



CHAPTER cxciv.

An Act to extend the time limited by the Kingscourt Keady and Armagh Railway Act 1900 for the compulsory purchase of lands and for the construction of certain of the railways authorised by that Act and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS by the Kingscourt Keady and Armagh Railway Act 1900 (in this Act called "the Act of 1900") the Kingscourt Keady and Armagh Railway Company (herein-after called "the Company") were incorporated and were authorised to construct a line of railway from Kingscourt in the county of Cavan to Armagh in the county of Armagh : 63 & 64 Vict.
cap. cxcv.

And whereas by the Castleblayney Keady and Armagh Railway Act 1902 (herein-after called "the Act of 1902") the name of the Company was changed to that of the Castleblayney Keady and Armagh Railway Company and the Company were empowered to abandon so much of Railway No. 1 authorised by the Act of 1900 as lies between the commencement of that railway and a point at or near Castleblayney 17 miles 6 furlongs from such commencement : 2 Edw. 7.
cap. cvi.

And whereas the period limited by the Act of 1900 for the compulsory purchase of lands for the purposes of the railways and works thereby authorised will expire on the eighth day of August one thousand nine hundred and three and the period for the completion of such railways and works will expire on the eighth day of August one thousand nine hundred and five and it is expedient that such periods should be extended and that such other provisions should be made in reference thereto as in this Act provided :

[Ch. cxciv.] *Castleblayney, Keady, and Armagh* [3 EDW. 7.]
Railway Act, 1903.

A.D. 1903. — And whereas the Great Northern Railway Company (Ireland) (herein-after called “the Northern Company”) were by the Act of 1902 required to subscribe a sum of fifty thousand pounds towards the undertaking of the Company and were empowered to raise money for the purposes of such subscription :

And whereas it is expedient that the Northern Company should be authorised to subscribe a further sum to the undertaking of the Company and to lend money to the Company and to raise capital for those purposes as herein-after provided :

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 King’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 :—

Short title. **1.** This Act may be cited as the Castleblayney Keady and Armagh Railway Act 1903.

Incorporation of part of Act. **2.** Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Extension of time for purchase of lands. **3.** The powers granted to the Company by the Act of 1900 for the compulsory purchase of lands for the purposes of that Act except so far as the same relate to so much of Railway No. 1 authorised by the Act of 1900 as was authorised to be abandoned by the Act of 1902 are hereby extended and may be exercised for a period of two years from the eighth day of August one thousand nine hundred and three.

Extension of time for completion of works. **4.** The time limited by the Act of 1900 for the completion of the railways and works by that Act authorised except the portion of Railway No. 1 authorised to be abandoned as aforesaid shall be and the same is hereby extended until the expiration of two years from the eighth day of August one thousand nine hundred and five and on the expiration of that period the powers granted to the Company by the Act of 1900 for making and completing the railways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Certain sections of **5.** Sections 41 and 42 of the Act of 1900 the marginal notes whereof are respectively “Deposit money not to be repaid except

so far as railway is opened” and “Application of deposit” shall (subject to the provisions of section 15 of the Act of 1902 the marginal note whereof is “Release of part of deposit fund”) respectively apply and have effect as fully and effectually as if such sections had been specifically re-enacted in this Act and shall be read and construed as if the period extended and limited by this Act for the completion of the railways had been the period limited by the Act of 1900 for such completion.

A.D. 1903.
Act of 1900
to apply.

6. Section 35 of the Act of 1902 the marginal note whereof is “Power to pay interest out of capital during construction” shall continue to apply to the railways and works authorised by the Act of 1900 (so far as not authorised to be abandoned as aforesaid) as though the period limited by the Act of 1900 for the completion thereof had been the period extended and limited by this Act.

Section 35 of
Act of 1902
to continue to
apply.

7. In addition to the sum of fifty thousand pounds which the Northern Company are by the Act of 1902 required to subscribe towards the undertaking of the Company the Northern Company may with the authority of three-fourths of the votes of the holders of stock in the Northern Company entitled to vote at ordinary meetings of that company present in person or by proxy at a general meeting of the said company specially convened for the purpose subscribe towards the undertaking of the Company such sums as may be required for the construction and completion of the railways and works authorised by the Act of 1900 (so far as the same have not been authorised to be abandoned) and the Act of 1902 including the acquisition of land therefor not exceeding in the whole such sum as together with the portion of the capital of the Company issued to persons other than the Northern Company previously to the passing of this Act will amount to the sum of two hundred and fifty thousand pounds and if such sum shall be insufficient for the purposes aforesaid the Northern Company may with the like authority lend to the Company such sum not exceeding fifty thousand pounds as may be required for such purposes and the Northern Company may with the like authority contribute and apply in or towards payment of the subscription and loan authorised by this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the Northern Company shall in respect of the sums to

Power to
Northern
Company to
subscribe fur-
ther money
and to apply
funds for that
purpose.

A.D. 1903. — be subscribed and lent and the corresponding shares in and mortgages and debenture stocks of the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares mortgages and debenture stock in the Company Provided always that the Northern Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Appointment of additional directors by Northern Company. **8.** From and after the passing of this Act the directors of the Northern Company may by writing under their common seal in lieu of the number of directors of the Company which they are authorised to appoint by the Act of 1902 appoint any persons not exceeding five in number whether individually shareholders of the Company or not to be directors of the Company and the provisions of section 24 (Appointment of directors by the Northern Company) of the Act of 1902 shall apply to and have effect in respect of the persons so appointed.

Restrictions on displacing persons of labouring class. **9.**—(1) Section 40 of the Act of 1900 is hereby repealed and the Company shall not under the powers of that Act as extended by this Act purchase or acquire in any urban district ten or more houses which on the fifteenth day of December next before the passing of the Act of 1900 were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

- (A) shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ;
and
(B) shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of the Act of 1900 in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority

A.D. 1903. — within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) Notwithstanding anything to the contrary in section 41 of the Public Health (Ireland) Act 1878 the provisions of that section and of the two preceding sections of the same Act shall apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the said Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the said Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of the Act of 1900 whether purchased or acquired in exercise of the powers conferred by that Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of the Act of 1900 shall for the purposes of this section be deemed to have been acquired under the powers of the Act of 1900 and to have been occupied on the fifteenth day of December next before the passing of that Act by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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 of such persons who may be residing with them.

10. The Northern Company may raise for the purposes of the subscription and loan authorised by this Act any capital not exceeding in nominal amount three hundred 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 these modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

Power to
Northern
Company
to raise
additional
capital &c.

- 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 shareholders ;
- The consolidation of the shares into stock ;

[Ch. cxciv.] *Castleblayney, Keady, and Armagh* [3 EDW. 7.]
Railway Act, 1903.

- A.D. 1903. — 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 Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 shall extend and apply to the Northern Company and to the additional capital which they are by this Act authorised to raise.
- Application of sections 26 to 34 of Act of 1902. **11.** Sections 26 to 34 of the Act of 1902 shall apply and have effect to and in respect of the capital which the Northern Company are by this Act authorised to raise and to and in respect of the subscription and loan hereby authorised to be made by the Northern Company as if the raising of such capital and such subscription and loan had been authorised by that Act.
- Provision as to general Railway Acts. **12.** Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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.
- Costs of Act. **13.** 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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