



CHAPTER cl.

An Act to confer further powers on the Midland Great Western Railway of Ireland Company and for other purposes. [31st July 1894.]

A.D. 1894.

WHEREAS by the Midland Great Western Railway of Ireland Act 1845 (herein-after called "the Act of 1845") the Midland Great Western Railway of Ireland Company (herein-after called "the Company") was incorporated and authorised to make a railway from Dublin to Mullingar and Longford:

And whereas by several subsequent Acts of Parliament the powers and rights of the Company were extended and enlarged:

And whereas by the Westport and Mallaranny Railway Order 1890 the Company were authorised to construct a railway from Westport to Mallaranny which is in course of construction:

And whereas it is expedient that the Company should be authorised to abandon a portion of that railway and in lieu thereof to construct the deviation railway herein-after described:

And whereas the Royal Canal (herein-after called "the canal") which extends from the city of Dublin to Tarmonbarry on the River Shannon and with its branches forms a navigation ninety-six miles and a quarter in length was constructed under the provisions of a charter of incorporation under the Great Seal of Ireland dated the first day of October one thousand seven hundred and eighty-nine and also under the powers of the several Acts passed in the last and the present century set forth in the schedule to this Act (herein-after called "the Canal Acts") and the canal now forms part of the undertaking of the Company having been acquired by them by virtue of powers to that effect contained in the Act of 1845:

And whereas the Company under the powers of the Canal Acts or some of them enjoys the right to take a supply of water for the

A.D. 1894. purposes of the canal undertaking and for other purposes from the waters of Lough Owel in the parishes of Mullingar Portnashangan Leny and Portloman in the county of Westmeath and its tributaries:

And whereas in consequence of the fluctuating character of the water supply from the said lough great inconvenience is from time to time occasioned in the working of the canal and otherwise partly by reason of the flood waters of the lough discharging into the canal for which waters it forms the main outlet and partly in consequence of the supply to the canal being deficient in time of drought:

And whereas it is expedient to remedy the inconvenience thus arising by raising the overfalls of the said lough whereby a more equable supply will be maintained and the waters which otherwise run to waste will at the same time be made available for the purposes of the canal undertaking and the exercise of the Company's powers in connexion therewith:

And whereas certain railways have been constructed by the Company with the aid of parliamentary grants under agreements with the Treasury and the Commissioners of Public Works in Ireland under the Light Railways (Ireland) Act 1889 and the Railways (Ireland) Act 1890 and the Company have also agreed to maintain and work those railways:

And whereas certain level crossings have been constructed over the roads herein-after mentioned which were at the time of such construction private roads:

And whereas those private roads have since become public roads and it is necessary that those level crossings be sanctioned and a report thereon has been made by the Board of Trade approving thereof subject to the conditions in this Act mentioned:

And whereas it is expedient that the Company should be authorised to acquire and hold for the purposes of their undertaking and for extending their stations sidings and other accommodation and the approaches to their railway the lands and premises and to execute the works herein-after mentioned:

And whereas it is expedient that the Company should be authorised to build provide maintain work and manage and to lease hotels in connexion with their undertaking or to contribute towards or to take shares in any other company formed for the purpose of building providing maintaining working and managing hotels in the counties of Galway and Mayo:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and that such

further powers as are herein-after contained should be granted to the Company: A.D. 1894.

And whereas plans and sections showing the lines and levels of the railway and works by this Act authorised and plans of the lands required or which may be taken for the purposes of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Dublin Meath Kildare Westmeath Roscommon Galway Mayo and Cavan and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act 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:—

1. This Act may be cited as the Midland Great Western Railway of Ireland Act 1894. Short title.

2. The Lands Clauses Acts (so far as not inconsistent with or altered by the Railways Act (Ireland) 1851) the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of general Acts.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):— Applying certain provisions of the Companies Clauses Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the share holders;

The borrowing of money by the Company on mortgage or bond;

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The conversion of borrowed money into capital ;
The consolidation of shares into stock ;
The general meetings of the Company and the exercise of the
right of voting by the shareholders ;
The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to the special Act
by all parties interested ;

and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock as amended by any subsequent Act shall so far as applicable (except where expressly varied by this Act or inconsistent with anything contained in any existing special Act relating to the Company) apply to the additional capital by this Act authorised to be created and to the proprietors thereof.

As to deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions" within which such parishes are included in Ireland" or the words "clerks of the unions" as the case may be had been used and inserted in such sections 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 "postmasters" as the case may be.

Interpretation of terms.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Midland Great Western Railway of Ireland Company the expression "the railway" means the deviation railway by this Act authorised the expression "the canal" means the Royal Canal forming part of the undertaking of the Company the expression "the Canal Acts" means the several Acts relating to the canal set forth in the schedule to this Act.

Power to make deviation railway.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the deviation railway and works hereinafter described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for

those purposes The deviation railway herein-before referred to and authorised by this Act is— A. D. 1894.

A deviation railway 3 furlongs in length of the Westport and Mallaranny Railway of the Company authorised by the Westport and Mallaranny Railway Order 1890 commencing in the townland of Kilbride parish of Burrishoole by a junction with the said authorised railway and terminating in the townland of Carrowbawn in the same parish by a junction with the said authorised railway.

7. The Company shall abandon the construction of so much of the Westport and Mallaranny Railway as will be rendered unnecessary by the construction of the said deviation railway. Power to abandon portion of Westport and Mallaranny Railway.

8. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Westport and Mallaranny Order 1890. Compensation for damage to land by entry &c. for purposes of railway abandoned.

9. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of railway abandoned.

10. The quantity of land to be taken by the Company by agreement for the purposes of this Act for the extraordinary purposes Land for extraordinary purposes.

A.D. 1894. mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so taken.

Period for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to Company to acquire lands for general purposes.

12. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking all or any of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands in the townlands of Blanchardstown and Castleknock parish of Castleknock and county of Dublin near Blanchardstown Station of the railway of the Company near the distance post on the said railway indicating four and three-quarter miles along that railway from Broadstone Dublin:

Certain lands in the said townland and parish of Castleknock at or near the distance post on the railway of the Company indicating four miles along that railway from Broadstone Dublin:

Certain lands in the townland of Pellettstown in the said parish of Castleknock at or near the distance posts on the railway of the Company indicating respectively two and a half miles and three miles along that railway from Broadstone Dublin:

Certain lands in the townland of Townparks in the parish of Athboy and in the county of Meath situate to the north-east of and adjoining the Company's railway adjacent to Athboy Railway Station:

Certain lands in the townland of Posseckstown in the parish of Rathcore and in the county of Meath situate to the south of and adjoining the Company's railway adjacent to Enfield Railway Station:

Certain lands in the townland of Boycetown in the parish of Kilcock and in the county of Kildare situate to the north of and adjoining the Company's railway at or near Kilcock Railway Station:

Certain lands in the townlands of Derryboy Cushinstown Annaskinnan and Grehanstown in the parish of Killucan and in

the county of Westmeath situate to the south of and adjoining the Company's railway at or near Killucan Railway Station :

Certain lands in the townland of Mullingar in the parish of Mullingar and county of Westmeath situate to the north of the Royal Canal near Mullingar Railway Station :

Certain lands on the north side of the Company's railway in the townland of Athlone parish of St. Mary's and county of Westmeath at or near the distance post on that railway indicating seventy-seven and three-quarter miles from Broadstone Dublin :

Certain lands in the townlands of Willsborough and Cloonalough in parish of Kiltullagh county Roscommon at or near Ballinlough Railway Station :

Certain lands in the townlands of Killaguile and Killola parish of Killannin county Galway at or near thirteen and a quarter miles from Galway on the Galway and Clifden Railway and adjoining thereto :

Certain lands situate on the south side of the Galway and Clifden Railway in the townlands of Leam West and Leam East parish of Kilcummin county Galway at or near twenty and three-quarter miles from Galway on that railway :

Certain lands in the townlands of Murrevagh and Mallaranny in the parish of Burrishoole in the county of Mayo with power to carry pipes for taking water and to take water from the River Murrevagh for the purpose of the Westport to Mallaranny Railway in said parish and county at a point twenty yards from said Westport to Mallaranny Railway measured in a northerly direction up said river and terminating at the end of the said railway in said townland of Mallaranny :

Certain lands in the townlands of Kilbride and Carrowbawn in the parish of Burrishoole at or near seven miles ten chains from Westport on the said Westport to Mallaranny Railway.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

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Tolls for use
of railway.

Period for
completion
of works.

Imposing
penalty un-
less railway
opened
within the
time limited.

Providing
for applica-
tion of
penalty.

14. The railway shall for the purposes of tolls rates and charges and subject to the provisions of this Act in all other respects be deemed part of the railways of the Company.

15. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

16. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such Court or judge as is specified in that section to an account opened or to be opened in the name of the Accountant General of the Supreme Court in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions

as to the High Court may seem fit, and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

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18. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the following level crossings constructed by the Company are hereby sanctioned and the Company may carry the same with a single line only whilst the railways respectively in this section mentioned shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

Certain
existing level
crossings
sanctioned.

- (1) The public road situated at twenty-three chains measured from the commencement of the Company's authorised railway from Ballina to Killala in the townland of Ballina parish of Kilmoremoy county Mayo:
- (2) The public road situated at three miles thirty-three chains measured from the commencement of the Company's authorised railway from Ballina to Killala in the townland of Rathroeen parish of Ballysakeery county Mayo:
- (3) The public road situated at fourteen miles two furlongs seven chains from the commencement of the Company's authorised railway from Galway to Clifden in the townland of Magherabeg in the parish of Kilcummin in the county of Galway:
- (4) The public road situated at fifteen miles one furlong six chains from the commencement of the Company's authorised railway from Galway to Clifden in the townland of Rushveala in the parish of Kilcummin in the county of Galway Provided always that the approaches to such level crossings on such public road on either side shall be made with a gradient not steeper than one in twenty:
- (5) The public road situated at fifteen miles six furlongs three chains from the commencement of the Company's authorised railway from Galway to Clifden in the townland of Billymore in the parish of Kilcummin in the county of Galway:

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- (6) The public road situated at three miles three furlongs seven chains from the commencement of the Company's authorised railway from Westport to Mallaranny in the townland of Knockychottaun in the parish of Kilmeena in the county of Mayo :
- (7) The public road situated at four miles seven furlongs five chains from the commencement of the Company's authorised railway from Westport to Mallaranny in the townland of Knocknaboley in the parish of Kilmeena in the county of Mayo :
- (8) The public road situated at five miles six furlongs from the commencement of the Company's authorised railway from Westport to Mallaranny in the townland of Carragaun in the parish of Kilmeena in the county of Mayo.

Power to
raise water
of Lough
Owell.

19. For the purpose of raising the water level of Lough Owell to the extent herein-after defined the Company may subject to the provisions of this Act make and maintain in the line and according to the levels shown on the deposited plans and sections relating thereto respectively the works herein-after described with all proper works and conveniences connected therewith (that is to say) :—

They may within seven years after the passing of this Act raise the water level of Lough Owell in the parishes of Mullingar Portnashangan Leny and Portloman in the county of Westmeath and its tributaries to a height not exceeding sixteen inches below the Ordnance bench mark on the base stone at the corner of the existing valve house at the existing supply cut in the townland of Culleenmore in the said parish of Mullingar indicating 329·6 feet above the Ordnance datum line and for that purpose they may raise the overfall at the head of the existing supply cut in the said townland and the overfall at Mount Murray in the townlands of Mount Murray and Rathbennet in the parishes of Portnashangan and Leny in the county of Westmeath in such way and by such means as they may from time to time find necessary to maintain the said level and may from time to time take and use and divert into the canal the waters of the said loch when so raised in like manner and as freely in all respects as they now take and use the waters of the said lough Provided that if by the exercise of the said powers or by raising the level of the said lough any damage shall be done to the lands bordering on or in the neighbourhood of the said lough the said lands shall be deemed to be lands injuriously affected by the execution of the works and the parties interested in the said lands shall be entitled to

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compensation accordingly Provided also that the Company at the request in writing of the owner for the time being of the Clanhugh Estate shall erect or in default of the Company the owner may erect at the expense of the Company upon some part of the estate to be agreed upon between the said owner and the Company a permanent standard showing the height to which the Company may under the powers of this Act raise the level of Loch Owell and any difference between the said owner and the Company touching the site or nature of the said standard shall be settled upon the application of either party by the Commissioners of Public Works in Ireland or by some engineer to be appointed by them.

20. At any time within three years after the raising by the Company of the water level of Lough Owell in pursuance of the powers conferred on them by this Act and whether the Company shall or shall not have raised the same to the extent herein-before authorised the owners or any of the owners for the time being of the lands bordering on the said lough or in the immediate neighbourhood thereof may claim from the Company compensation for damage done to their respective lands by reason of the raising of the said water level or by the works of the Company for the purposes thereof whether such damage consists in the covering of the said lands by the heightened water of the lough or by the washing away of the said lands or by soakage or otherwise and such claim may relate not only to the damage theretofore done to the said lands by the means aforesaid in so far as the same may not have been already compensated but also to the permanent injury which may be fairly apprehended thereto from the exercise of the powers of this Act And if the Company dispute any such claim the same shall be referred to arbitration in the manner prescribed by the Lands Clauses Acts with respect to the settlement of disputed compensation And it is hereby further provided as follows:—

Providing
for compen-
sation to
owners of
lands on
Lough Owell.

- (1) Any number of owners of lands in respect of which compensation is claimed may join in the same reference to arbitration and the award shall in that case specify the amount of money (if any) to be paid to each claimant:
- (2) Any gross sum awarded in respect of a claim for past and prospective damage shall be deemed to be full compensation for all damage which may have been done to the said lands previously to the date of the award by reason of the works of the Company in raising the said water level and also for all damage which may thereafter accrue to the said lands by reason of the said works and shall exonerate the Company

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from all further claims with respect to damage to the said lands:

- (3) Nothing contained in this Act or in the deposited plans and no payment or compensation made by the Company by virtue of any such award shall divest the said owners or any of them of their several estates in the lands to which the said compensation relates or shall confer upon the Company any title or interest (whether legal or equitable) in or to the said lands or any power of entry therein or use thereof:
- (4) All compensation awarded pursuant to this section shall be held upon the like uses and trusts and for the same purposes and in the same manner as the lands in respect of which the same was awarded stood settled or were subject to at the time of the payment by the Company of such compensation:
- (5) Nothing in this Act contained shall take away prejudice or alter any of the rights powers or privileges of the Company in relation to the said Lough Owell or the waters thereof possessed by the Company at the time of the passing of this Act.

Provision for
supply of
water to
town of
Mullingar.

21. On the completion of the works for raising the level of the water of Lough Owell by this Act authorised the sanitary authority of the town of Mullingar may subject to the rights of the Company to take and use the waters of Lough Owell and its tributaries for the purposes of the Royal Canal or other the purposes of their undertaking and to all existing obligations on the Company in respect to the supply of water to any persons take for the purpose of impounding using and appropriating for a water supply for the said town of Mullingar and such buildings contiguous thereto as may require the said supply any waters of Lough Owell not exceeding five hundred thousand gallons in every twenty-four hours at and from such point to be agreed on as will insure a continuous supply and by means of such pipes and works to be provided planned and constructed by the sanitary authority at their own cost to the reasonable satisfaction of the engineer of the Company so far as the meter or meters and the out-take pipe or pipes thereto from Lough Owell are concerned and in the event of disagreement between the engineer of the Company and the sanitary authority the matter in dispute shall be referred to the decision of an engineer to be appointed by the Commissioners of Public Works for Ireland:

A proper meter or meters for ascertaining the quantity of water so taken from Lough Owell shall be provided and erected at or as near as practicable to the out-take and maintained in good working order and condition by the Company at the cost and expense of the

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sanitary authority which meter or meters shall be under the control of the Company but subject to reasonable access thereto from time to time by the sanitary authority who shall have the right from time to time to test the meter or meters and if the same should be found defective to require the Company forthwith to remedy same :

The sanitary authority shall have power to lay pipes for the purpose of the said water supply along and through the banks of the supply cut of the Company as far as may be practicable or necessary :

The laying of any such pipes along and through the banks of the said supply cut shall be carried out to the reasonable satisfaction of the engineer of the Company and failing agreement the question in dispute shall be referred to the decision of an engineer to be appointed by the Commissioners of Public Works for Ireland :

The sanitary authority shall have free access for laying examining repairing or renewing such pipes from time to time as may be requisite they bearing all costs or expenses incidental thereto :

The price or consideration to be paid by the sanitary authority to the Company for the said supply of water so taken and for way-leave for such pipes from Lough Owell along and through the banks of the said supply cut of the Company shall be at the rate of one eighth of one penny for every thousand gallons :

Nothing in this section shall impose on the Company any obligation to guarantee such supply in the event of accidents or failure of a sufficient water supply owing to causes not within the control of the Company or in regard to the maintenance of the pipes and works hereby authorised to be constructed by the sanitary authority.

22. And whereas the Company have at considerable expense provided at their Mullingar Railway Station a supply of water for the purposes of their undertaking and will not be benefited by the expenditure on waterworks by this Act authorised Be it enacted that the Company shall be assessed and liable to any special poundage water rate which the sanitary authority is or may be authorised to levy or demand in respect of their railway in the proportion of one fourth part only of the annual value thereof Provided always that if at any time hereafter the Company shall apply to the sanitary authority for a supply of water for their said station premises and conveniences they shall be entitled to receive a supply to be ascertained by a meter to be provided and erected and maintained in good working order and condition by the sanitary authority at the cost and expense of the Company and the sanitary

As regards
water rating
of Company
at Mullingar.

A.D. 1894. authority shall be bound to furnish the same at a rate equal to one fourth of the rate for the time being charged by the sanitary authority in respect of water supplied to the general public under the powers of this Act or of any future Act and in the event of the Company demanding said supply and receiving same if and so long as it is afforded the sanitary authority shall be entitled to take an additional quantity of water of one hundred thousand gallons in every twenty-four hours making the total quantity six hundred thousand gallons in every twenty-four hours the rate for the whole quantity to be one eighth of one penny per thousand gallons except for whatever quantity shall be supplied for the uses of the Company which shall be obtainable free of charge.

Definition of sanitary authority.

23. The words sanitary authority in the two immediately preceding sections shall mean the board of guardians of the Mullingar Union so long as they remain the sanitary authority or the Mullingar Town Commissioners should they at any time hereafter become the sanitary authority of the town.

Penalty for fouling canal.

24. Every person who shall negligently cause or suffer any sewage filthy water dirt filth or polluting matter or fluid to flow or pass into the canal or into any feeder watercourse or cut connected therewith or do any other act whereby the water of the canal shall be fouled shall for every such offence forfeit and pay to the Company a sum not exceeding five pounds and every such person shall forfeit and pay to the Company a further sum not exceeding forty shillings for every day during which such offence shall be continued after conviction thereof such forfeiture and payments to be recoverable in a summary manner before a justice or justices of the peace of the county or of the county of the city where such offence shall be committed sitting in petty sessions pursuant to the Summary Jurisdiction Act 1851 and the Petty Sessions Act 1851 or any Act amending the same and if within the metropolitan police district of the city of Dublin before one of the police magistrates of the metropolis of Dublin under the statutes regulating their jurisdiction.

Power to refuse to carry substances likely to pollute water.

25. The Company may refuse to carry and may prohibit the carrying on any part of the canal where the water is supplied for domestic purposes of any filthy noxious or injurious substance or thing in the judgment of the Company calculated to pollute the waters of the canal unless such substance or thing is so packed as to prevent the reasonable possibility of such pollution.

Power to erect hotels.

26. The Company may acquire purchase or lease existing hotels or lands houses and premises in the counties of Galway and Mayo for the purpose of erecting or working hotels as part of their

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undertaking and may furnish stock equip manage and conduct the same respectively and the business thereof and may employ officers managers and servants therein or in connexion therewith and they may from time to time lease the same respectively to any person for a term of years or otherwise or the Company may take shares in or contribute to any other Company formed or to be formed for the purposes aforesaid without being part of the Company's undertaking and the Company may apply their corporate funds to an extent not exceeding twenty-five thousand pounds for the purposes of this section or any of them but so that capital shall be applied only to purposes to which capital is properly applicable.

27. The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

28. The Company may apply for the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised.

Power to apply corporate funds to purposes of Act.

29. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively.

Power for the Company to raise additional capital.

30. The Company shall not issue any share created under the authority of this Act of less nominal amount than ten pounds nor

Shares not to be issued till one fifth part

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thereof shall
have been
paid.New shares
or stock to
be subject to
the same
incidents as
other shares
or stock.Dividends on
new shares
or stock.New shares
or stock
issued under
this Act may
be of same
class.Power to
borrow.

shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share or the whole of such stock shall have been paid in respect thereof.

31. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

32. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

33. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and by this Act authorised to raise by means of new shares or stock.

34. The Company may in respect of the additional capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole sixteen thousand six hundred and sixty-six pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully

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paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

35. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

For appoint-
ment of a
receiver.

36. The Company may for the purposes of this Act and subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock. But notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Debenture
stock.

37. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by

Existing
mortgages
to have
priority.

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virtue of this Act by the Company but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application
of moneys.

38. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and subject thereto to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Interest not
to be paid on
calls paid up.

39. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for
future Bills
not to be
paid out of
capital.

40. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway Acts.

41. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or the better or 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 Parliament of the maximum rates of fares and charges or of the rates for small parcels which the Company are authorised to take.

Costs of Act.

42. 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.

SCHEDULE referred to in the foregoing Act.

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ACTS RELATING TO THE ROYAL CANAL.

- 29 Geo. III., cap. 33, 1789.
30 Geo. III., cap. 20, 1790.
53 Geo. III., cap. 101, 1813.
55 Geo. III., cap. 182, 1815.
58 Geo. III., cap. 35, 1818.
8 & 9 Vict., cap. 119, 1845.

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