ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act to amend "The Railways (*Ireland*) Act, 1851," "The Railways (*Ireland*) Act, 1860," and "The Railways (*Ireland*) Act, 1864," as to the Trial of Traverses. [31st *July* 1868.]

WHEREAS by the Twenty-sixth Section of "The Railways Act (*Ireland*), 1851," it is provided that where the Party named in any Certificate of the Amount of the Price or Compensation ascertained by any Award (or any Party claiming under the Party so named) should be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies paid into Court should be dissatisfied with the Amount of the Price or Compensation in respect of such Monies, and where any Party interested in Land adjoining any Railway should be dissatisfied with any Award so far as respects any Works for the Accommodation of Lands thereby awarded to be made and maintained by the Company, or which such Party might claim to have so made and maintained, it should 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 14 & 15 Vict. c. 70.

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 might 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 should be tried in such Manner, subject to such Regulations, and with such Consequences, as in the said Act in that Behalf respectively mentioned:

23 & 24 Vict. c. 97. And whereas by "The Railways Act (*Ireland*), 1860," the said first-mentioned Act was amended and made perpetual:

27 & 28 Vict. c. 71. And whereas by the First Section of the Railways Act (*Ireland*), 1864, it is provided that in all Cases where the Amount of Money which the Arbitrator should have awarded to be paid by the Company to any Person in respect of any Estate or Interest in Lands should exceed the Sum of Five hundred Pounds it should be lawful for the Company, if dissatisfied with such Award, upon giving to such Person within Ten Days next after the Date of such Award Notice in Writing of their Intention to appeal therefrom, to have a Traverse entered by the Company in the Crown Book in respect of such Award at the same Time and in like Manner in all respects as were provided with respect to Traverses taken by Persons dissatisfied with any Award, and the like Proceedings should be taken with respect to a Traverse so taken by the Company, and the Verdict of the Jury upon such Traverse should have the like Effect as in the Case of a Traverse taken by a Person so dissatisfied:

And whereas such Traverses as aforesaid must at present be tried in the County or County of a City where the Lands are situate; and it is expedient to amend the Law in that respect in the Manner herein-after mentioned:

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:

Short Title. **1.** This Act may be cited as "The Railways Traverse Act."

Provision for Trial of Traverse in County other than that in which Lands are situate. **2.** Whenever either Party shall be entitled and shall intend to have any such Traverse entered under the said recited Acts, or any or either of them, or any Act already or hereafter incorporating the said Acts, or any of them, it shall be lawful for the other Party to apply to the Court of Queen's Bench for an Order directing such Traverse to be entered and tried in some County other

other than the County or County of a City in which the Lands are situate; and if upon such Application it shall appear to said Court that it will be more convenient or proper or more in furtherance of Justice that such Traverse should be tried elsewhere than in the County or County of a City where the Lands are situate, the said Court may order such Traverse to be entered and tried in some other County or County of a City to be specified in such Order, and thereupon such Traverse shall be entered and tried in such other County or County of a City in such Manner, and subject to the like Regulations, and with the same Consequences, and the Verdict and Proceedings shall have the like Effect, as if the Lands were situate in the County or County of a City in which such Traverse shall under such Order be so entered and tried.

When Application for Trial of Traverse to be made.

3. Such Application may be made either before or after the Ten Days Notice shall have been given, and before or after such Traverse may have been entered for the County or County of a City where the Lands are situate, and notwithstanding that such Traverse may have been respited from an Assizes or Term previously to such Application; and in case such Order shall have been made after the Entry of the Traverse in the County or County of a City in which the Lands are situate, no Trial shall be had upon such Entry. The said Court may make such Order as it may deem fit respecting the Costs of such Application, or any Costs to be incurred by reason of such Change of the Place of Trial or otherwise incidental to such Order as aforesaid, and may, in making such Order and in respect thereof, impose such Terms upon either Party as Justice may require.

Construction of Acts.

4. This Act and the said recited Acts shall be read together as One Act, and this Act shall be held to be incorporated with each of the said recited Acts in any Act already or hereafter incorporating the said recited Acts, or any of them, and shall apply to Traverses of Awards made before the passing of this Act in respect of which the Right of Traverse shall still subsist.

Jurisdiction out of Term Time.

5. The Jurisdiction herein-before conferred upon the Court of Queen's Bench may out of Term be exercised by any Judge of that Court, or any Judge having for the Time being Jurisdiction to entertain and determine a Motion to change the Venue in any Action depending in said Court.

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