.

And whereas the Company were by "The Navan and Kingscourt Railway (Deviation) Act, 1867," authorised to make certain deviations in their authorised railway and to abandon certain parts thereof, and the time for compulsory purchase of lands and for the construction of their original line was extended: 30 & 31 Vict. c. cxlvi.

And whereas by "The Navan and Kingscourt Railway Act, 1870," the Company and the Dublin and Meath and the Midland Great Western Railway of Ireland Companies were empowered to enter into working agreements, and certain other powers were conferred upon the Company in reference to their undertaking: 33 & 34 Vict. c. cvii.

And whereas by "The Navan and Kingscourt Railway Act, 1871," the Company were authorised to deviate a portion of their authorised railway and to make an extension thereof, and it is expedient that the time limited by that Act for the compulsory purchase of lands and for the completion of the works thereby authorised should be extended (which Acts relating to the Company are herein-after referred to as the recited Acts): 34 & 35 Vict. c. clxv.

And whereas the Company have completed and opened for traffic a considerable portion of their authorised railway, but it is expedient that they be empowered to make certain deviations in their authorised railway as herein-after described:

And whereas it is expedient that the Company be authorised to apply any of their funds or capital towards the purposes of this Act, and to raise additional capital for their undertaking:

A.D. 1873.

And whereas it is expedient that the Company and the Dublin and Meath and Midland Great Western Railway of Ireland Companies should be authorised to enter into working agreements as herein-after provided:

And whereas it is expedient that the Midland Great Western Railway of Ireland Company should be authorised to subscribe towards the undertaking of the Company, and to apply their existing funds, and also to raise additional capital in their undertaking for such purpose, and that they should be enabled to appoint a director of the Company:

And whereas plans and sections showing the lines and levels of the deviation railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Monaghan, and are herein-after respectively referred to as the deposited plans and sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Navan and Kingscourt Railway Act, 1873."

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the deviation railways" means the two deviation railways authorised by this Act; the expression "the Midland Company" shall mean "the Midland Great Western Railway of Ireland Company;" the "Meath Company" shall mean "the Dublin and Meath Railway Company."

Provisions of general Acts herein named incorporated.

3. "The Railways Clauses Consolidation Act, 1845;" Part I. (relating to construction of a railway), Part II. (relating to extension of time), and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863;"

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 the nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices;
And the provision to be made for affording access to special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863;" "The Companies Clauses Act, 1869;" "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," and the several Acts continuing and amending the same; and "The Lands Clauses Consolidation Act Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Power to construct deviation lines according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the deviation railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

Describing deviation lines.

The deviation railways herein-before referred to and authorised by this Act are:

1. The Cabra Castle deviation, being a deviation railway two miles two furlongs and one hundred and ten yards in length or thereabouts, commencing by a junction with the authorised line in the townland of Drumgill in the parish of Enniskeen in the county of Meath, in a field numbered six in the plan of the said authorised line, at a point one hundred yards south of the public road bridge over the county boundary stream, and which road leads from Kingscourt to Drumcondra, and terminating by a junction with the said authorised line of railway in a field numbered twenty-three on the plan of the said

A.D. 1873.

authorised line of railway in the occupation of Felix Dolan, in the townland of Derryleeg, parish of Enniskeen, and county of Monaghan, at a point in the said field one hundred and thirty-three yards or thereabouts from that part of the eastern fence of the public high road leading from the Drummond National School to Tobermannan Bridge, which is next the south-western angle of the said Felix Dolan's dwelling-house:

2. The Lough Fea demesne deviation, being a deviation railway one mile one furlong and thirty-six yards in length or thereabouts, commencing by a junction with the said authorised line of railway in a field in the townland of Nureleeg in the parish of Maheracloone and county of Monaghan, numbered eight on the plan of said authorised line of railway, and in the occupation of Michael McMahon, at a point in the said field one hundred and thirty yards or thereabouts, measured in a south-westerly direction, from the south-western angle of the said Michael McMahon's house, and terminating by a junction with the said authorised line of railway in a field in the parish of Maheross and county of Monaghan numbered in said plans, and now in the occupation of Henry Edward Porter, at a point in said field two yards or thereabouts to the south-east of the south-east fence of the public high road from Lough Fea demesne to Carrickmacross:

And subject to the provisions of this Act, the deviation railways shall be and be deemed for the purposes of tolls, rates, and charges, and for all purposes whatsoever, part of the undertaking of the Company, and as if the same had been constructed under the powers of the recited Acts.

As to deposit of plans with clerks of unions.

5. With reference to this Act, all the provisions of sections seven, eight, and nine of "The Railways Clauses Consolidation Act, 1845," shall be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland" or the words "clerk of the union" (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 such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Company to abandon certain portions of original line.

6. The Company shall abandon the construction of so much of the authorised line of the Navan and Kingscourt Railway as lies between the commencement and termination of the intended deviation railways, and for which the same are substituted.

Compensation for damage to

7. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works shall not prejudice or

affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or the said recited Acts, or any of them. A.D. 1873. Land by entry, &c. for purposes of railways abandoned.

8. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands, but notwithstanding full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of portions of railways abandoned.

9. The Company may for the general purposes of their undertaking and for the purposes of this Act, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional sum or sums not exceeding in the whole twenty thousand pounds by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or by any one or more of those modes respectively. Power to raise additional capital.

10. The Company shall not issue any share or stock created under the authority of this Act 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 stock is paid in respect thereof. Shares not to issue until one fifth part paid up.

11. One fifth of the amount of a share or of stock shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount Calls.

A.D. 1873.

of a share or of stock shall be the utmost aggregate amount of the calls made in any year upon any share or stock.

Power to Midland Great Western Railway of Ireland Company to subscribe and to apply funds for that purpose.

12. The Midland Great Western Railway (of Ireland) Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole twenty thousand pounds, and the said Company may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise, and the said Company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the said Midland Great Western Railway of Ireland Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow on mortgage.

13. The Company may from time to time borrow on mortgage any sum not exceeding in the whole six thousand six hundred pounds in addition to the sum they are already authorised to borrow on mortgage, but no part thereof shall be borrowed until the whole additional capital of twenty thousand pounds is issued and accepted, and one half thereof 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 the whole of such capital has 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 or stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

Debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgage.

Repeal of sections of recited Acts of 1865 and 1871.

15. Section twenty-eight of "The Navan and Kingscourt Railway Act, 1865," and section sixteen of "The Navan and Kingscourt Railway Act, 1871," authorising the appointment of receivers, are hereby repealed, without prejudice to any appointment heretofore made or proceedings pending under the same.

Arrears may be enforced by appointment of a receiver.

16. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Priority of existing over future mortgages.

17. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the time of the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act.

Application of moneys.

18. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Company may apply their funds towards purposes of Act.

19. It shall be lawful for the Company to appropriate and apply for the purposes of this Act, or any of them, any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes of the recited Acts.

Power to cross certain roads on the level.

20. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the 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 railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level on the road next herein-after mentioned; (that is to say,)

A.D. 1873.

No. on deposited Plan.	Townland.	Parish.	Description of Road.
No. 1A No. 1	Drumgill - - Corgarry.	Enniskeen - -	Public road.

Height and span of bridge.

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

No. on deposited Plan.	Townland.	Parish.	Description of Road.	Height.	Span.
No 4 No. 22B	Derryleeg Enagh.	Magheracloone	Public road	20 feet	15 feet.

Extension of time for completion of railway.

22. The periods limited by "The Navan and Kingscourt Railway Act, 1871," for the completion of the railways and works thereby authorised, and for the compulsory purchase of lands for the purposes thereof, are hereby extended for two years from the termination of the periods specified in that Act, and the provisions of that Act shall be read as if the extended periods had been therein inserted.

Power for compulsory purchase limited.

23. The powers of the Company for the compulsory purchase of lands for the purpose of the deviation railways hereby authorised shall not be exercised after the expiration of two years from the passing of this Act.

Proviso for completion of works.

24. If the deviation railways are not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Power to Midland Great Western Railway of Ireland Company to raise money by the

25. The Midland Great Western Railway of Ireland Company may from time to time raise for the purposes of their subscription to the undertaking any capital not exceeding in amount the amount which the said Company may, as herein-before provided, agree to subscribe, by the issue at their option of new ordinary shares or stock; and the clauses and provisions of "The Companies

Clauses Consolidation Act, 1845," with respect to the following matters; that is to say,

creation of shares or stock.

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 nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices, 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) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Midland Great Western Railway (of Ireland) Company, and to the additional capital which they are by this Act authorised to raise.

As to issue of shares.

26. The Midland Great Western Railway of Ireland Company shall not issue any share under the authority of this Act of less nominal amount than ten pounds, nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Application of moneys.

27. All moneys which the Midland Great Western Railway of Ireland Company may raise under the powers of this Act shall be applied for the purpose of the before-mentioned subscription only.

Appointment of person to vote.

28. The Midland Great Western Railway of Ireland Company, whilst shareholders of the Company, may by writing under their common seal from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the Midland Great Western Railway of Ireland Company.

Midland Great Western Railway of Ireland Company may appoint a director.

29. The Midland Great Western Railway of Ireland Company, after they shall have subscribed the sum of ten thousand pounds to the undertaking of the Company under the provisions of this Act, and whilst shareholders to that extent, shall have power to appoint one director of the Company in substitution of one of the present

A.D. 1873.

authorised number of directors, one of whom shall retire by ballot if the full number be then appointed.

Supply of vacancy in the office of director so appointed.

30. If and whenever any person appointed by the Midland Great Western Railway of Ireland Company to be a director of the Company by writing under their hands resigns, or is removed, or becomes disqualified, or dies, every vacancy in the number of the directors of the Company so occasioned may be supplied by the Midland Great Western Railway of Ireland Company by the appointment, in accordance with this Act, of some other person to be a director of the Company.

Removal of such director.

31. The Midland Great Western Railway of Ireland Company from time to time may remove any such director from time to time appointed by them.

Powers of the directors of Company.

32. Provided always, that in case the Midland Great Western Railway of Ireland Company shall from any cause fail to appoint a director in manner herein-before specified, the powers of the directors of the Company shall not be in any manner limited or diminished thereby.

Instruments of appointment or removal of nominee and director.

33. Every instrument of appointment or revocation by the Midland Great Western Railway of Ireland Company of a person to be a director of the Company shall be under the seal of the Midland Great Western Railway of Ireland Company, or under the hand of their secretary, and every such instrument shall be delivered by the Midland Great Western Railway of Ireland Company, or transmitted by post by registered letter to the Company or to their secretary, and shall be kept by the Company with their records, and shall at all reasonable times be open to inspection and transcription by all persons interested.

Validity of votes and acts thereunder.

34. Provided that if any defect in the appointment of any such person to vote or to be a director be afterwards discovered, all their votes or acts as such directors, and all proceedings consequent thereon or relating thereto, shall, notwithstanding such defect, be as valid as if they had been duly appointed.

Notice to be given to Company of appointment, &c. of nominee and director.

35. The secretary of the Midland Great Western Railway of Ireland Company shall give to the Company notice in writing, sent by post to or otherwise delivered at the principal office of the Company, of every appointment, removal, resignation, disqualification, or death of every person from time to time so appointed to be a director of the Company, and every such notice shall be so given as soon as conveniently may be, and until the contrary be shown every such notice shall as between the Company and Midland Great

Western Railway of Ireland Company be evidence of the fact thereby certified. A.D. 1873.

Working agreements between Company and Midland and Meath Companies.

36. The Midland Company and the Meath Company, and the Company, or any one or more of these companies, may, subject to the provisions of Part III. of "The Railway Clauses Act, 1863," from time to time enter into agreements with respect to the following purposes or any of them; that is to say,

The working, use, management, and maintenance by the Midland Company of the undertakings of the Company and of the Meath Railway respectively, or any part thereof:

The supply of rolling stock, plant, and machinery, and the payments to be made, and the conditions to be performed with respect to such working, use, management, and maintenance:

The interchange, accommodation, and conveyance of traffic coming from or destined for the undertakings of the contracting companies, and the fixing, collection, and apportionment of tolls, rates, and revenues levied, taken, or arising in respect of traffic.

Tolls on traffic conveyed partly on the railway and partly on the railways of Dublin and Meath and Midland Great Western of Ireland Companies.

37. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the said railways, or either of them, the railway of the Company and of the companies or company parties to such agreement shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the said companies or company parties to such agreement for a less distance than four miles tolls and charges may only be charged as for four miles, and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only, and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only, and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the said companies or company, as the case may be, parties to such agreement.

Interest not to be paid on calls paid up.

38. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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 or money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

A.D. 1873.

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

39. 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 hereinafter 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.

Railway not exempt from provisions of present and future general railway Acts.

40. Nothing in this Act contained shall exempt the railway 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 maximum rate of fares and charges, or of the rates for small parcels authorised by this or the recited Acts.

Expenses of Act.

41. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.