


ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## CAP. LXX.

## An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to *Ireland*. [7th *August* 1851.]

WHEREAS, on account of Circumstances connected with the Tenure of Land in *Ireland*, the Provisions of the Lands Clauses Consolidation Act, 1845, are found to be unsuited to the existing Condition of that Country, and it is expedient that some Provision should be made for ascertaining the Purchase Money or Compensation to be paid by Railway Companies in *Ireland* for the Lands required for their Undertakings, and for determining Differences with respect to the Works to be made and maintained by such Companies for the Accommodation of the Owners and Occupiers of Lands adjoining such Railways; Be it therefore 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:

I. In citing this Act in other Acts of Parliament, legal Instruments, Proceedings at Law or in Equity, and all other Instruments and Proceedings whatsoever, it shall be sufficient to use the Expression "The Railways Act (*Ireland*), 1851." Short Title.



II. This

Act to apply to Railways in Ireland authorized in this Session, &c. and to those heretofore authorized, except 13 & 14 Vict. c. xxix. 13 & 14 Vict. c. xlv. 13 & 14 Vict. c. lxxvi. 13 & 14 Vict. c. lxxxviii. 14 & 15 Vict. c. cx. 14 & 15 Vict. c. ciii.

II. This Act shall apply to every Railway in *Ireland* authorized to be made by any Act passed in this Session of Parliament, or which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Railway, and also to every Railway or Portion of a Railway in *Ireland* by any Act heretofore passed authorized to be made in relation to which the compulsory Powers for taking Lands are still in force, and this Act shall be incorporated with and form Part of the Acts authorizing the said Undertakings: Provided always, that this Act shall not apply to the Railways authorized to be made by "The *Waterford and Limerick* Railway Amendment Act, 1850," "The *Dublin and Drogheda* Railway Act, 1850," "The *Dundalk and Enniskillen* Railway Act, 1850," and "The *Midland Great Western* Railway of *Ireland* (Deviation and Amendment) Act, 1850," "The *Waterford and Limerick* Railway Deviation Act, 1851," and "The *Killarney Junction* Railway Act, 1851," "The *Longford* Line and *Liffy* Branch, 13 & 14 *Vict.*" or to which the Provisions of such Acts respectively are applicable, and shall not in anywise interfere with or affect the Provisions of such Acts.

Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act.

III. The Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, except Sections Sixteen and Seventeen of the said Act, shall not be applicable or in force with respect to any Railway or Portion of a Railway in *Ireland* to which this Act applies.

Company to deliver Maps, Schedules, and Estimates at the Office of Commissioners of Public Works, and deposit Copies with Clerks of the Peace and Clerks of Unions.

IV. When and so often as any Company authorized to make a Railway to which this Act applies shall require to purchase or take any Lands which they are by the Special Act authorized to purchase or take, the Company shall cause to be made out, and to be signed by their Engineer and Secretary, Maps or Plans and Schedules of the Lands so required (and for the Purchase of which Lands, or of all the several Interests in which Lands, the Company shall not have contracted), and also of the Works which the Company propose to make and maintain for the Accommodation of Lands adjoining the Railway (and for Compensation in lieu of which the Company shall not have contracted), together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the gross annual Value and the Value in Fee of such Lands so required to be purchased or taken as aforesaid, and for the Purchase of which, or of all the several Interests in which, the Company shall not have contracted, and the separate and distinct Value of each such Interest which the Company shall not have contracted to purchase, so far as the same can be reasonably ascertained (taking into consideration Damage by Severance, and any other Matters by the Lands Clauses Consolidation Act, 1845,

required to be considered, if necessary); and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans of the Railway, and shall have put thereon a distinct Valuation to each Number, and all Bridges, Roads, and other Works proposed to be made for the Use and Accommodation of the Owners, Lessees, and Occupiers of the Lands adjoining the Railway shall also be marked on the said Maps or Plans; and the Company shall deposit such Maps or Plans, Schedules and Estimates, at the Office of the Commissioners of Public Works in *Ireland*, and a Copy of such Maps or Plans, Schedules and Estimates, or so much thereof as relates to every County in or through which the Railway is proposed to be made, with the Clerk of the Peace of each such County, and a Copy of so much of the said Maps or Plans, Schedules and Estimates, as relates to each Electoral Division in which any such Lands shall be situate, with the Clerk of the Poor Law Union in which every such Electoral Division is situate.

Commissioners of Public Works to appoint an Arbitrator, on Application of Company.

V. After such Deposit at the Office of the said Commissioners as aforesaid, it shall be lawful for the said Commissioners, upon the Application of the Company, to appoint an Arbitrator between the Company and the Persons interested in the Lands to which such Maps or Plans, Schedules and Estimates relate, and such Arbitrator shall, in relation to the Lands required and the Works to be made and maintained by the Company, as herein mentioned, be the Arbitrator under this Act; and if any such Arbitrator die, or refuse, decline, or become incapable to act, the said Commissioners may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Arbitrator may call for Documents, and administer Oaths.

VI. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Company, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Company, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration.

VII. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and

'determine

'determine the Matters referred to me under the Provisions of the 'Act [*naming this Act*].

'*A.B.*

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Commissioners of Public Works to be delivered to Arbitrator. Notice of Appointment of Arbitrator, &c. to be published.

VIII. Upon the First Appointment of an Arbitrator as aforesaid, the said Commissioners shall deliver to such Arbitrator the Maps or Plans, Schedules and Estimates, deposited at their Office as herein-before required; and the Company shall forthwith after such Appointment publish Notice of such Appointment, and of such Deposits as herein-before directed with such Clerk of the Peace and Clerks of Poor Law Unions as aforesaid, once in the *Dublin Gazette*, and once in each of Three successive Weeks in some One and the same Newspaper circulated in the County in which the Lands are situate, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Execution of the Works of the Company, or to have any Works made by the Company for the Accommodation of Lands adjoining the Railway, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbitration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Company shall publish Notice of such Appointment in the *Dublin Gazette*.

Arbitrator to adjudicate upon Compensation to be paid for Lands and upon Accommodation Works.

IX. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, and the several Interests in such Lands, in respect of which no Agreement shall have been come to between the Company and the Persons entitled thereto, and the Purchase Money to be paid for such Lands, and the Compensation to be paid for Injury to any Lands injuriously affected by the Execution of the Works of the Company, and to inquire and determine what Works should

should be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Company in respect of the several Interests in the Lands so required and specified or injuriously affected, and the Works to be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and where any Inquiry relates not only to the Value of the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of such Lands, or of any Interest therein to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Company; and such Draft Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, or who shall have been heard before such Arbitrator as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules and Estimates, or so much thereof as aforesaid, of the Deposit of Copies of such Draft Award, or of so much thereof as aforesaid, and shall in such Notices appoint a Time and Place, or Times and Places, for holding a Meeting or Meetings to hear Objections against such Draft Award (the first such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Lands or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as

he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Company shall thereupon publish Notice, as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules and Estimates, or of so much thereof as aforesaid, of the Deposit of Copies of such Award, or of so much thereof as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Company, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded; and such Statement and Abstract shall be paid for by the Company.

Separate Awards may be made as to Lands in the several Parishes or otherwise.

X. Provided always, That the Arbitrator may make several Awards, so as to include in a separate Award the Lands in each Electoral Division, or such Portion of the Lands in relation to which he is Arbitrator as, having reference to the Deposits to be made under this Act, the Meetings to be holden, and the Inquiries to be made in relation to such Lands, and the Convenience of the Parties interested in the Matter of the Arbitration, he may think fit.

Clerks of the Peace and Clerks of Unions required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

XI. Every Clerk of the Peace and Clerk of any Union is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Company.

XII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if any,) which shall be incurred by the said Commissioners of Public Works in carrying the Provisions of this Act into execution, shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall

shall from Time to Time be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses by or on behalf of the Company; and it shall be lawful for the said Commissioners from Time to Time to require the Company to deposit in the Bank of *Ireland*, to the Credit of the said Commissioners, any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and every Certificate of the said Commissioners, certifying the Amount of such Costs, Charges, and Expenses, shall be taken as Proof in all Proceedings at Law or in Equity of the Amount of such respective Costs, Charges, and Expenses, and the Amount so certified shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly.

Costs of Parties.

XIII. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Company; and if within Seven Days after Demand the Amount so certified be not paid to the Party entitled to receive the same, such Amount shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; but no such Certificate shall be given where the Arbitrator has awarded the same or a less Sum than has been offered by the Company in respect of such Claim before the Commencement of the Arbitration.

Certificates of Amount of Compensation to be delivered by Company.

XIV. Within Thirty Days from the Delivery of such Statement and Abstract as aforesaid to the Company, the Company shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Company's Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands, or the Interests therein, may be included in One Certificate, if the Company think fit, such Certificates to be prepared by and at the Costs of the Company; and where any Agreement has been entered into in respect to the Value of the Interest of any Person in any Lands, or his Right to Compensation, the Company may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

XV. The

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

XV. The Company shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, or Assigns; and if the Company wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he had been, by Warrant of Attorney from the Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Company entering on any such Lands as aforesaid.

When Amount mentioned in Certificates is paid to Parties, Company may take possession.

XVI. When and so soon as the Company have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise, as herein provided, in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Company, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable.

Receipts duly stamped to operate as a Conveyance.

XVII. In every Case in which any Monies are paid by any Company under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Company a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Company.

Payment of Monies where Parties making

XVIII. If it appear to the Company, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest

Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, or Interest be not satisfactorily deduced to the Company, then and in every such Case the Amount to be paid by the Company in respect of such Lands, Estate, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," "with respect to the Purchase Money or Compensation coming to "Parties having limited Interests, or prevented from treating, or not "making Title."

Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XIX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Company have taken possession of any Lands under the Provisions of this Act in respect of the Price or Compensation whereof, or of any Estate or Interest wherein, no Claim has been made within One Year from the Time of the Company taking possession, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Company in respect of such Lands, Estate, or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank.

XX. Nothing herein contained shall prevent the Company from requiring any further Abstract or Evidence of Title respecting any Lands included in any such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Company.

Nothing to prevent Company requiring further Evidence of Title, at their Costs.

XXI. If from any Reason whatever the Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands the Possession whereof has been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Company, be enforced by any Party or Parties, by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition, and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the Company by such Application as aforesaid.

Delivery of Certificate may be enforced by Court of Chancery.

After Deposit of Draft Award Company may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

XXII. Provided always, That where the Company are desirous, for the Purposes of their Works, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Company, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland*, as herein directed, such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Company, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of the Railway and Works of the Company; and the Arbitrator shall, upon the Request of the Company, at any Time after he shall have framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Company in respect of any Lands mentioned in such Draft Award before they enter upon and use the same as aforesaid, and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Company in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had, and Payments made, as if such Entry and Deposit had not been made; provided that the Company shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where under this Provision Interest is payable on any Purchase or Compensation Money the Certificate to be delivered by the Company in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Company to pay Interest from Time of Entry.

Mode of Deposit.

XXIII. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Company (describing the Company by its proper Name), in the Matter of the Railways Act (*Ireland*), 1851, and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such Deposit the Cashier of the said

said Bank shall give to the Company, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

XXIV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which shall so have been entered upon, for the Payment of the Money to become payable by the Company in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Company, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Company it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Company, or, in default of such Payment as aforesaid by the Company, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Company may deposit Money by way of Security while the Office of the Accountant General is closed.

XXV. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank, to such Credit as aforesaid (subject nevertheless to being dealt with as herein provided), such Sum of Money as the Company shall by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Company shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of *Ireland* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Parties dissatisfied with Award, may enter a Traverse at Assizes.

XXVI. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any Party claiming under the Party so named) shall be dissatisfied with the

the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, and where any Party interested in Land adjoining any Railway shall be dissatisfied with any Award under this Act so far as respects any Works for the Accommodation of such Lands thereby awarded to be made and maintained by the Company, or which such Party may claim to have so made and maintained, it shall be lawful for such Party, at the Assizes for the County in which the Lands are situate, or, where the Lands are situate in the County of *Dublin* or County of the City of *Dublin*, in the Term next following the giving of such Certificate, or the Payment of such Money into Court, or (if the Claim be only in respect of Accommodation Works) the making of the Award, or where such Assizes are holden or such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then at the next subsequent Assizes, or in the next subsequent Term (as the Case may be), upon giving Ten Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Company, of the Amount or the Accommodation Works intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland:* Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Twenty Pounds, and further that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, or the Sufficiency of the Accommodation Works awarded thereby, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands of such Traverser injuriously affected by the Works of the Company, or (as the Case may be) as to what Accommodation Works ought to be made and maintained by the Company for the Accommodation of the Lands

of the Traverser, or to the like Effect respectively, as the Case may be.

Verdict on Traverse to have Effect of Judgment.

XXVII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in *Ireland* against the Company, and may be enforced by like Remedies against the Company, as in the Case of a Judgment at Law, by all Parties interested therein; and in each Case where a Certificate shall have been delivered, such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Company, be delivered up to the said Company, and such Receipt for such Damages shall be given as is herein-before provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land, the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then if the Amount of such Damages shall be less than the Amount paid into Court, the Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the Company in respect of such Traverse, shall be a good Discharge to the Company on any such Verdict in the Nature of a Judgment as aforesaid.

Act to apply to the Purchase of Lands for extraordinary Purposes.

XXVIII. The Provisions of this Act shall extend to the Purchase by the Company of Lands for extraordinary Purposes.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXIX. All the Provisions of "The Lands Clauses Consolidation Act, 1845," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Meaning of "the Company."

XXX. In the Construction of this Act the Words "the Company" shall mean the Company constituted by the Special Act.

Act to extend to Ireland only.

XXXI. This Act shall extend to *Ireland* only.



XXXII. This

Continuance of Act, Five Years.

XXXII. This Act shall continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament.

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