ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxiii.

An Act for making a Railway from the *Great Southern and Western* Railway near *Roscrea* to *Parsonstown*, to be called "The *Roscrea and Parsonstown Junction* Railway;" and for other Purposes. [4th *August* 1853.]

WHEREAS the making of a Railway from the *Great Southern and Western* Railway at or near the *Roscrea* and *Borris* Station thereof in the *Queen's County* to *Parsonstown* in the *King's County* would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution; but the same 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,)

I. That "The Companies Clauses Consolidation Act, 1845," 8 & 9 Vict. cc. 16. & 18.
"The Lands Clauses Consolidation Act, 1845," so far as the same is and

14 & 15 Vict. c. 70. incorporated with this Act.

consistent with the Railways Act (*Ireland*), 1851, "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Roscrea and Parsonstown Junction* Railway Act, 1853."

Subscribers incorporated.

III. That Sir *Edward M'Donnel*, *John Pennefather*, and *Simeon Hardy*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after described, with all proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Roscrea and Parsonstown Junction* Railway Company," and by that Name shall be a Body Corporate, with a perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. And whereas the estimated Cost of making the said Railway is One hundred thousand Pounds: Be it enacted, That, subject to the Powers of converting Loans into Capital in the "Companies Clauses Consolidation Act, 1845," contained, the Capital of the Company in Shares shall be One hundred thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Shares.

V. That the Number of Shares into which the said Capital shall be divided shall be Ten thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. That Two Pounds *per* Share shall be the greatest Amount of any Call which the Company may make on the Shareholders, and One Third of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Power to borrow on Mortgage.

VII. That it shall be lawful for the Company to borrow on Mortgage of their Undertaking any Sums of Money not exceeding in the whole the Sum of Thirty-three thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the said Capital of One hundred

hundred thousand Pounds shall have been subscribed, and One Half thereof paid up, and all and every Part of the Money so to be borrowed shall be applied in carrying the Purposes of this Act into execution.

Arrears may be enforced by Appointment of a Receiver.

VIII. That it shall be lawful for the Mortgagees of the Company to enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Twenty thousand Pounds in the whole.

Interest not to be paid on Calls paid up.

IX. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholders on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

X. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Meetings of the Company.

XI. That the First General Meeting shall be held in the Month of *September* next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly, in the Months of *March* and *September*; and all Meetings, whether ordinary or extraordinary, of the Company and Directors, shall be held at *Dublin*, or such convenient Place or Places as the Directors for the Time being shall appoint.

Quorum at Meetings.

XII. That the Quorum for every Meeting of the Company, whether ordinary or extraordinary, shall be Ten Shareholders present, personally or by Proxy, and holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

As to convening Extraordinary Meetings.

XIII. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall not be less

less than Ten Shareholders holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Scale of voting at Meetings of the Company.

XIV. That the Scale according to which the Shareholders may vote at Meetings of the Company in respect of their Shares, shall be as follows; (that is to say,)

For every Share above Five Shares up to Fifty, One Vote:

For every Ten Shares beyond Fifty Shares, One Vote.

Number and Qualification of Directors.

XV. That the Number of Directors to be appointed at the General Meetings herein-after mentioned shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

First Directors.

XVI. That Sir *Edward M'Donnel*, *John Pennefather*, and *Simeon Hardy* shall be the First Directors of the Company.

Quorum of Directors.

XVII. That the Quorum of a Meeting of Directors shall be Three.

Election of Directors at FirstGeneral Meeting.

XVIII. That the Directors appointed by this Act, or such of them as shall not die or resign, or become disqualified or be removed, shall continue in Office until the First Ordinary General Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

XIX. That at the First Ordinary General Meeting to be held in every Year after the First General Meeting the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845."

Committee of Directors.

XX. That the Number of Directors of which Committees appointed by the Directors shall consist shall be such Number as the Directors shall from Time to Time think fit, not being less than Three; and at all Meetings of any Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Members present, and in case of an Equality of Voters

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the Chairman shall have a Casting Vote, in addition to his own Vote as a Member of the Committee.

Quorum of Committee of Directors.

XXI. That the Quorum of a Meeting of a Committee of Directors shall be Three Members of such Committee.

Qualification of Auditors.

XXII. That every Auditor appointed under this Act shall have at the least the same Number of Shares as are herein-before required to qualify for a Director.

Periods for balancing Books, &c.

XXIII. That the Periods to which the Books of the Company shall be brought to balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year.

Power to make Railway.

XXIV. That it shall be lawful for the Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing by Two Junctions with the Line of the *Great Southern and Western* Railway at or near the *Roscrea* and *Borris* Station of that Railway in the Parishes of *Aghaboe* and *Donaghmore* in the *Queen's County*, and terminating at or near the Town of *Parsonstown* in the *King's County*.

Railway to be made according to deposited Plans.

XXV. Whereas Plans and Sections of the Railway, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the *Queen's County*, County of *Tipperary*, and *King's County*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and, subject to the aforesaid Provisions, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

As to Deposit of Plans with Clerks of Unions.

XXVI. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided, that Certificates of any Omissions, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmaster of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate; and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with such Postmasters, and be retained, and

produced by them for Inspection, in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Be it therefore enacted, That with reference to this Act all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and to the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster," in the said Act, 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 Act 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 "Postmaster," as the Case may be.

Roads may be crossed on a Level.

XXVII. That, subject to the Provisions in this Act, and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company, in the Construction of the said Railway, to carry the same across and on the Level of the several public Roads numbered on the Plan deposited as aforesaid as follows; (that is to say,)

The Road numbered 74 in the Townland of *Ballintaggart* in the Parish of *Kyle:*

The Road numbered 18 in the Townland of *Ashbury* in the Parish of *Roscrea:*

The Road numbered 8 in the Townland of *Glasderrymore* in the Parish of *Ettagh.*

Station or Lodge to be erected at Points of crossing.

XXVIII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

XXIX. That

Board of Trade may require Bridges, in lieu of level Crossings.

XXIX. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any or either of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board to be best adapted for removing or diminishing the Danger arising from such level Crossing; but where any such Road shall be so carried under or over the Railway it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Lands for extraordinary Purposes.

XXX. That the Quantity of Land to be purchased by the Company for extraordinary Purposes shall not exceed Ten Acres.

Powers for compulsory Purchase of Lands limited.

XXXI. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railway.

XXXII. That the Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then have been completed.

Prescribing Mode of crossing Road No. 1. in Roscrea.

XXXIII. That the Railway shall be carried over the Road numbered on the said Plans 1, in the Townland of *Moynure* in the Parish of *Roscrea* by means of a Bridge, and such Bridge shall be built and the Descent in the Road when altered shall be made in conformity with the Regulations of the Railways Clauses Consolidation Act, 1845, with respect to Bridges to be erected for the Purpose of carrying the Railway over a private Road, and the Descents to be made in such Roads, and any Deviation of the said Road which may be necessary in order to carry the same under the Railway, shall be made on the South-east Side of the present Course of the said Road.

Tolls.

XXXIV. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

First, in respect of the Tonnage of all Articles conveyed upon the Railway or any Part as follows:

For

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence;

And a Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence.

Tolls for Passengers and Cattle.

XXXV. That in respect of Passengers and Animals conveyed in Carriages upon the Railway the Company may demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for propelling Power.

XXXVI. That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls by this Act authorized to be taken.

Maximum Charges for Conveyance of Passengers.

XXXVII. That the maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

Restrictions as to Charges not to apply to special Trains.

XXXVIII. That the Restrictions as to Charges to be made for Passengers and Articles herein-before and herein-after mentioned shall not extend to any extra Train.

Maximum Charges for Conveyance of Goods and Cattle.

XXXIX. That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Description of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expenses of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, and all undressed Materials for the Repair of public Roads or Highways *per* Ton *per* Mile Twopence:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay,

Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence Farthing:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Fivepence:

For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Eightpence:

For every Horse, Mule, or Ass conveyed in or upon any such Carriage, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Threepence:

And for every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile One Penny Halfpenny.

Regulations as to Tolls.

XL. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of loading and unloading:

For a Fraction of a Mile above Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stones and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

XLI. And

Tolls for small Parcels and Articles of great Weight.

XLI. And with respect to small Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the following; (that is to say,)

For the Carriage of small Parcels on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Sixpence;

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, One Shilling and Sixpence;

And for any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Two Shillings;

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall not exceed Eight Tons, the Company may demand such Sum as they think fit.

Company may make increased Charges, by Agreement.

XLII. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Passengers Luggage.

XLIII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds Weight for each First-class Passenger, Sixty Pounds in Weight for each Second-class Passenger, and Forty Pounds in Weight for each Third-class Passenger, without any Charge being made for the Carriage thereof.

XLIV. That

Power to Great Southern and Western Railway to use the Railways by this Act authorized.

XLIV. That it shall be lawful for the *Great Southern and Western* Railway Company to use, with their Engines and Carriages of every Description, the Railways or any Part of the Railways by this Act authorized, together with all Stations, Sidings, Watering Places, and Conveniences connected with the same; and in default of Agreement between the said Companies as to the Terms on which the Railways of the Company are to be used as aforesaid such Dispute shall be referred to and decided by Arbitration in the Manner prescribed by the "Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Power to enter into Contracts with the Great Southern and Western Railway Company.

XLV. That it shall be lawful for the Company, and also for the *Great Southern and Western* Railway Company, from Time to Time to make and enter into Contracts or Agreements for the Purposes aforesaid, and also for the Interchange of Traffic passing over the Railways of either of the said Companies to or from the Railways of the other of them, and for the Division and Apportionment of the Tolls and Profits arising therefrom.

Contracts not to affect Persons not Parties thereto.

XLVI. Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or from any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions and on Payment of the same Tolls as they would have been in case no such Contract had been entered into.

Power to amalgamate with the Great Southern and Western Railway Company.

XLVII. That it shall be lawful for the Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors of Shares in the Company who shall be present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, to unite and amalgamate with the *Great Southern and Western* Railway Company, either in respect of all or of Part only of their Undertaking, upon such Terms as shall be agreed upon, and for the *Great Southern and Western* Railway Company, by and with the like Authority and Approbation on the Part of Proprietors of Shares in such last-mentioned Company, to concur in such Union or Amalgamation; and that it shall be lawful for the Companies entering into such Union or Amalgamation to make and carry into execution and give effect to such Agreements respecting the same as they shall deem expedient; and that after such Union and Amalgamation shall be entered into, of which a Deed under the Common Seal of the Companies who shall

enter

enter into the same shall be Evidence for all Purposes, the Powers then vested in the *Roscrea and Parsonstown Junction* Railway Company shall and may be exercised by and under the Authority and Direction of the amalgamated Company, as fully and effectually as they might have been by the *Roscrea and Parsonstown Junction* Railway Company by virtue of this Act or otherwise.

Power to lease the Railway.

XLVIII. That it shall be lawful for the Company, with the Approbation of Three Fifths in Value of the Proprietors of Shares in the Company present, either personally or by Proxy, at some Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions as shall be agreed upon, the Railway and other Works by this Act authorized, or any Part or Parts thereof, unto the *Great Southern and Western* Railway Company, for any Term which shall be agreed upon; and the *Great Southern and Western* Railway Company are hereby authorized, if they think proper, with the like Authority and Approbation on the Part of their Proprietors, to enter into and accept such Lease; and such Lease shall entitle the *Great Southern and Western* Railway Company to the free Use and Enjoyment of the Railway of the Company and the Works connected therewith, or such Parts thereof respectively as shall be so leased; and during the Continuance of any such Lease all the Powers and Authorities granted to, and which are or might be held, used, exercised, and enforced by the Company, or their Directors, Officers, Agents, or Servants, under or by virtue of this Act, or otherwise, shall in like Manner and to the same Extent in all respects apply to, and be held, used, exercised, and enjoyed by, the *Great Southern and Western* Railway Company, and the Directors thereof, their Officers, Agents, and Servants, under the same Regulations and Restrictions as are or shall be granted to or imposed upon the Company by this Act or otherwise.

Power to sell the Railway

XLIX. That it shall be lawful for the Company, with the Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Meeting of the Company specially convened for the Purpose, to sell and transfer to the *Great Southern and Western* Railway Company, and for the *Great Southern and Western* Railway Company, by and with a like Authority on the Part of the Proprietors of Shares in the said Company, to purchase the Undertakings of the Company, or any Share or Interest therein, but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same; and on the Completion of such Purchase, of which Completion or Transfer a Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable

in respect of the Purchase Money, and under the Corporate Seal of the Company, shall be sufficient Evidence, the *Great Southern and Western* Railway Company may have and hold the said Undertaking, or the Share therein or Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, or Enjoyment of all the Rights, Powers, and Privileges of the Company in relation thereto; and for such Purpose it shall be lawful for the *Great Southern and Western* Railway Company if they see fit, and by and with such Authority as aforesaid, and subject to the Provisions in the "Companies Clauses Consolidation Act, 1845," contained, to create such an additional Number of Shares, and to borrow such Sum of Money as may be necessary: Provided always, that the Amount to be raised by such Number of additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purposes of the said Undertaking, and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital, and shall not, together with any other Sums which the *Great Southern and Western* Railway Company may owe on Mortgage or Bond at the Time of borrowing such Sum or Sums, exceed One Third of the Capital in Shares of that Company for the Time being, and that no Money whatever shall be so borrowed until the whole of the Money to be raised by Shares under this or any other Act relating to the *Great Southern and Western* Railway Company shall have been subscribed, and One Half thereof shall have been actually paid up: Provided also, that in the event of the whole of the Undertaking of the *Roscrea and Parsonstown Junction* Railway Company being purchased as aforesaid, then from and after the Completion of such Purchase the *Roscrea and Parsonstown Junction* Railway Company shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and the general Settlement of the Affairs of the last-mentioned Company.

Former Mortgages to have Priority.

L. That any Mortgage granted by the *Great Southern and Western* Railway Company before the passing of this Act, and which may be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages which may be created by them under the Authority of this Act.

Powers of Purchase, &c. not to be exercised until certain Matters have been proved to the Satisfaction of the Board of Trade.

LI. Provided always, That the Powers of Purchase, Sale, Lease, or Amalgamation by this Act conferred upon the Company and on the *Great Southern and Western* Railway Company shall not be exercised unless and until it shall have been proved to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal thereto, and also that the *Great Southern and Western* Railway Company have

have paid up One Half of the Capital authorized to be raised by them by means of Shares by any Act passed previous to the Time of giving or tendering such Proof to the Board of Trade, and that they have expended for the Purposes of such Acts a Sum equal thereto.

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.

LII. Whereas an Act was passed 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 Fourth Year of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed 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 Eighth Year of the Reign of Her 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 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 Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the Railway and Company, so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future General Acts.

LIII. That nothing in this Act contained shall be deemed or construed to exempt the Railway 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 this Act.

Expenses of Act.

LIV. That the Expenses, Costs, and Charges of preparing and passing this Act, and incidental and preparatory thereto, shall be paid by the Company.

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