

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LXII.

An Act to authorize the Advance of Money out of the Consolidated Fund to the *Midland Great Western* Railway of *Ireland* Company.

[28th *July* 1849.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned:* And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and Employment of the Poor*, and which said Act recites the aforesaid Act and several other Acts which had been passed, making Provisions for and regulating Loans and Advances to be made by the Commissioners therein mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as the Public Works Loan Commissioners: And whereas an Act was passed in the Eighth

57 G. 3. c. 34.

9 & 10 Vict. c. 80.

and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Dublin *to* Mullingar *and* Longford, *to be called* "The Midland Great Western *Railway of* Ireland," and the Company by the said Act incorporated for the aforesaid Purposes was by the said Act incorporated by the Name of "The *Midland Great Western* Railway Company of *Ireland*," but which Company in the Acts next after mentioned is called "The *Midland Great Western* Railway of *Ireland* Company:" And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Deviation in the authorized Line of the said Railway, and also a Branch Railway to the River* Liffy: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Mullingar *to* Athlone:" And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make certain Deviations in the authorized Line of the said Railway, and to amend the Acts relating thereto:* And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Athlone *to* Galway, and by the first-mentioned Act incorporating the said Company the Company was authorized to purchase the Royal Canal therein mentioned, which when purchased was to be vested in the *Midland Great Western* Railway of *Ireland* Company, with all the Powers of the said Canal Company, and such Canal has been accordingly purchased: And whereas the said Railway from *Dublin* to *Mullingar* has been completed, and opened for the Use of the Public, but no Part of the said Lines from *Mullingar* to *Athlone* or from *Athlone* to *Galway* has been begun, but a Portion of the Capital for the making the said Line from *Mullingar* to *Athlone* has been raised, but no Part of the Capital for making the said Railway from *Athlone* to *Galway* has been yet raised: And whereas the Construction and Completion of the said Railway between *Athlone* and *Galway* will contribute to the Advantage and Improvement of the respective Counties and Districts adjoining or near to such Railway, and therefore it is expedient that the Baronies and Half Baronies of the Counties and the County of the Town after mentioned should to the Extent after mentioned pay or contribute towards the Payment of any Monies and the Interest of any Monies borrowed to complete the said Line under the Provisions of this Act: And whereas an Application has been made to the said Public

8 & 9 Vict. c. 119.

9 & 10 Vict. c. 210.

9 & 10 Vict. c. 224.

10 & 11 Vict. c. 130.

10 & 11 Vict. c. 176.

Public Works Loan Commissioners by the said *Midland Great Western* Railway of *Ireland* Company for the Loan of the Sum of Five hundred thousand Pounds in aid of the Expense of making and completing the said Railway between *Athlone* and *Galway*, and it is deemed expedient to make an Advance of Money out of the Consolidated Fund for the Purpose of such Loan: 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, That for the Purpose of such Loan the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under their Hands, from Time to Time or at any one Time, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to direct the Issue thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt of a Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds.

Power to Treasury to charge the Consolidated Fund, and direct the Issue thereout of 500,000*l.*

II. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued out of the Consolidated Fund as aforesaid, and they shall continue the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid.

To be carried to the Account of the Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, if they shall think fit, to authorize and require the said Public Works Loan Commissioners to advance and lend to the said Railway Company by such Instalments, on such Terms, and subject to such Conditions and Stipulations as the said Commissioners of Her Majesty's Treasury shall direct, any Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be secured by such Mortgage or Mortgages, and in such other Manner as is herein-after mentioned or referred to.

Treasury empowered to authorize Public Works Loan Commissioners to make Advances to Railway Company.

IV. And

Provisions to be contained in Mortgages for Payment of Principal and Interest.

IV. And be it enacted, That all Monies advanced shall be secured to be repaid by every such Mortgage as aforesaid, with Interest after the Rate not exceeding Three Pounds Ten Shillings *per Centum per Annum* on the Principal Sum thereby secured from the Time of advancing the same, by equal half-yearly Payments, the first of such Payments to be made at the Expiration of Six Calendar Months from the Date of every such Mortgage, and if such Interest shall be duly paid half-yearly then no Part of the Principal secured by any such Mortgage shall be required to be repaid for Ten Years from the Date of every such Mortgage, and after the Expiration of Ten Years from the Date of every such Mortgage, and during such Time as the Principal and Interest Monies shall be punctually paid half-yearly as herein-after mentioned, the said Principal Sum advanced shall be repaid, with Interest, in manner following; that is to say, there shall be paid half-yearly as from the Expiration of the said Ten Years the Sum of Two Pounds Ten Shillings *per Cent.* on the Principal Money originally advanced, and a sufficient Part of such half-yearly Payments shall be first applied in discharge of the Interest from Time to Time accruing due on that Part of the Principal Sum which shall from Time to Time be unpaid, and the Residue of such half-yearly Payments shall be applied in discharge of the Principal Money secured until the whole thereof, with Interest thereon, shall be paid off.

Power for Railway Company to borrow Money of Public Works Loan Commissioners.

V. And be it enacted, That it shall be lawful for the said Railway Company at any Time or from Time to Time to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds, and to mortgage, convey, assign, and assure to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct, all and every the Railways and Undertakings authorized to be constructed by the said recited Acts relating to the said Company, and the Works, Lands, Property, Chattels, and Effects of the Company connected therewith, and also the Canal, Lands, Property, Chattels, and Effects purchased or agreed to be purchased of the Royal Canal Company in the last-mentioned Acts or one of them particularly mentioned, and all Rates, Tolls, Profits, and Receipts accruing and hereafter to accrue to or for the Use of the said Railway Company, and all other Works and Property of or to which the said Railway Company now is or hereafter may be seised, possessed, or entitled in any Manner howsoever, for securing the Repayment of any Sum or Sums of Money which shall be so borrowed as aforesaid, anything in the said Acts relating to the said Railway Company, or any Acts incorporated with or forming Part of any of the said Acts, to the contrary thereof in anywise notwithstanding; and such Securities for the Monies so to be borrowed may be made under such

Security to be made as Treasury shall direct.

such Conditions, and with such Stipulations and Provisions, as the said Commissioners of the Treasury shall direct, anything in the said Acts relating to the said Company to the contrary notwithstanding.

Securities given to Public Loan Commissioners to have Priority.

VI. And be it enacted, That no Security to be given to the said Public Works Loan Commissioners or their Secretary as aforesaid shall be invalidated or otherwise affected by any Defect or Informality in any Meeting or Proceeding of the said Railway Company or the Directors thereof, or by reason of any Nonobservance of any of the Provisions contained in any of the said Acts relating to the said Railway Company, or in respect of the Application of any of the Monies by the said Acts authorized to be raised, or the Distribution of the Shares of the said Company, or otherwise howsoever; and every such Security shall be valid and effectual to all Intents and Purposes, and have Priority over all Dividends, Interest, or other Monies payable or which may become payable to Shareholders in the said Railway Company, and over all Mortgages, Bonds, Charges, and Securities whatsoever which have been or shall be hereafter created or given by the said Railway Company, except a certain Security given to Trustees named as the Trustees of the *Royal Canal* Company for a Part of the Amount of the Purchase Money for the said Canal, and in respect of which Security a Sum not exceeding One hundred and thirty-five thousand eight hundred and sixty Pounds Fifteen Shillings and Eight-pence, with the current Half Year's Interest thereon, is now due and owing.

Incorporated Name of Railway Company.

VII. And be it enacted, That the said Railway Company incorporated by the said first herein-before mentioned Act which relates to the said Company shall for the Purposes of this Act be deemed and taken to have been incorporated by the Name of "The *Midland Great Western* Railway of *Ireland* Company," and all Acts done by the said Company under the Name by which the said Company was first incorporated shall be binding and effectual, and all Acts done or to be done by the said Company in the Name of the "*Midland Great Western* Railway of *Ireland* Company" shall be as binding as if they had been done in the Name by which the said Company was originally incorporated.

Baronies in Galway, and Two Baronies in Roscommon, to pay a Sum equal to Interest on Advances in certain Events.

VIII. And be it enacted, That if any Monies shall be borrowed by the said Railway Company under the Provisions of this Act, then so long as any Part whatever of the Principal Monies borrowed shall remain unpaid, and as from the Time of any such Loan or Loans respectively, a Sum equal to One Pound Fifteen Shillings *per Cent.* on the Sum or Sums originally borrowed shall (subject as after mentioned) be paid half-yearly to the said Railway Company by the

Barony of *Moycarn* and the Barony of *Athlone* in the County of *Roscommon*, and by all the several Baronies and Half Baronies in the County of *Galway*, and by the County of the Town of *Galway*; all in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, rateably and in the Proportions to be ascertained as after mentioned: Provided nevertheless, that if after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been opened, there shall be any Profit made by such Railway in any Half Year (such Profit to be ascertained as after mentioned), then the Amount thereof shall be deducted from the half-yearly Amount which would otherwise be payable by such Baronies and Half Baronies and County of the Town of *Galway*; and if such Profit shall equal or exceed the Amount so to be paid, then no such Payment shall be made.

Treasury to appoint Arbitrator to determine Proportion to be paid by each Barony, &c.

IX. And be it enacted, That for the Purpose of ascertaining the Proportions in which the said Baronies and Half Baronies and County of the Town of *Galway* shall pay the said Sum so to be paid half-yearly as aforesaid, and during such Time as the same shall be payable, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint a Person or Persons who shall by his or their Award in Writing assess and determine the relative Proportions in which such Sum shall be paid and made up by each of the said several Baronies and Half Baronies and County of the Town of *Galway*, such Person or Persons taking into consideration the Benefit or supposed Benefit (immediate or prospective) which such Baronies and Half Baronies and County of the Town of *Galway* may in his or their Opinion be likely to derive from the Formation and opening of such Railway; and the Award of such Person or Persons under his or their Hand or Hands shall, when allowed by the said Commissioners of Her Majesty's Treasury, in all respects be final and binding on the said Baronies and Half Baronies and County of the Town of *Galway*; and from and immediately after the Allowance of such Award by the said Commissioners of Her Majesty's Treasury the said several Baronies and Half Baronies and County of the Town of *Galway*, and all Lands, Tenements, and Hereditaments therein respectively, shall be and are hereby charged and made chargeable with the Payment of such Sum in the several Proportions specified and set forth in such Award; and after such Award shall have been allowed in manner aforesaid the same, and such Duplicates thereof as may be necessary, shall be delivered to the said Railway Company upon their Request, and upon Payment by them to such Person or Persons making such Award as aforesaid of such Remuneration, if any, for his or their Trouble in making such Award as the said Commissioners of Her Majesty's Treasury shall determine.

X. And

Treasury to appoint Auditors of Company's Accounts.

X. And be it enacted, That the Commissioners of Her Majesty's Treasury, during such Period as any Principal or Interest Monies shall remain unpaid in respect of the Securities to be given to the said Public Works Loan Commissioners as aforesaid, shall and they are hereby authorized and required from Time to Time to appoint a fit and proper Person or fit and proper Persons (not exceeding Three in Number) to audit the Accounts of the said Railway Company, and to make Certificates in pursuance of the Directions hereinafter contained; and that it shall and may be lawful to and for the said Commissioners of Her Majesty's Treasury during such Period as aforesaid from Time to Time to revoke the Appointment of such Auditor or Auditors, or any of them, and such Auditor or Auditors from Time to Time to remove, and his or their Powers and Authorities to revoke, and any other Person or Persons in the Place of such Person or Persons so displaced, or of any Person dying, to appoint with the same Powers or Authorities, and the said Railway Company shall pay to each of the Persons so appointed such a Sum for his Trouble in making such Audit as the said Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine.

For the Purpose of ascertaining net Profits, Railway Company to keep separate Accounts relating to Line between Athlone and Galway.

Accounts to be audited.

XI. And be it enacted, That for the Purpose of ascertaining the Amount of net Profits (if any) of the whole or any Portion of the said Railway from *Athlone* to *Galway* the said Railway Company shall from Time to Time, and at all Times so long as any Principal Monies shall remain unpaid in respect of any Securities to be given to the said Public Works Loan Commissioners as aforesaid, keep the Accounts of the Receipts and Expenditure relating to the whole or any Portion of the Railway between *Athlone* and *Galway*, and all Matters connected therewith, separate and distinct from the Accounts of all other Receipts and Expenditure by the said Railway Company, such Accounts to be kept in such Manner and Form as such Auditor or Auditors shall from Time to Time direct; and that the said Company shall after any such Advances, and within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, make out or cause to be made out and rendered to the said Auditor or Auditors a full, true, and distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway from *Athlone* to *Galway*, and every Part thereof, which Account the said Auditor or Auditors shall and he or they is or are hereby authorized and empowered to examine with the Documents or Vouchers evidencing the same (which Documents and Vouchers, and all Books, Papers, and Accounts in the Custody or Control of the said Railway Company relating to the Business of the said Company, shall, upon the Request of the said Auditor or Auditors to that Effect, be forthwith produced by the

the said Company to him or them who shall be at liberty to examine the same); and for the Purpose of judging of the Accuracy of such Account such Auditor or Auditors shall and may and he and they is and are hereby empowered to examine all other the Accounts of the said Company relating to the other Parts of the said Railway or Branches now made or hereafter to be made; and which said Accounts and the Vouchers relating to the same the said Company are hereby directed to keep and produce during such Time as aforesaid as the said Auditor or Auditors shall direct, and he or they shall adjust and balance such Accounts relating to the said Railway from *Athlone* to *Galway*, and complete such Audit for the Purpose of ascertaining whether during such preceding Half Year any Profit shall have been made, and of preparing such Certificate as is herein-after mentioned; and the Opinion of such Auditor or Auditors as to the Mode of keeping and balancing such Accounts as aforesaid, and as to the Monies or Proportion of Monies to be charged to the said Railway from *Athlone* to *Galway*, either as Capital or Income, and as to all other Matters relating to the said Accounts, or what in his or their sole Opinion shall be considered as Profit, shall in all respects be final and conclusive on all Parties.

Auditor shall, on Completion of each Audit, ascertain if Company have made Payments as by Security for Loans they are liable to, and also Amount of Profits.

XII. And be it enacted, That such Auditor or Auditors shall on the Completion of every half-yearly Audit, and so long as any Monies advanced to the said Railway Company as aforesaid shall remain unpaid, ascertain and determine whether the said Railway Company have, by themselves or otherwise, for the preceding Half Year made such half-yearly Payments as by virtue of the Security or Securities for any such Loan or Loans they shall be liable to pay, and also after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been completed and open to the Public, (from a Profit and Loss Account of the Income and Expenditure of the said Railway from *Athlone* to *Galway*,) ascertain and determine the Amount, if any, of Profit which shall appear on such Account to have been made during such Half Year.

Auditors to certify Sums payable by certain Baronies.

XIII. And be it enacted, That when such Auditor or Auditors shall find that the said Railway Company have made such Payments as aforesaid for the preceding Half Year, and not before, then he or they shall by a Certificate under his or their Hand or Hands certify the same, and also the Amount of Profit (if any), after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been opened, appearing on such Account as aforesaid, and (after deducting such Profit (if any) from the Amount of the said half-yearly Payments of One Pound Fifteen Shillings *per Centum* secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway*

Galway as aforesaid) the said Auditor or Auditors shall in such Certificate ascertain and state the Balance remaining to be paid to make up such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, and the proportionate Part of such Balance which is to be raised and levied in each such Barony and Half Barony and County of the Town of *Galway*, such proportionate Parts to be ascertained and determined according to the several Proportions to be specified and set forth in the herein-before mentioned Award: Provided nevertheless, that after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been completed and opened to the Public, and when and so often as the Profit on such Account as aforesaid shall equal or exceed the said half-yearly Payments of One Pound Fifteen Shillings *per Centum*, secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway*, then such Auditor or Auditors shall state the same in such Certificate, and that consequently for such Half Year no Payment is to be made in respect of such half-yearly Payments secured to be made by the said Baronies and Half Baronies and County of the Town of *Galway*, and every such Certificate shall be final and binding on all Parties. Proviso.

XIV. And be it enacted, That in taking and keeping the aforesaid Account of Profit and Loss no Payment by the said Railway Company to the said Public Works Loan Commissioners, nor any Receipts by the said Railway Company in respect of such half-yearly Payments of One Pound Fifteen Shillings *per Centum*, shall be taken into account as Profit or Loss, but the same shall solely contain the Amount of Income and Expenditure relating to the aforesaid Railway from *Athlone* to *Galway;* and when in any One Half Year the Amount of Profit shall exceed the Sum which in case of no Profit would have been payable by such Baronies and Half Baronies and County of the Town of *Galway*, then, after deducting therefrom the Amount which would otherwise have been so payable, the Balance of any Profit remaining shall be carried to the next half-yearly Account as Profit. Provisions with respect to Profit and Loss Account.

XV. And be it enacted, That the said Auditor or Auditors shall, on the Request of the said Railway Company, and within One Calendar Month after the Date of every such Certificate, deliver the said Certificate, and a Duplicate or Duplicates thereof, to the said Company. Auditors to deliver Certificate to Railway Company.

XVI. And be it enacted, That the said Railway Company shall from Time to Time deliver the said Certificate, or such Duplicate thereof as aforesaid, to the Secretary of the Grand Jury of each County Sums mentioned in Auditor's Certificate to be presented

by Grand Jury, and paid by Treasurer.

County or County of a Town in which any such Barony or Half Barony or County of a Town as aforesaid shall be situate, and each Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of such County or County of a Town at the next Assizes after he shall receive the same, and it shall be lawful for every such Grand Jury and they are hereby required, without Application to Presentment Sessions, to present the Sum specified to be payable in every such Certificate relating to such County or County of a Town to be raised and levied off such respective Baronies or Half Baronies in each of the said Counties, or off such County of a Town, and the same shall be raised and levied accordingly together with and in like Manner and subject to like Provisions as other Monies presented by such Grand Jury at the same Assizes, and the Treasurer of such County or County of a Town shall pay the Sum so presented by the Grand Jury, when and as by him received, unto the said Railway Company, or in such other Manner as the said Company shall direct: Provided always, that if the Grand Jury of any such County or County of a Town shall fail to present the Sum or any Part thereof specified to be payable in any such Certificate relating to such County or County of a Town, the Treasurer of such County or County of a Town shall and he is hereby required to insert such Sum or such omitted Part thereof in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-before mentioned off the respective Baronies or Half Baronies properly chargeable therewith as aforesaid, or County of a Town (as the Case may be), and the same shall be raised and levied off such Barony or Half Barony or County of a Town (as the Case may be) accordingly, as if the same had been so presented, and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented by the Grand Jury.

In case the Grand Jury fail to present, Treasurer shall insert such Sum in the Warrant, which shall be levied as if it had been presented.

Railway Company's Powers of borrowing Money not to be affected by this Act, except as herein mentioned.

XVII. And be it enacted, That, notwithstanding the said Railway Company may borrow any Monies in pursuance of this Act, such borrowing shall not prevent their borrowing any Sum or Sums of Money which by the aforesaid Acts relating to the said Railway they are or shall be authorized to borrow, and they shall be entitled to borrow the same in all respects as to Amount, Security, or otherwise as if this Act had not passed, and as if no Monies had been borrowed under the Powers of this Act, except that the Securities to be given by the said Company shall be subject in all respects to the Securities at any Time to be made in pursuance of this Act, and except that if the said Company shall borrow any Monies in pursuance of the Powers of this Act the said Company shall not be entitled,

entitled, in pursuance of the Powers contained in the said Act for making the said Railway from *Athlone* to *Galway*, to borrow any of the Monies by that Act authorized to be borrowed.

Company to make out Maps and Schedules of Lands, &c. required for Railway from Mullingar to Galway.

XVIII. And whereas it is expedient, for the Purpose of employing the Poor in that Part of *Ireland*, that the said Railway Company should be enabled to enter into possession of the Land and other Hereditaments required for the Purposes of the said Railway from *Mullingar* to *Galway*, and by the said Acts respectively relating to such Railway authorized to be taken by the said Company: And whereas the said Railway forms the central Part of the Main Line from *Dublin* to *Galway*, and the whole Line of Railway Communication cannot be completed unless Provision is made for constructing the said Line from *Mullingar* to *Athlone* simultaneously with that from *Athlone* to *Galway*, and the said Company have agreed to proceed therewith without Delay upon obtaining immediate Possession of the Land necessary for that Purpose: Be it therefore enacted, That the said Company shall cause to be made out, and to be signed with the Names of their Engineer and Secretary, Maps and Schedules of all such Lands and Hereditaments, together with the Names of the Owners or reputed Owners, Lessees, and Occupiers thereof, as far as the same can be reasonably ascertained, with Estimates of the gross annual Value, and the Value thereof in Fee, (taking into consideration Damage by way of Severance, and any other Matters by "The Lands Clauses Consolidation Act, 1845," required to be considered, if necessary,) of all such Lands and Hereditaments respectively required for the Purposes of the said Railway from *Mullingar* to *Galway*, and every such Map shall be upon a Scale of Two hundred Feet to the Inch; and all Lands, Buildings, Yards, Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden shall be marked with the distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans and Sections of the said Railway, and shall have put thereon a distinct Valuation to each Number; and the Company shall deposit such Maps, Schedules, and Estimates at the Office of the Commissioners of Public Works in the City of *Dublin*, and a Copy of such Maps, Schedules, and Estimates with the Secretary of the Grand Jury of the County, County of a City, or County of a Town in which such Lands, Tenements, and Hereditaments shall be situate.

Maps, &c. to be deposited with the Commissioners of Public Works, and a Copy with Secretary of Grand Jury.

Power for Company to take possession of Lands, &c. on Approval of Plans and

XIX. And be it enacted, That such last-mentioned Commissioners shall consider such Valuations as aforesaid, and may at their sole Discretion alter or vary the same, and may call for such further Information relating thereto as they shall think fit; and so soon as the

Estimates by the Commissioners of Public Works.

the said last-mentioned Commissioners or any Two of them shall from Time to Time have signified in Writing their Approval and Sanction of any such Maps, Schedules, and Estimates deposited as aforesaid, or any Part thereof, it shall be lawful for the said Company from Time to Time to enter upon any Lands and Hereditaments described in such Plans so deposited as aforesaid, the Estimate of the Value whereof shall have been approved as aforesaid, and thenceforward to hold the same in Fee discharged of all Estates and Interests whatsoever of any Person or Body whomsoever; and further, that the said Company shall proceed to deposit so much of the said Maps, Schedules, and Estimates so approved of as aforesaid, as relates to each Parish in which any Lands or Hereditaments required to be taken for the Purposes of the said Railway between *Mullingar* and *Galway* are situate with the Clerk of the Poor Law Union of every such Parish, and thereupon the Company shall publish a Notice once in the *Dublin Gazette*, and once for Three successive Weeks in some one and the same Newspaper circulated in the County in which such Lands, Tenements, and Hereditaments are situate; and every such Notice shall state the Time and Place of depositing such Maps, Schedules, and Estimates with the Clerk of such Union, and the Sanction and Approval of the said Maps, Schedules, and Estimates by the said Commissioners of Public Works, and shall require all Persons claiming to have any Right to or Interest in the Lands and Hereditaments required for the Purposes of the said Railway in such Parish to deliver to the Company on or before a Day to be 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 or Right, and a short Abstract of the Title on which the same shall be founded, such Statement and Abstract to be paid for by the said Company.

Plans to be deposited, and Notices given.

Certificates of Value to be delivered by Company.

XX. And be it enacted, That within Thirty Days from the Delivery of such Statement and Abstract as aforesaid the said Company shall, when it shall appear to them that the Party or Parties so claiming as aforesaid are absolutely entitled to the said Lands or Hereditaments claimed by them, deliver to such Party or Parties, on Demand, a Certificate under the Company's Seal stating the Amount of the Valuation so put by the Company as aforesaid; and where it shall appear to the said Company that there are different Interests existing in the same Lands or Hereditaments, then the said Company shall apportion the Amount of their said Valuation according to such different Interests, and shall deliver, on Demand, to each Party claiming such different Interests as aforesaid, a Certificate under the Seal of the said Company stating the Valuation of the Interest to which

which such Party so claiming as aforesaid is in the Opinion of the Company entitled to receive; and where more Land or Hereditaments than is included in One Number shall be claimed by the same Party or Parties, such Land or Hereditaments, and the Valuations thereof or of the Interests therein, may be included in One Certificate if the Company shall think fit, such Certificates to be prepared by and at the Costs of the said Company.

Amount mentioned in Certificates to be paid to Parties on Demand, or into Court of Exchequer in Ireland.

XXI. And be it enacted, That the said Company shall, on Demand, pay to the Party or Parties to whom any such Certificate shall have been given, or into the Court of Exchequer in *Ireland* in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificates to the Party or Parties to whom or in whose Favour such Certificates shall be given, his or her Executors, Administrators, or Assigns; and if the said Company shall wilfully make default in such Payment as aforesaid, then the Party or Parties named in such Certificate shall be entitled to enter up Judgment against the said Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificates respectively, in the same Manner in all respects as if they had been, by Warrant of Attorney from the said Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs as is usual in like Cases; and all such 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 or Hereditaments as aforesaid.

Receipts duly stamped to operate as a Conveyance.

XXII. And be it enacted, That where any Monies shall be paid on such Certificates as aforesaid, the Parties receiving such Monies shall give to the said Company Receipts for the same, and such Receipts shall have the Effect of a Release or Conveyance of all the Estate and Interest of such Parties in the said Lands or Hereditaments, and of that of all Parties claiming under or through them, so as such Receipts shall have the same Stamp impressed thereon in respect of the Purchase Monies mentioned in such Certificate, but exclusive of the Amount paid for Severance and consequential Damages, as would have been necessary if the same had been an actual Conveyance of such Estate or Interest, such Receipts to be prepared by and at the Costs of the said Company.

If Parties making Claim are deemed not entitled, or shall be under Disability, or if Title

XXIII. And be it enacted, That if it shall appear to the said Company from such Statement and Abstract as aforesaid or otherwise that the Party or Parties making such Claim as aforesaid are not absolutely entitled to the said Lands or Hereditaments, or shall be under any Disability, or if the Title to such Hereditaments shall not

shall not be satisfactorily deduced, Monies to be paid into Court.

be satisfactorily deduced to the said Company, then the Amount of any such Valuations as aforesaid, or of any Monies to be recovered on any Traverse as after mentioned, or payable in respect of any Judgment or Execution as after mentioned, exceeding Twenty Pounds, shall on the Request of any Party claiming any Interest in the Lands or Hereditaments included in any such Valuations, or without such Request, if the said Company shall think fit, be paid into Court in all respects as by "The Lands Clauses Consolidation Act, 1845," is provided in Cases of Sales by Parties under Disability; and such Monies shall be dealt with in all respects as if the same had been paid into Court in pursuance of the Provisions of the said last-mentioned Act on a Sale of any such Lands or Hereditaments by a Party under Disability as defined by the same Act; and every such Sum not exceeding Twenty Pounds may be paid and applied to the Parties who under the Lands Clauses Consolidation Act would be entitled to receive the same in case their Lands or the Interests therein had been taken under the Powers in the said Lands Clauses Consolidation Act contained.

Value of Lands not claimed within Twelve Months to be paid into Court.

XXIV. And be it enacted, That when the said Company shall have taken possession of any Lands or Hereditaments under the Provisions of this Act, and no Claim shall have been made in respect thereof, or of some particular Interest therein, within One Year from the Time of the Company taking possession, then the said Company shall pay the Amount of such Valuation, either of the Fee or of any derivative Interest therein not claimed for as aforesaid, into Court, as is by the said Lands Clauses Consolidation Act, 1845, provided in Cases where Lands are taken possession of on no Title being shown, and the same shall be accordingly dealt with as by the said Act is provided.

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

XXV. And be it enacted, That nothing herein-before contained shall prevent the said Company from requiring any further Abstract of Title or Statement respecting any Lands or Hereditaments included in any such Valuations, in addition to the Abstract or Statement herein-before mentioned, if they shall think fit, so as any such further Information be obtained at the Costs of the said Company.

Delivery of Certificate by Company may be enforced by Court of Chancery.

XXVI. And be it enacted, That if from any Reason whatsoever the said Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands or Hereditaments, the Possession whereof shall have been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may be enforced by any Party or Parties by

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 said Company by such Application as aforesaid.

Parties dissatisfied with Amount certified, or Valuation, may enter a Traverse at Assizes.

XXVII. And be it enacted, That it shall be lawful for every Person or Persons named in any Certificate issued under the Provisions herein-before contained, or in anywise claiming under such Person or Persons, and who shall be dissatisfied with the Amount in such Certificate certified to be payable, and also for all Parties claiming any Interest in any Monies so paid into Court as aforesaid, and who shall be dissatisfied with the Amount of the Valuation of the Hereditaments in respect of which such Monies shall be so paid into Court as aforesaid, or of any Interest therein, at the Assizes next following the giving such Certificates or the Payment of Money into Court, whichever shall first happen, or at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes respectively to the Secretary of the Company of the Amount of Damages intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim by him or her, 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 Ten Pounds; and further that no Party or Parties shall have any other Remedy for the Purpose of ascertaining the Amount of the Value of any Lands or Hereditaments to be taken under the Powers of this Act, or of impeaching the Amount of the Valuation put thereon as aforesaid, other than by means of such Traverse as aforesaid, anything in any of the aforesaid Acts or any Acts incorporated therewith, or in this Act, to the contrary notwithstanding.

Verdict on Traverse to have Effect of Judgment.

XXVIII. And be it enacted, That the Entry of the Verdict of the Jury in all Cases of every Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment in an Action at Law obtained in the Court of Queen's Bench in *Ireland* against the said Company, and may be enforced by like Remedies against the said Company as in the Case of Judgments in Actions at Law by all Parties interested therein; and in Cases where a Certificate shall have been delivered such Damages shall

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 said 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 Lands or Hereditaments, the Amount of the Valuation of which shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the said 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 the 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 said Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the said Company in respect of such Traverse shall be a good Discharge to the said Company on any such Verdict in the Nature of a Judgment as aforesaid.

Provisions of 8 & 9 Vict. c. 18. extended to this Act.

XXIX. And be it enacted, That all the Provisions of the said Lands Clauses Consolidation Act, 1845, shall be held to extend to this Act, except so far as the same are altered or varied or are inconsistent with the Powers and Provisions of this Act.

Additional Lands authorized to be taken by Company's Acts may be taken under this Act.

XXX. And be it enacted, That it shall be lawful for the Company to take and hold Lands which by the Acts for making the said Railway from *Mullingar* to *Galway* they are authorized to take for additional Purposes, subject and according to the Provisions of this Act, and as if they were Part of the Lands herein-before authorized to be taken by the said Company.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

XXXI. And be it enacted, That all and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Public Works Loan Commissioners, and recited or referred to in the said first-mentioned Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, shall not be affected by any Act or Acts of Parliament passed or to be passed, save so far as the same may be therein and thereby altered, varied, or repealed, by express Reference to the said recited Acts or this Act; and all and every the said

said several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and to the Securities to be given in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Power for Public Works Loan Commissioners, with the Consent of Treasury, to take possession of the Railway, &c. between Athlone and Galway, and to transfer the same, and all the Company's Interest, Rights, and Privileges therein or relating thereto, to other Parties, if the Railway from Mullingar to Galway be not completed by 31st Dec. 1851.

XXXII. And be it enacted, That in case the said Railway between *Mullingar* and *Galway* shall not be completed by the said Railway Company and opened for the Use of the Public on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-one, and in case any Monies shall have been advanced to the said Railway Company under the Provisions of this Act, and which shall be unpaid, then and thereupon it shall be lawful for the Public Works Loan Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time after the said Thirty-first Day of *December* One thousand eight hundred and fifty-one, and notwithstanding any subsequent Receipt of Interest or Principal, to enter upon and take possession of the entire Line of Railway belonging to the said Company between *Athlone* and *Galway*, or so much thereof as shall be completed, and all Lands and Hereditaments acquired or agreed to be acquired by the said Railway Company for the Purposes of the said Line, and any Stations or Buildings belonging to or intended to be appropriated to the said Line, and thenceforth to hold the same freed and discharged from all Claim and Demand whatsoever both at Law and in Equity of the said Railway; and the said Public Works Loan Commissioners, with such Consent as aforesaid, may transfer the said Line, Property, and Effects to any Company or Partnership or Party, subject nevertheless to the Payment by such Transferee of the Monies due to the said Public Works Loan Commissioners, and Interest, in all respects as is or shall be provided with respect to the Payment thereof by the said Railway Company; and thereupon such Transferee shall be entitled to have the said Line, Property, and Effects for his own Use, freed and discharged from all Claims and Demands whatsoever of the said Railway Company; and, as regards the said Line from *Athlone* to *Galway*, and the Property therein, such Transferee shall have all and every the Rights, Powers, and Privileges by any of the said recited Acts or this Act given or vested in the said Railway Company, and in all respects as if the same were herein repeated and conferred on or given to such Transferee, to the end

and intent that such Transferee may complete the said Line, and acquire Lands and Hereditaments for that Purpose, and work the same, and receive and take Tolls in respect thereof, in all respects as the said Railway Company is by the said Acts or any of them, or this Act, authorized to do, and may in respect of such Railway from *Athlone* to *Galway* stand in the Place of the said Railway Company; and all the Powers and Provisions herein contained with respect to the Securities to be given as aforesaid, and the Powers and Provisions applicable to the said Railway Company, shall apply to such Transferee, and the said several Baronies and Half Baronies and County of the Town of *Galway* shall in all respects be liable to contribute and pay to such Transferee the Monies they would (but for such Transferee) be liable to pay to the said Railway Company, and the same shall be raised and paid accordingly as herein-before is directed, in all respects as if the same were payable to the said Railway Company; and any such Transfer may be made on such Terms and Conditions as the said Public Works Loan Commissioners, with such Consent as aforesaid, may think fit; and on any such Transfer the said Transferee shall in all respects stand in the Place of the said Railway Company as regards the Liability or the Securities to the said Public Works Loan Commissioners, and as if the same had been made to the said Public Works Loan Commissioners by such Transferee instead of by the said Railway Company, except so far as the same may be altered by reason of any special Terms and Provisions made on such Transfer.

Act may be amended, &c.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.