



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## Cap. cxxx.

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.

[2d July 1847.]

**W**HEREAS an Act was passed in the Eighth and Ninth Years 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:"* 8 & 9 Vict. c. 119. 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:* 9 & 10 Vict. c. 210. And whereas another Act was passed in the said 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:* 9 & 10 Vict. c. 224. And whereas the making of the several Deviations from the authorized Line of the said Railway, as herein-after mentioned and described, would be of great public Advantage and Convenience: And whereas the said *Midland Great Western Railway Company of Ireland* are

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willing,

Provisions of recited Acts extended to this Act.

willing, at their own Expence, to make such Deviations; 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts, and in the several Acts incorporated therewith, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall apply to the Railways hereby authorized to be made, for the Purposes thereof, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, or other Proceedings whatsoever, it shall be sufficient to use the Expression "*Midland Great Western Railway of Ireland (Newcastle, Anniskinnan, and Baltrasna Deviations) Act, 1847.*"

Deviations to be made according to deposited Plans, &c. III. And whereas Plans and Sections of the Railways showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Meath* and *Westmeath*; be it enacted, That, subject to the Provisions of this and the said recited Acts, and the several Acts incorporated therewith, it shall be lawful for the Company to make and maintain the Railways in the Lines 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 to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Newcastle Deviations. IV. And be it enacted, That the First of the Railways (called the *Newcastle Deviation*) shall commence in the Townland of *Newcastle* in the Parish of *Rathcore* in the County of *Meath* in a Field marked 18 therein on the original Parliamentary Plan of the *Midland Great Western Railway of Ireland* deposited at the Office of the Clerk of the Peace for the same County, and terminate in the same Townland and Parish at a Point on the same Railway in a Field marked No. 56 therein on the said Parliamentary Plan, and shall be wholly situate in the said Townland of *Newcastle*, Parish of *Rathcore*, and County of *Meath*; that the Second of the said Railways (called the *Anniskinnan Deviation*) shall commence in the Townland of *Molerick* in the Parish of *Clonard* in the said County of *Meath* near the Hill of *Down Bridge* in a Field marked 22 on the said Parliamentary Plan in the said Townland and Parish, and shall terminate in the Townland of *Riverstown* in the Parish of *Killucan* in the County of *Westmeath* at a certain Point on the said original Line of the said *Midland Great Western Railway* on the *Royal Canal Bank* near *Heatherstown Bridge* bordering on a Field marked No. 11 in the Townland of *Riverstown*,



*Riverstown*, Parish of *Killucan*, and County of *Westmeath*, on the original Parliamentary Plan of the *Midland Great Western Railway of Ireland* deposited at the Office of the Clerk of the Peace for the County of *Westmeath*, and shall pass from, in, through, and into the several Townlands, Parishes, extra-parochial and other Places following, or some of them, (that is to say,) *Molerick*, *Kilnagalliah*, *Ballasport*, and *Croboy* in the Parish of *Clonard* in the County of *Meath*, *Derrymore*, *Hydepark*, *Cloncrave*, *Annaskinnan*, *Derryboy*, *Cushintown*, *Grehanstown*, and *Riverstown* in the Parish of *Killucan* in the County of *Westmeath*; and that the Third of the Railways (called the *Baltrasna Deviation*) shall commence in the Townland of *Porterstown Cooke* in the Parish of *Killucan* in the County of *Westmeath* at a Point on the original Line of the said *Midland Great Western Railway* on the Bank of the *Royal Canal* marked No. 19 on the said Parliamentary Plan last referred to, and adjoining a certain Lie-by of the said *Royal Canal* in the said Townland of *Porterstown Cooke* in the Parish of *Killucan* in the said County of *Westmeath*, and shall terminate in the Townland of *Plodstown* in the Parish of *Mullingar* in the County of *Westmeath* at a certain Point in a Field marked No. 8 on the Parliamentary Plan last referred to in such last-mentioned Townland and Parish, and that such said last-mentioned Deviation shall pass from, in, through, and into the several Townlands, Parishes, extra-parochial and other Places following, or some of them, that is to say, *Porterstown Cooke*, *Porterstown Napper*, *Banagha*, *Heathstown*, *Great Down*, *Newdown* in the Parish of *Killucan* in the County of *Westmeath*, *Cartinganny* in the Parish of *Lynn* in the County of *Westmeath* aforesaid, *Windtown*, *Baltrasna*, *Marlinstown*, and *Plodstown* in the Parish of *Mullingar* in the County of *Westmeath* aforesaid.

Line of Bal-  
trasna Devi-  
ation.

V. And whereas by the "Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters 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 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 Union instead of such Postmasters; be it therefore enacted, That with reference to this Act all the Provisions of the said "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 Union within which such Parishes are included in *Ireland*," or the Words "Clerks of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of

As to Deposit  
of Plans with  
Clerks of  
Unions in-  
stead of  
Postmasters  
in *Ireland*.



of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

Certain  
Roads may  
be crossed  
on a Level.

VI. And be it enacted, That it shall be lawful for the Company to construct the Railways across and on the Level of the following public Carriage Roads; (that is to say,)

In the Townland of *Anniskinnan*, Parish of *Killucan*, and County of *Westmeath*, the Road numbered 6<sup>a</sup> on the said Plans:

In the Townland of *Riverstown*, Parish of *Killucan*, and County of *Westmeath*, the Road numbered 10<sup>a</sup> on the said Plans:

In the Townland of *Newdown*, Parish of *Killucan*, and County of *Westmeath*, the Road numbered 42 on the said Plans.

Company to  
erect a Sta-  
tion or Lodge  
at Points of  
crossing, and  
to abide by  
Regulations  
of Commis-  
sioners of  
Railways.

VII. And be it enacted, 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 said Railway crosses the before-mentioned Roads on the Level, and the said 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 Commissioners of Railways; and if the said 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 any 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.

Power to  
abandon  
Parts of  
original  
Line.

VIII. And be it enacted, That the Company shall abandon such Parts of the said Railway which by the said recited Acts they are empowered to make from the said respective Points at which the Railways hereby authorized to be made respectively commence to the said respective Points at which the Railways will respectively terminate, and as by reason of the respective Deviations by this Act authorized to be made will be rendered useless to the Company for the Purposes thereof, and that all the Powers and Authorities given by the said recited Acts or either of them to the Company in reference to the Parts so abandoned shall immediately after the passing of this Act cease and determine.

Period with-  
in which  
Lands are  
to be pur-  
chased.

IX. And be it enacted, 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.

Works to be  
completed in  
Five Years,  
or Powers to  
cease.

X. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

XI. And



XI. And be it enacted, That the Company may, subject to the Provisions in the said recited Acts and this Act contained, lawfully demand and receive, in respect of the Railways hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the Railways or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges as by the said first-recited Act the Company are authorized to demand and receive in respect of the Railway by the said first-recited Act authorized to be made, or any Part thereof; and all Provisions and Regulations in the said first-recited Act contained relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Rates, Tolls, or other Charges to be levied by virtue of this Act.

Company to take same Tolls as on Main Line.

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

Deposit for future Bills not to be paid out of Company's Capital.

XIII. And 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 the Reign 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 passed in the last Session, intituled *An Act for regulating the Gauge of Railways*; and another Act passed in the same Session, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in the said Act contained shall be held to exempt the Railway hereby authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Deviation Lines of Railway so far as the same shall be applicable thereto.

Railway Company 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., and 9 & 10 Vict. cc. 57. & 105.

XIV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by  
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Railways to be subject to Provisions of

any future  
general  
Act.

this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this 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.

Expences of  
Act.

XV. And be it enacted, That the Costs and Expences incurred in obtaining this Act, and all Expences preparatory and relating thereto, shall be paid by the said Company in preference to all other Payments whatsoever.

Agreements  
existing at  
passing of  
this Act to  
be valid.

XVI. And be it enacted, That all Agreements which at the Time of the passing of this Act shall have been entered into between the Company and any Persons for the Purchase by the Company of the Interest of any such Persons respectively in any Lands, Tenements, Hereditaments, or Premises required for the Purposes of the said respective Deviations authorized by this Act, and also any Conveyance, Assignment, Surrender, or other Instrument which may have been made to the Company of any such Lands, Tenements, Hereditaments, and Premises, shall be deemed and taken and shall have the same Effect as if the same were entered into and executed subsequent to this Act, and under the several Powers and Provisions of this Act, and of the said several Acts relating to the Company, and the Acts incorporated therewith.

Interpreta-  
tion of Act.

XVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Railways" shall mean the Deviation Lines of Railway and Works by this Act authorized to be made:

The Expression "the Company" shall mean the *Midland Great Western Railway Company of Ireland*.

Public Act.

XVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.