



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. lxxiv.

An Act to further extend the Time for the Completion of the *Athenry and Ennis Junction Railway*; and for other Purposes.

[17th June 1867.]

WHEREAS the *Athenry and Ennis Junction Railway Company*, in this Act called "the Company," were incorporated by "The *Athenry and Ennis Junction Railway Act, 1860*," and were authorized to make a Railway from the *Midland Great Western Railway of Ireland* at *Athenry* to the *Limerick and Ennis Railway* at *Ennis*: And whereas by "The *Athenry and Ennis Junction Railway Act, 1863*," the Period granted by the recited Act for the compulsory Purchase of Lands and the Completion of the Works thereby authorized was extended until the Twentieth Day of *August* One thousand eight hundred and sixty-five in respect to the Purchase of Lands, and until the Twentieth Day of *August* One thousand eight hundred and sixty-seven in respect to the Completion of Works: And whereas the Company have acquired all but a small Portion of the Lands necessary for the Purpose of the Railway, and the Railway is now in the course of being constructed: And whereas it is expedient that the Powers granted

23 & 24 Vict.
c. cc.

26 & 27 Vict.
c. cxxxiii.

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for the compulsory Purchase of Lands which have expired should be revived, and that the Period for the Completion of the Railway should be extended: And whereas it is expedient that the Company and any other Company or Companies using the *Athenry and Ennis Junction Railway* should be authorized to run over and use the Portions of the *Midland Great Western Railway of Ireland* and *Limerick and Ennis Railway* herein-after mentioned: And whereas by "The *Athenry and Ennis Junction Railway Act, 1863*," an Agreement scheduled to that Act and dated the Twenty-seventh Day of *May* One thousand eight hundred and sixty-three, made between the Company and the *Waterford and Limerick Railway Company* (herein-after called "the *Waterford Company*"), with respect to the Working and Use by that Company of the Railway of the Company, the Regulation and Management of the Traffic on the said Railway, and the Division and Apportionment of the Profits arising therefrom, was confirmed; and in pursuance of the Provisions of the said Agreement, and of the Powers by the said Act granted, the *Waterford Company* have contributed the Sum of Six thousand Pounds to the Company's Undertaking, and now hold Shares in the Capital Stock of the Company to that Amount: And whereas it is expedient that the Company and the *Waterford Company* should be empowered to cancel the said Agreement, and that the Company should be authorized to repay to the *Waterford Company* the Money which that Company have contributed to the Company's Undertaking: And whereas by "The *Athenry and Ennis Junction Railway Act, 1860*," the *Midland Great Western Railway of Ireland Company* (herein-after called "the *Midland Company*") were authorized to subscribe to and hold Shares in the Undertaking of the Company to any Extent not exceeding One hundred thousand Pounds, and they were also authorized to make Working Contracts and Agreements with the Company with respect to the Company's Undertaking: And whereas the Share Capital of the Company is Two hundred and thirty thousand Pounds, consisting of One hundred thousand Pounds in Ordinary Shares of Ten Pounds each, Seventy-five thousand Pounds in Shares of Ten Pounds each, called Class A. Preference Shares, entitled to a First preferential Dividend at the Rate of Five Pounds *per Centum per Annum*, and Fifty-five thousand Pounds in Shares of Ten Pounds each, called Class B. Preference Shares, entitled to a preferential Dividend after the said Class A. Shares, at the Rate of Five Pounds *per Centum per Annum*: And whereas the Objects aforesaid 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):

I. The

The Athenry and Ennis Junction Railway Act, 1867.

1. This Act may be cited for all Purposes as “The *Athenry and Ennis Junction Railway Act, 1867.*” Short Title.

2. Subject to the Provisions in Part II. (relating to Extension of Time) of “The Railways Clauses Act, 1863,” contained, the Powers granted to the Company by the recited Acts for the compulsory Purchase of certain Lands belonging to the Representatives of *Patrick John Blake* deceased, the Right Honourable the Earl of *Clancarty*, and *James Galbraith* Esquire, forming Part of the Townland of *Rockfield* in the Parish of *Killeeneen*, and the Townlands of *Cullinaghbeg* and *Coolfin* in the Parish of *Ardrahan*, all situate in the County of *Galway*, are hereby revived and further extended, and may be exercised by the Company for and during a Period of One Year from the passing of this Act, and on the Expiration of that Period those Powers shall cease. Powers for compulsory Purchases extended.

3. Subject to the Provisions in Part II. (relating to Extension of Time) of “The Railways Clauses Act, 1863,” contained, the Powers of the Company for the Completion of their Railway shall be extended and enlarged until the Expiration of the Twentieth Day of *August* One thousand eight hundred and sixty-nine, and on the Expiration of such extended Period the Powers by this Act and the recited Acts, and the Acts wholly or partially incorporated therewith granted to the Company for making the Railway, shall cease to be exercised, except as to so much of the Railway as shall then be completed. Extension of Time for Completion of Railway.

4. The Company and any other Company or Companies lawfully using their Railway, or any Part thereof, may run over and use with their Engines and Carriages of every Description, and for the Purposes of their Traffic, so much of the *Midland Great Western Railway of Ireland*, and the Stations, Sidings, and Conveniences connected therewith, as lies between the Junction therewith of the Company's Railway and the *Athenry* Station, including all or any Lines of Railway in or through that Station; and in like Manner they may run over and use so much of the *Limerick and Ennis* Railway as lies between the Junction therewith of the Company's Railway and the *Ennis* Station, including all or any Lines of Railway in or through that Station; and they may also use the whole or any Part of the said *Athenry* and *Ennis* Stations and the Conveniences connected therewith respectively; and the Company or Companies to whom the Lines of Railway and Stations so run over and used respectively belong shall make all necessary Arrangements for that Purpose, and shall afford all reasonable Accommodation and Facility at their Stations for the booking of Passengers who may be desirous of being conveyed, and of all Goods conveyed or directed to be conveyed by any of the Trains of the Company which under the Powers of this Act may start from or arrive at such Stations. Running Powers over Portions of Midland Great Western and Limerick and Ennis Railways and Use of Stations.

5. The

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Terms of such Use.

5. The Terms, Conditions, and Regulations to which the Company and such other Companies as aforesaid shall be subject in respect of running over and using so much of the said Railways and Stations as aforesaid, and the Tolls or other Consideration to be paid by them for the same, shall, if not agreed upon between them and the Companies to whom the same belong respectively, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitration shall be defrayed as such Arbitrator shall direct.

Tolls on Traffic conveyed partly on the Railway and partly on the Railways run over.

6. When and so long as such running Powers shall be exercised, the Railway of the Company and the Railways so run over and used shall, for the Purposes of Tolls and Charges, be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on such other Railways, or either of them, for a less Distance than Six Miles, Tolls and Charges may only be charged as for Six Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Six Miles, Tolls and Charges as for One Mile only; and in respect of Animals and Goods, for every Quarter of a Mile, or Fraction of a Quarter of a Mile beyond Six Miles, Tolls and Charges as for a Quarter of a Mile only, and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on such other Railways.

Power to cancel Agreement between the Company and the Waterford Company of 27th May 1863.

7. It shall be lawful for the Company and the *Waterford* Company, after the passing of this Act, by Agreement in Writing under their respective Common Seals, to be approved by Three Fourths of the Shareholders of the said Companies respectively, at Meetings specially convened with Notice of the Object, to cancel and put an end to the said Agreement of the Seventh Day of *May* One thousand eight hundred and sixty-three on such Terms as shall be mutually agreed upon between them; and it shall be lawful for the Company, if required by the *Waterford* Company, to repay to that Company the Six thousand Pounds already contributed by them to the Company's Undertaking, and to release the *Waterford* Company from all further Contribution to the Company's Undertaking under the said Agreement; and for the Repayment of the said Sum of Six thousand Pounds the Company may enter into a special Arrangement with the *Waterford* Company, and may give to the *Waterford* Company Debentures or Preference Shares, or such other Securities as the *Waterford* Company may agree to take, in Payment of the said Sum of Six thousand Pounds, or any Part thereof: Provided always, that if under the Powers of this Act the said Agreement shall be cancelled, the Term thereby limited shall, for the Purposes of Section Sixteen of *The Athenry*

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Athenry and Ennis Junction Railway Act, 1863, be deemed to have expired.

8. Provided always, That if the said Agreement of the Seventh Day of *May* One thousand eight hundred and sixty-three shall be cancelled and put an end to under the Powers of this Act, the Company, and any Company working their Undertaking, shall afford all due and proper Facilities by means of Through Booking, Through and Equal Mileage Rates and Fares, and otherwise, for the Forwarding and Transmission of Traffic from and to Places on and beyond their Railway, to and from Places on and beyond the *Limerick and Ennis* and *Waterford and Limerick* Railways respectively, and shall not do anything directly or indirectly calculated unduly to delay, impede, or divert the Passage of Through Traffic for which these Railways form Part of the shortest or most convenient Route; and in like Manner the *Waterford and Limerick* and *Limerick and Ennis* Railway Companies, or any Company working the Undertakings of those Companies, or either of them, shall afford all such and the like Facilities to the Company, and any Company working their Undertaking, in respect of Traffic passing or seeking to pass to or from Places on or beyond the Railway of the Company from or to Places on or beyond the Railways of the said Two other Companies or either of them, as the Case may be, and if any Difference shall arise with reference to this Provision and the due and proper Fulfilment of the same, such Difference shall from Time to Time as the same shall arise be referred to the Determination of an Arbitrator to be nominated by the Companies in difference within Eight Days after Notice and Request of either of them in Writing to the other of them, failing which the same shall be referred to the Determination of an Arbitrator, to be appointed by the Board of Trade upon the Application of either of the Companies in difference; and any Arbitrator so from Time to Time appointed shall have all the Powers and Authorities of a single Arbitrator appointed by Agreement between Companies under the Provisions of "The Railway Companies Arbitration Act, 1859."

Company and Waterford and Limerick and Limerick and Ennis Companies to afford reciprocal Facilities for Transmission of Traffic.

9. From and after the passing of this Act the Qualification of a Director of the Company shall be the Possession in his own Right of not less than Five hundred Pounds in the Capital of the Company in Ordinary Shares or Stock, or Preference Shares or Stock, or both.

Qualification of Directors.

10. Nothing herein contained shall be deemed or construed to exempt the Railway of the Company from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of

Railway not exempt from Provisions of present and future General Acts.

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Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by the recited Act.

Expenses of
Act.

11. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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