



## CHAPTER vi.

An Act to confer further powers upon the Great Northern Railway Company (Ireland) to vest in that Company the undertaking of the Castleblayney Keady and Armagh Railway Company and for other purposes.

A.D. 1911.

[28th April 1911.]

WHEREAS it is expedient that the Great Northern Railway Company (Ireland) (in this Act referred to as "the Company") should be authorised to construct the railways and widenings of railway and other works and to acquire the lands herein-after described and to exercise the other powers with reference to their undertaking in this Act mentioned:

And whereas the Castleblayney Keady and Armagh Railway Company (herein-after referred to as "the Castleblayney Company") were incorporated by the Kingscourt Keady and Armagh Railway Act 1900 and were by that Act as varied and extended by the Castleblayney Keady and Armagh Railway Act 1902 (herein-after referred to as "the Act of 1902") the Castleblayney Keady and Armagh Railway Act 1903 and the Great Northern Railway (Ireland) Act 1906 authorised to construct a railway commencing by a junction with the railway of the Company at Castleblayney and terminating by a junction with the railway of the Company at Armagh:

63 & 64 Vict.  
c. cxc.2 Edw. 7.  
c. cvi.3 Edw. 7.  
c. cxiv.6 Edw. 7.  
c. ccvi.

And whereas the Castleblayney Company have made substantial progress with the construction of their authorised railways and works and the portion thereof between Keady and Armagh has been completed and opened for traffic but the time limited for the completion of the remainder thereof expired on the twenty-ninth day of November one thousand nine hundred and nine:

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And whereas it is expedient that the powers of completing the said authorised railways and works should be revived and that the period within which such powers may be exercised should be extended as by this Act provided :

And whereas the authorised capital of the Castleblayney Company is three hundred thousand pounds and the Castleblayney Company are empowered to borrow in respect of such capital the sum of one hundred and fifty thousand pounds :

And whereas the Castleblayney Company have created and issued all their said capital the whole of which is held by or in trust for the Company :

And whereas the Company have in exercise of powers conferred upon them in that behalf lent to the Castleblayney Company the sum of fifty thousand pounds but the Castleblayney Company have not borrowed any other moneys :

And whereas by an agreement scheduled to and confirmed by the Act of 1902 the Company have agreed with the Castleblayney Company to work and use in perpetuity the railway of the Castleblayney Company as from the opening thereof for traffic and to maintain the said railway after the expiration of six months from such opening :

And whereas it would tend to convenience and economy of management if the undertaking of the Castleblayney Company were merged in that of the Company and it is expedient that such merger should be effected as provided by this Act and that the Castleblayney Company should be dissolved :

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

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were (as regards the railways and works and lands respectively situate in the counties herein-after mentioned) duly

deposited with the clerks of the peace for the respective A.D. 1911.  
 counties of Antrim Armagh Cavan Donegal Down Fermanagh  
 Louth Monaghan and Tyrone which plans sections and book of  
 reference are in this Act respectively referred to as the deposited  
 plans sections and book of reference:

And whereas the objects of this Act cannot be attained  
 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:—

1. This Act may be cited as the Great Northern Railway Short title.  
 (Ireland) Act 1911.

2. The following Acts and parts of Acts are (except where Incorporation  
 expressly varied by this Act) incorporated with and form part of of  
 this Act (that is to say):—  
 general Acts.

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) Part II.  
 (relating to extension of time) and Part V. (relating to  
 amalgamation) of the Railways Clauses Act 1863.

3. The provisions of the Companies Clauses Consolidation Applying  
 Act 1845 with respect to—  
 certain provisions of

The distribution of the capital of the Company into shares; Companies  
 Clauses

The transfer or transmission of shares; Acts.

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 borrowing of money by the Company on mortgage  
 or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

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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) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpreta-  
tion.

4.—(1) 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 varied by this Act or there be something in the subject or context repugnant to such construction :

Provided that in construing for the purposes of this Act the said Acts wholly or partially incorporated herewith the expressions "the Company" and "the promoters of the undertaking" shall mean the Company or the Castleblayney Company as the case may require and the expression "the undertaking" shall mean the authorised undertaking of the Company in relation to which that expression applies :

Provided also that in construing for the purposes of this Act the Railways Clauses Consolidation Act 1845 and Part I. of the Railways Clauses Act 1863 the expression "the railway" shall mean the railways and the widenings as herein-after defined.

(2) In this Act—

"The railways" means the Railways Nos. 1 and 2 and the works connected therewith by this Act authorised ;

"The widenings" means the widenings by this Act authorised of the railway of the Company ;

"The Castleblayney railways" means the railways and works connected therewith authorised to be constructed by the Castleblayney Company ;

“The Castleblayney undertaking” includes all railways works lands buildings plant machinery books stores property interests and effects of the Castleblayney Company and all rights powers and privileges of that company of what nature or kind soever including all or any powers for the purchasing of lands by compulsion or agreement the construction or completion of works the fixing and levying of tolls rates and charges the provision of plant and rolling stock and otherwise;

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“The Act of 1900” means the Kingscourt Keady and Armagh Railway Act 1900;

“The Act of 1902” means the Castleblayney Keady and Armagh Railway Act 1902;

“The Act of 1903” means the Castleblayney Keady and Armagh Railway Act 1903;

“The Act of 1906” means the Great Northern Railway (Ireland) Act 1906.

5. The provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act be read and construed as if the expression “clerks of the district councils within whose districts such parishes are included in Ireland” or the words “clerks of the district councils” (as the case may be) had been inserted in those sections instead 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  
“clerks of district councils.”

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections the railways and widenings of portions of their existing railways (including in such widenings the altering and improving of and the laying down of additional lines of rail upon the said portions of railways) herein-after described with all proper stations storage and other accommodation junctions sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say):—

Power to make railways and widen portions of railways &amp;c.

Railway No. 1 (1 mile and 5 chains or thereabouts in length)—Wholly in the county of Louth commencing in

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the townland of Marshes Lower in the parish of Dundalk at a point in the centre of a line of rails in the Barrack Street goods yard of the Company 91 yards or thereabouts measured in a south-westerly direction from the entrance doors of the engine shed at Barrack Street and terminating in the townland of Point in the said parish at a point on the southern bank of the Castletown River or Dundalk Harbour 72 yards or thereabouts measured in a northerly direction from the centre of the Point Road and 430 yards or thereabouts measured in an easterly direction from the eastern end of Connick's Quay or Wharf:

Railway No. 2 (2 furlongs or thereabouts in length)—Wholly in the said county of Louth commencing in the said townland of Point by a junction with Railway No. 1 by this Act authorised at a point 62 yards or thereabouts measured in a southerly direction from the northern side of Connick's Quay or Wharf and 48 yards or thereabouts measured in a south-easterly direction from the south-eastern corner of the workshop of the Dundalk Harbour Commissioners and terminating in the townland of Townparks in the said parish at a point on the quay opposite to and distant 8 feet or thereabouts from the north-eastern corner of the cattle-shed of the Dundalk and Newry Steam Packet Company Limited situate at the eastern side of the cattle-yard of that company: |

Widening No. 1 of the main line of the railway of the Company—Wholly in the county of Antrim commencing in the townland of Dunmurry in the parish of Drumbeg at a point in the footpath leading from Dunmurry Station to Farm Hill Bridge 19 feet or thereabouts measured in a north-westerly direction from the north-westernmost rail of the existing railway of the Company and 155 yards or thereabouts measured along the said footpath in a north-easterly direction from the top of the ramp at the northern end of the down platform at Dunmurry Station and terminating in the townland of Malone Lower in the parish of Shankill in the city and county borough of Belfast at a point 19 feet or thereabouts measured in a westerly direction from the westernmost rail of the down main line of the existing railway of the Company and 106 yards or thereabouts measured in a southerly direction from the south-eastern corner of Wardlow's Row:

Widening No. 2 of the said main line of railway—Wholly in A.D. 1911.  
the said townland of Malone Lower commencing at the  
termination of the Widening No. 1 by this Act authorised  
and terminating at a point 15 feet or thereabouts measured  
in a westerly direction from the westernmost rail of the  
down main line of the Company and 12 yards or there-  
abouts measured in a north-easterly direction from the  
north-eastern corner<sup>o</sup> of the Triumph Laundry :

Widening No. 3 of the said main line of railway—Wholly in  
the said townland of Malone Lower commencing at a point  
10 feet or thereabouts measured in an easterly direction  
from the easternmost rail of the up main line of the  
existing railway of the Company and 76 yards or there-  
abouts measured in a southerly direction along the railway  
from the easternmost level crossing gate at Tate's Avenue  
and terminating at the bridge carrying the Donegall Road  
over the said existing railway at Belfast Central Junction  
at a point 11 yards or thereabouts measured in an easterly  
direction from the easternmost rail of the up main line  
of the said existing railway.

7. Notwithstanding anything contained in this Act or shown As to con-  
on the deposited plans Railway No. 1 shall not be constructed struction of  
so that the centre line shall be nearer to the barracks at Dundalk part of Rail-  
than as shown by a red line on the plan marked "A" signed way No. 1.  
by Thomas Gair Ashton the Chairman of the Committee of the  
House of Commons to whom the Bill for this Act was referred  
of which plan one copy has been deposited in the Private Bill  
Office of the House of Commons and one copy in the Parliament  
Office of the House of Lords.

8. For the protection of the Dundalk Harbour Commis- For pro-  
sioners (in this section referred to as "the commissioners") the tection of  
following provisions shall unless otherwise agreed in writing Dundalk  
between the Company and the commissioners have effect (that is Harbour  
to say):— Commis-  
sioners.

- (1) Notwithstanding anything contained in this Act or shown  
on the deposited plans the Company shall not enter  
upon take or use any greater part of the property  
known as Navy Bank and numbered on the deposited  
plans 11 in the townland of Point in the parish and  
urban district of Dundalk and 1 in the extra-parochial

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place of Dundalk Harbour than the portion or portions thereof referred to in the next following subsection nor shall anything in this Act authorise the Company to acquire any greater interest in the said portion or portions of Navy Bank than the interest specified in that subsection:

- (2) The Company may take and the commissioners shall if so required by the Company grant a lease in perpetuity of (a) such portion or portions of Navy Bank between the eastern side of Connick's Quay on the west and the easternmost limit of deviation shown on the deposited plans near the termination of Railway No. 1 by this Act authorised on the east as the Company may select to the extent of an aggregate frontage to the river of seven hundred feet and extending southwards from high-water mark to the northern boundary of the property numbered on the deposited plans 8 in the said townland of Point such portion or portions of Navy Bank to be used by the Company for the purpose of erecting thereon such wharf or wharves as the Company may think fit and no such wharf or wharves shall extend into the river for a distance of more than eighty feet northward of high-water mark and (b) an easement or right of user concurrently with the commissioners and their licencees and assigns for carting and other purposes over Navy Bank and the roadway leading therefrom to Point Road and over the said roadway as shown in brown on the plan marked "B" signed by Thomas Gair Ashton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons and another copy has been deposited in the Parliament Office of the House of Lords:
- (3) The terms of the said lease shall be such as have been or may be agreed between the Company and the commissioners.

Company to  
construct  
wharf simul-  
taneously  
with rail-  
ways.

9. Notwithstanding anything contained in this Act the Company shall not construct the railways unless simultaneously therewith they construct a wharf or wharves in connexion with Railway No. 1.



**10.** Notwithstanding the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the Company may deviate laterally from the lines of the railways and the widenings as delineated on the deposited plans thereof to any extent within the limits of deviation shown on those plans and they may diminish the radius of any curve described on the deposited plans of the railways and the widenings to any extent which shall leave a radius of not less than one furlong:

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 Powers of lateral deviation and of altering curves of railways and widenings.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

**11.** 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 Company may in the construction of the railways carry the same with a single line only whilst the railways 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):—

Power to cross certain roads on the level.

No. on deposited Plan.	Townland.	Parish.	Description of Road.
21	Townparks - -	Dundalk - - -	Public.
15	Townparks - -	Dundalk - - -	Public.

**12.** In altering for the purposes of this Act the road numbered on the deposited plans 15 in the townland of Ballyfinaghy in the parish of Drumbeg the Company may make the same of any inclination not steeper than one in twenty.

Inclination of road.

**13.** Subject to the provisions of this Act the Company may make the arches of the bridges for carrying the widenings over any roads of any heights and spans not less than the heights and spans of the arches of the bridges carrying the existing railway over such roads respectively.

Height and span of bridges.

**14.** The Company may make the extensions of any bridges by which any roads will be carried over the widenings of such width between the fences thereof as the Company think fit not being less than the respective widths between the fences of the existing bridges.

Width of roadways over bridges.

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Company  
not liable to  
repair sur-  
face of road  
gradient of  
which is not  
altered.

**15.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the widenings by a bridge or bridges or the immediate approaches to such bridge or bridges unless the level of such road or public highway or bridge approach shall be permanently altered so as to increase the gradient of any part thereof.

Protection of  
gas and  
water mains  
of local  
authorities.

**16.** The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "district council or other local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under the said section 23 shall be appropriated to that fund of the district council or local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Power to  
Company to  
divert roads  
as shown on  
deposited  
plans.

**17.** The Company may divert the roads referred to in the next following table in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a road so much of each existing road as will be rendered unnecessary by the new portion of road so shown on the said plans (that is to say):—

Railway.	No. of Road on Plan.	Townland.	Parish.
Railway No. 1	16	Marshes Lower	Dundalk.
	2	Point	
	22	Townparks	
Railway No. 1	15	Townparks	Dundalk.
	7	Point	
Widening No. 1	15	Ballyfinaghy	Drumbeg.

Stopping up  
road in case  
of diversion.

**18.** Where this Act authorises the diversion of a road and the stopping up of an existing road or portion thereof such stopping up shall not take place until the new road has been completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new road has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road is situate seven days' notice in writing of their intention to apply for the same. A.D. 1911.

As from the completion of the new road to the satisfaction of the road authority or as from the date of the said certificate (as the case may be) all rights of way over or along the existing road or portion shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

For the purposes of this section the expression "the road authority" means in the case of an urban district the urban district council of that district and in the case of a rural district the rural district council of that district.

**19.** And whereas in order to avoid in the execution and maintenance of any works authorised by this Act or in the removal or demolition of buildings from or on lands acquired under the powers of this Act injury to the houses and buildings within one hundred feet of the railways or the widenings or any such lands as aforesaid it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Under-  
pinning of  
houses near  
railways or  
widenings.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

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- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 with respect to the service of notices to which that Act applies and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company:
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the costs of and incidental to such reference shall be borne and paid as the arbitrator may direct:
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case

unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof: A.D. 1911.

- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from any liability to compensate to which they may be subject under any other enactment:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

**20.** The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. Lands for  
extra-  
ordinary  
purposes.

**21.** The railways and the widenings shall for all purposes (including the levying of tolls rates and charges) be part of the railways of the Company and the Company may in respect of the railways and the widenings demand and take any tolls rates and charges not exceeding those which they are for the time being authorised to demand and take on or in respect of their railways. Railways  
and widen-  
ings to form  
part of  
undertaking  
of Company.

**22.** If the railways are 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for  
completion  
of railways.

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Power to  
make roads.

**23.** Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make the roads herein-after described with all proper works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes (that is to say):—

Road No. 1—Wholly in the townland of Dunmurry in the parish of Drumbeg in the county of Antrim commencing at a point in the centre of the existing roadway opposite the northernmost corner of the Presbyterian Church at Dunmurry and terminating at a point in the centre of the existing roadway 17 yards or thereabouts measured in a northerly or north-westerly direction from the northernmost corner of the signal cabin at Dunmurry :

Road No. 2—Wholly in the said townland of Dunmurry commencing on the north-western side of the railway of the Company by a junction with the Road No. 1 by this Act authorised at a point 30 feet or thereabouts measured in a north-westerly direction from the north-westernmost rail of the said railway and 93 yards or thereabouts measured in a south-westerly direction from the entrance gate to the manse in connexion with the First Presbyterian Church Dunmurry and terminating on the south-eastern side of the said railway at the western boundary of the Lisburn Road at a point 8 yards or thereabouts measured in an easterly direction from the south-eastern corner of Henry Mussen's public-house :

Road No. 3—Wholly in the county of Armagh commencing in the townland of Goragh in the parish of Killeavy on the western side of the Newry and Armagh Branch of the railway of the Company at a point in the public road 43 yards or thereabouts measured along the said road in a northerly direction from the northernmost gate of the level crossing over the said branch situate 2 miles and 36 chains or thereabouts measured along the railway in a northerly direction from Edward Street Newry and terminating in the townland of Carnbane in the parish of Newry on the western side of the said branch at a point in the public road leading to Mullaglass from the level.

crossing over the said branch situate 2 miles and 28 chains or thereabouts measured along the railway in a northerly direction from Edward Street aforesaid such point being 4 yards or thereabouts measured along the last-mentioned public road in the direction of Mullaglass from the westernmost gate of the last-mentioned level crossing. A.D. 1911.

24.—(1) Upon the completion and opening for traffic of the Road No. 1 and Road No. 2 by this Act authorised all rights of crossing on the level over the railway of the Company in the said townland of Dunmurry by the roads next herein-after referred to and all rights of way over the portions of the said roads situate between the boundaries of the property of the Company shall be by virtue of this Act extinguished and the site and soil of the said portions of roads so far as not already vested in the Company shall thereupon vest in them. The said roads are the following namely:— Stopping up roads and level crossings.

(A) The approach road from the Lisburn Road to the Presbyterian Church at Dunmurry;

(B) The public road crossing the railway of the Company 172 yards or thereabouts measured along the railway in a south-westerly direction from the south-western end of the Dunmurry Station building.

(2) Upon the completion and opening for traffic of the Road No. 3 by this Act authorised all rights of crossing on the level over the said Newry and Armagh Branch of the railway of the Company in the said townland of Goragh by the upper road from Goraghwood to Newry at a point 2 miles 36 chains or thereabouts measured along the railway in a northerly direction from Edward Street Newry and all rights of way over the portion of the said road situate between the boundaries of the property of the Company shall be by virtue of this Act extinguished and the site and soil of the said portion of the said road so far as not already vested in the Company shall thereupon vest in them.

(3) The Company may stop up and discontinue the level crossings over their main line of railway in the townland of Malone Lower in the parish of Shankill in the city and county borough of Belfast in the county of Antrim at the points next herein-after mentioned (that is to say):—

(A) A point 157 yards or thereabouts measured along the said railway in a south-westerly direction from the mile-post thereon indicating  $110\frac{1}{2}$  miles from Dublin;

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- (B) A point 100 yards or thereabouts measured along the said railway in a north-easterly direction from the said mile-post;
- (C) A point 187 yards or thereabouts measured along the said railway in a north-easterly direction from the said mile-post;
- (D) A point 117 yards or thereabouts measured along the said railway in a south-westerly direction from the mile-post thereon indicating  $111\frac{1}{2}$  miles from Dublin;
- (E) A point 165 yards or thereabouts measured along the said railway in a north-easterly direction from the last-mentioned mile-post;

and thereupon all rights of way over the said level crossings shall be extinguished and all interests in the lands situate between the boundaries of the property of the Company at the said points which are not already vested in them shall vest in the Company.

(4) The Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to  
stop up parts  
of roads.

**25.**—(1) The Company may stop up—

- (A) The portion of Lower Windsor Avenue in the city and county borough of Belfast which extends from Great Northern Street and Northbrook Street or one of them on the east to the eastern boundary of the railway of the Company on the west; and
- (B) So much of the cartways respectively numbered on the deposited plans 9 and 10 in the townland of Point in the parish of Dundalk as are situate upon any lands acquired by the Company under the powers of this Act;

and thereupon all public rights of way over the said portions of road and cartways shall be extinguished but the portion of road (A) herein-before described shall not be stopped up unless the Company are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree.



(2) As from the date of such stopping up the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up. A.D. 1911.

**26.** The Company may in constructing the works authorised by the section of this Act of which the marginal note is "Power to make roads" deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said roads shown on the deposited sections to any extent not exceeding five feet but not so as to increase the rate of inclination of any new road as shown on the said sections. Power to deviate in construction of roads.

**27.** Any road or footpath or portion of road or footpath to be made diverted or altered under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads streets and footpaths of the same nature within the district in which such road or footpath or portion of road or footpath will be situate are from time to time liable to be repaired or maintained. Provisions as to repair of new roads &c.

**28.** For the protection of the Belfast City and District Water Commissioners (in this section called "the water commissioners") the following provisions shall unless otherwise agreed in writing between the Company and the commissioners have effect:— For protection of Belfast City and District Water Commissioners.

(1) The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall apply and have effect with regard to the construction and execution of all works authorised by this Act across over or under or in any way affecting any mains or other pipes and fittings of the water commissioners:

(2) All works matters or things which the Company may be empowered or required under this Act to do or execute with reference to the mains pipes services and other works of the water commissioners shall be

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done and executed by and at the expense of the Company but to the reasonable satisfaction of the engineer for the time being of the water commissioners. Such works matters or things shall not be commenced until after fourteen days' notice thereof in writing accompanied by a plan of the proposed works shall have been given by the Company to the water commissioners and if the water commissioners by notice in writing to the Company within seven days after the receipt by them of the notice of the intended commencement by the Company of any such work matter or thing require that the water commissioners shall by their own engineer or workmen do or execute such work matter or thing the water commissioners may on the expiration of the first-mentioned notice do or execute the same and in so doing shall comply with the directions of the Company who shall be entitled to superintend such execution and the Company shall on the completion of such work matter or thing pay to the water commissioners the expenses reasonably incurred by them in the execution thereof:

- (3) If and whenever in the execution or maintenance of the said works by this Act authorised and any works connected therewith any injury be caused to the pipes conduits or other works of the water commissioners the same shall be made good replaced or repaired as may be necessary by the water commissioners and all the costs and expenses reasonably incurred thereby shall be paid to the water commissioners by the Company and may be recovered by legal process in any court of competent jurisdiction:
- (4) If and when the Company under the powers of this Act acquire and appropriate any lands houses and buildings which are served with water by the mains pipes services or works of the water commissioners laid down and maintained by them in any road street highway or place or stop up any such road street highway or place so that the same mains pipes services and works or any of them or any parts thereof respectively become useless for supplying water the Company shall if so required by the water

commissioners at their own expense take up such mains pipes services and works or such parts thereof respectively as shall so become useless and shall deliver the same to the water commissioners in as good a condition as may be reasonably practicable :

- (5) If the depth of the roadway on any bridge to be constructed by the Company over their railway under the powers of this Act or on the extended portion of any existing bridge which the Company may lengthen under the like powers shall not permit of the laying therein of mains or pipes not exceeding eighteen inches in diameter which the water commissioners shall desire to carry across such railway the Company shall at their own expense provide reasonable facilities for enabling the water commissioners to carry such mains or pipes alongside such bridge on the outside of the main girders in a suitable manner Provided always that in all cases where such facilities as aforesaid have to be provided by the Company they shall be bound to duplicate the provision so made in order to provide for the accommodation of future mains or pipes not exceeding such dimensions as aforesaid Provided also that in any case where under the provisions of this subsection the Company provide such facilities as aforesaid alongside the extended portion of any existing bridge they shall permit the water commissioners to carry at their own expense their mains or pipes (not exceeding such dimensions as aforesaid) alongside the existing portion of such bridge on the outside of the main girders thereof in such manner as may be reasonably approved by the Company and for that purpose to execute and do all such works and things as may be reasonably necessary :
- (6) Nothing in this Act shall deprive the water commissioners of any right or power vested in them under any other enactment of laying at their own expense from time to time such additional mains or pipes with all scour pipes and air and other valves for supplying water as they are now authorised to lay or from altering diverting repairing or from time to

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time inspecting any of their now authorised mains pipes services or other works at under over across or near the works by this Act authorised Provided that the operations of the water commissioners shall so far as they affect the works of the Company be carried on according to the directions and under the superintendence of the engineer for the time being of the Company:

(7) Except in the manner and to the extent provided in this section nothing contained in this Act shall take away diminish enlarge or alter any of the rights powers or privileges of the water commissioners:

(8) Should it be necessary for the Company to interfere with or alter any road or street in which any mains or pipes of the water commissioners are or may be laid or to interfere with any of the said mains or pipes the Company shall be bound wherever it is reasonably practicable to do so to leave not less than two feet six inches of covering from the surface of the road or street over every main or pipe so altered or interfered with and in any case where such two feet six inches of covering or more cannot be given the Company shall in every such case be bound to provide at their own expense special works for carrying the said mains or pipes across the railway with special protection from injury for such mains or pipes all to the reasonable satisfaction of the engineer of the water commissioners The Company shall also be bound to provide at their own expense and to the reasonable satisfaction as aforesaid all stopcocks scour pipes and air valves in connexion with the said mains or pipes that may be rendered necessary through their operations:

(9) Any dispute or difference which may arise between the Company and the water commissioners or between their respective engineers with respect to any of the works matters or things provided for by this section shall be submitted to and determined by an engineer to be appointed as arbitrator by the Commissioners of Public Works in Ireland on the application of either the water commissioners or the Company.

29. For the protection of the Lord Mayor aldermen and citizens of the city of Belfast (in this section called "the corporation") the following provisions shall unless otherwise agreed in writing between the Company and the corporation have effect (that is to say):—

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For protection of  
Belfast Corporation.

(1) If the Company shall construct Widening No. 1 by this Act authorised—

(A) They shall before opening the said widening for public traffic increase the span of the existing bridge carrying the railway of the Company as widened over Stockman's Lane in such a manner as may failing agreement between the Company and the corporation be determined by arbitration as herein-after provided so that such bridge shall have between the abutments a width throughout of forty-five feet in one span;

(B) If the corporation shall at any time after the expiration of ten years from the passing of this Act construct between Stockman's Lane and a point three thousand feet measured along the railway in a northerly direction from the said lane a bridge for carrying a public road over the railway of the Company and over the said Widening No. 1 the Company shall upon the completion of such bridge pay to the corporation the amount (if any) by which the cost of such construction is increased by the construction of the said widening and such amount shall in case of difference between the Company and the corporation be determined by arbitration as herein-after provided Provided that no such bridge shall be constructed otherwise than in such position as may be reasonably approved by the Company or as in case of difference shall be determined by arbitration as aforesaid:

(2) The Company shall not oppose otherwise than on details and for the purpose of securing the insertion of protective clauses and amendments any application by the corporation for powers to construct any such bridge as is referred to in paragraph (B) of the preceding subsection of this section:

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(3) If the corporation shall in either of the sessions of Parliament of 1911 or 1912 promote a Bill for authorising the construction of a bridge carrying Tate's Avenue over the railway of the Company and Widening No. 2 by this Act authorised the Company shall not oppose such Bill otherwise than as aforesaid and if such Bill shall become law—

(A) The corporation shall within three years after the passing thereof substantially commence the construction of the said bridge and upon the completion of such bridge the Company shall pay to the corporation the sum of eight thousand five hundred pounds towards the construction thereof;

(B) Before the corporation commence such construction the Company shall acquire so much of the lands comprised within the limits of deviation for Widening No. 2 shown on the deposited plans as they may require for the purposes of that widening;

(C) The Company shall construct a suitable foot-bridge over their railway and over the said Widening No. 2 at Lower Windsor Avenue but shall not be under any obligation to construct any other bridge:

(4) If the corporation fail to obtain in the said sessions of 1911 or 1912 the necessary powers to construct the said bridge referred to in subsection (3) of this section the Company shall thereupon if they execute the said Widening No. 2—

(A) Construct (in lieu of the bridge shown on the deposited plans carrying Lower Windsor Avenue over the railway of the Company and over the said Widening No. 2) a bridge over the said railway and widening in accordance with the plan marked "C" signed by Thomas Gair Ashton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons

and one copy in the Parliament Office of the House of Lords; and

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(B) Construct a suitable footbridge over the railway and the said widening at Tate's Avenue:

- (5) The Company shall not stop up the existing level crossings at Lower Windsor Avenue or at Tate's Avenue until the bridges to be constructed in lieu of the level crossings to be stopped up shall have been completed and opened at those points. Provided that this restriction shall not apply in the case of the level crossing at Tate's Avenue after the expiration of three years from the passing of any such Act as aforesaid empowering the corporation to construct a bridge at that point:
- (6) Any such bridge as is referred to in subsection (1) (B) or subsection (3) (A) of this section shall be constructed to the reasonable satisfaction of the Company's engineer and in accordance with plans sections and specifications to be previously submitted by the corporation to and approved by the Company or in case of difference between the Company and the corporation to be determined by arbitration as herein-after provided and the corporation shall pay to the Company any reasonable additional charges for signalling watching and lighting which may be necessary during the execution by the corporation in accordance with this section of works affecting the Company's railway:
- (7) The Company shall afford to the corporation all reasonable facilities for the construction of the said bridges referred to in subsection (1) (B) and subsection (3) (A) of this section and in the event of the corporation requiring to purchase any lands or property within the limits of deviation for Widening No. 2 shown on the deposited plans which shall not be acquired by the Company under paragraph (B) of subsection (3) of this section the Company shall not object to the corporation seeking powers so to do by the Bill to be promoted by them in sessions 1911 or 1912:
- (8) The Company shall permit the corporation free of charge and at their own risk to lay gas or electric mains or works crossing under the railway of the Company

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between Stockman's Lane and Donegall Road Bridge subject as to position and method of laying to the approval of the Company's engineer the corporation indemnifying the Company against any loss or injury consequent on such laying and paying the Company's reasonable charges for any signalling watching and lighting which may be necessary during such laying:

- (9) If any difference shall arise between the Company and the corporation under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the Company and the corporation or failing such agreement to be appointed on the application of either party by the Board of Trade.

For protection of  
Lisburn  
Rural  
District  
Council.

**30.** For the protection of the rural district council of Lisburn in the county of Antrim (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company be observed and have effect (that is to say):--

- (1) Before interfering with any sewer of the council the Company shall at their own expense carry out the following works (in this section called "the sewer diversions") the position of which is shown by red lines on the plan marked "D" signed in triplicate by the Right Honourable the Lord Newton the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited with the council (that is to say):--

(A) Construct the new sewers the position of which is shown by red lines on the said plan and acquire such easements or rights as may be necessary for that purpose;

(B) Such new sewers to be of such materials and of such internal diameters and to be laid at such levels as are indicated on the said plan and to be



fitted with new manholes and storm overflow pipe and Mannesman steel tube as also indicated on the said plan ;

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(c) Such new sewers are to be connected with the existing sewers of the council at the points B C and D indicated on the said plan ;

(d) All existing sewers of the council (other than those indicated on the said plan by blue dotted lines) and connexions therewith which may be interfered with in carrying out the said works shall be made good by the Company :

- (2) The Company shall not commence the sewer diversions or interfere with any sewer of the council until they shall have given to the council one month's previous notice in writing of their intention to commence such works with plans and sections thereof as herein-after defined for the reasonable approval of the council Any difference arising between the Company and the council with respect to any disapproval or as to the mode of executing the works shall be determined by an arbitrator as herein-after provided but if the council shall not within one month from the receipt by them of the said plans and sections in writing notify to the Company their disapproval thereof or make any requirement with respect thereto they shall be deemed to have approved thereof The sewer diversions shall be carried out in all respects in accordance with the plans and sections as approved by the council or as determined by the arbitrator :
- (3) The Company shall comply with all reasonable directions of the council in the execution of the sewer diversions and shall take all necessary steps for the proper protection of and for preventing injury or impediment to the new sewers or to the other sewers of the council by reason of the intended works or any part thereof and shall save harmless the council against all expenses to be occasioned thereby :
- (4) The sewer diversions and all works incidental thereto or consequent thereon shall be carried out at the option of the council either by the Company under

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the superintendence of the engineer or other officers of the council (if after reasonable notice from the Company he or they shall choose to attend) or by the council and in the latter event the Company shall repay to the council the cost reasonably incurred by them in executing the said works:

- (5) When the sewer diversions or any works connected therewith shall be completed the same shall thereafter be fully and completely vested in and be under the direction jurisdiction and control of the council:
- (6) The plans to be submitted to the council under the provisions of this section shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the levels at which the sewer diversions and other works are proposed to be constructed and shall comprise detailed drawings of any alteration which the Company may propose to make in any such sewer:
- (7) When the sewer diversions are completed in accordance with the provisions of this section the Company shall be at liberty to take up and remove such portions of the existing sewers of the council shown and dotted blue on the said plan as are beneath any lands for the time being belonging to the Company without making any compensation to the council in respect thereof:
- (8) The Company shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the council unless such works or operations shall have been executed or performed by the council and the council shall from time to time have power to recover the amount thereof from the Company in any court of competent jurisdiction:
- (9) The approval by the council of any plans or superintendence by the council of any work under the provisions of this section shall not exonerate the Company from any liability or affect any claim for damages under this section or otherwise:

(10) If under the powers of this Act the Company stop up any roads or acquire any lands under which any existing sewers of the council are laid or the sewer diversions are to be laid the Company shall at all times afford free of charge reasonable facilities of access by the council their officials agents and workmen to such sewers and sewer diversions for the examination alteration renewal and repair thereof: A.D. 1911.

(11) Any difference which may arise between the council and the Company with respect to any matter under this section or concerning any plans sections or descriptions to be delivered to the council shall unless otherwise agreed be referred to and settled by an arbitrator who shall failing agreement be appointed by the Commissioners of Public Works in Ireland on the application of either party.

**31.** Nothing in this Act contained shall abridge or vary any powers rights or privileges of the London and North Western Railway Company or the Dundalk Newry and Greenore Railway Company under the agreements respectively dated the first day of May one thousand eight hundred and sixty-six the sixth day of January one thousand eight hundred and seventy and the third day of July one thousand eight hundred and seventy-three and scheduled to and confirmed by the London and North Western Railway (England and Ireland) Act 1874 and the said agreements shall continue in force and have effect in all respects as if this Act had not been passed. Saving agreements scheduled to London and North Western Railway (England and Ireland) Act 1874.

**32.** 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 enter upon take and use for the improvement and enlargement of their railways stations and works and for the constructing of new and the extending of existing stations buildings sidings warehouses wharves depôts and other accommodation for mineral goods and cattle traffic and for the getting of ballast and materials and for other the purposes of their undertaking all or any of the following lands delineated on the deposited plans and described in the deposited book of reference:— Power to acquire lands for general purposes.

In the county of Antrim—

The following lands and premises in the parish of Shankill in the city and county borough of Belfast:—

- (i) Lands in the townland of Malone Lower bounded on the east by the western boundary fence of the

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railway of the Company and on the west partly by the River Blackstaff:

- (ii) Lands in the said townland of Malone Lower situate between the main line of the railway of the Company and the millpond or reservoir on the north-western side of the said main line situate 600 yards or thereabouts measured along the railway in a south-westerly direction from Great Victoria Street:
- (iii) Lands in the townland of Townparks bounded on the north by Grosvenor Street and on the south and east by lands belonging to the Company and comprising the houses known as Nos. 100 to 110 Grosvenor Terrace the factory in rear thereof and the premises appurtenant to such houses and factory.

In the county of Armagh—

- (A) Lands in the townland of Corcrain in the parish of Drumcree comprising a plot of ground inclosed between the railway of the Company from Portadown to Armagh on the north-west the railway of the Company from Portadown to Dublin on the east and West Street Portadown on the south:
- (B) Lands in the said townland of Corcrain bounded on the south-east by the said railway of the Company from Portadown to Armagh on the south-west by Henry Street and the rear of houses and premises in that street and extending along the boundary fence of the said railway for a distance of 182 yards or thereabouts measured in a north-easterly direction from the centre of Henry Street aforesaid:
- (c) Lands in the townland of Tullygarden in the parish of Kilmore bounded on the south by the boundary fence of the Company's property at Richhill Station and on the south-west by the public road leading from the said station to Loughgall and extending for a distance of 230 yards or thereabouts measured along the said boundary fence in an easterly direction from the said public road.

In the county of Cavan—

Lands in the townland of Drumavanagh in the parish of Urney bounded on the south-west by the public road from Crossdoney to Cavan and on the east by Cavan River and extending along the said public road for a distance of 133 yards or thereabouts measured in a north-westerly direction from the entrance gate leading to the goods station of the Company at Cavan and along the said river for a distance of 163 yards or thereabouts measured in a northerly direction from the said entrance gate.

In the county of Donegal—

Lands in the townland of Glenfad in the parish of Clonleigh bounded on the east by the Porthall station and sidings of the Company and comprising the triangular plot of ground inclosed between the public roads on the western side of the said station.

In the county of Down—

(A) Lands in the townland of Lisdrumgullion in the parish of Newry bounded on the west by the boundary fence of the railway of the Company and on the north by the public road leading to the level crossing over the said railway situate 410 yards or thereabouts northward of the north signal cabin at Newry and extending southward from the said road for a distance of 550 yards or thereabouts measured along the said boundary fence:

(B) Lands in the townland of Listullycurran in the parish of Dromore bounded on the north-east by the public road which crosses over the railway of the Company in the said townland and on the north-west by the south-eastern boundary fence of the said railway and extending for a distance of 335 yards or thereabouts measured in a south-westerly direction along the said boundary fence from the said road:

(c) Lands in the said townland of Listullycurran bounded on the north-east by the said public road crossing over the railway of the Company in the said townland and on the south-east by the north-western boundary fence of the said railway and extending for a distance of 362 yards or thereabouts measured in a south-westerly direction along the said boundary fence from the said road:

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- (D) Lands in the townland of Ringmackilroy in the parish of Warrenpoint bounded on the south by the railway and sidings of the Company at their Warrenpoint Station and on the north-east by the public road leading from Newry to Warrenpoint and extending along the boundary fence of the Company for a distance of 350 yards or thereabouts measured in a north-westerly direction from the point at which the said boundary fence meets the said public road.

In the county of Fermanagh—

Lands in the townland of Tattygare in the parish of Cleenish bounded on the south by the northern boundary fence of the ballast pit of the Company in the said townland and extending along and throughout the length of the said boundary fence a distance of 320 yards or thereabouts.

In the county of Louth—

Lands in the townlands of Marshes Lower and Townparks or one of them in the parish of Dundalk bounded on the east or north-east by the boundary fence of the property of the Company for a distance of 363 yards or thereabouts and on the north partly by Barrack Street and partly by the rear of premises in that street.

In the county of Monaghan—

(A) Lands in the townland of Cornamucklaglass in the parish of Ballybay adjoining and bounded on the south by the Ballybay station and sidings of the Company and extending from a point 177 yards or thereabouts measured in a westerly direction from the under-line bridge at the eastern end of the said station to a point 292 yards or thereabouts measured in an easterly direction from the said bridge :

(B) Lands in the townland of Drumass in the parish of Inishkeen bounded on the south-west partly by the Inniskeen Station and the railway of the Company and partly by the approach road leading thereto such lands extending for a distance of 183 yards or thereabouts measured along the boundary fence of the Company in a south-easterly direction from

the footbridge at the said station and 118 yards or thereabouts along the boundary between the said approach road and the property of the Company measured in a north-westerly direction from the said footbridge.

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In the county of Tyrone—

Lands in the townlands of Kerrib and Kilmakardle or one of them in the parish of Pomeroy bounded on the south-west by the north-eastern boundary fence of the railway of the Company such lands extending for a distance of 716 yards or thereabouts along the said boundary fence.

**33.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Company the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

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- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator to whom the question of disputed compensation shall be submitted (herein-after referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Company of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the arbitrator shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Company may delete the said portion



from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps: A.D. 1911.

- (7) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not agree to delete from the said schedules and maps the portion first included may amend such schedules and maps by substituting therein the portion which the arbitrator shall determine can be so severed as aforesaid for the said portion first included and shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such inclusion or such portion of such costs charges and expenses as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every schedule deposited by the Company wherein a portion of any of the scheduled properties is included as proposed to be acquired compulsorily.

**34.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

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Period for compulsory purchase of lands by Company.

Persons under disability may grant easements &c. to Company.

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

**36.** 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 persons other than the grantors 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.

Restrictions on displacing persons of working class.

**37.—(1)** The Company shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December one thousand nine hundred and nine were occupied either wholly or partially by thirty or more persons belonging to the working class as tenants or lodgers unless and until the Company shall have—

(A) 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 or proportion of such 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) 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. A.D. 1911.

(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 this Act 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 may 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 as amended by any subsequent enactment 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 within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

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(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 working class as may be necessary for the purposes 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) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not 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 the said Local Government 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.

A.D. 1911.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the working class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the said fifteenth day of December by the same number of persons belonging to the working 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 "working class" means mechanics artizans 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 in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**38.** The powers of the Castleblayney Company for making and maintaining—

- (A) The railways and works in the townlands of Drumillard Big Derrycreevy Corratanty Carrickaslane Killygola Killycracken Errybane Erryroe Corrintra Creaghanroe and Tullynagrow in the parish of Muckno in the county of Monaghan and in the townland of Cornahoe Upper in the parish of Clontibret in the said county and in the townlands of Carrickduff Kilcam Clay Lagan Drumderg Crossdened Cargaclogher and

Revival of powers to construct railways authorised by Acts of 1900 and 1906.

A.D. 1911.

Racarbry in the parish of Keady in the county of Armagh authorised by the Act of 1900 (except the portions of Railway No. 1 authorised by the said Act which were by the Act of 1902 and the Act of 1906 respectively authorised to be abandoned) as extended by the Act of 1903 and the Act of 1906; and

(B) The railways and works in the townlands of Moraghy Drumillard Little and Drumillard Big in the said parish of Muckno and in the townlands of Kilcam Tievenamara Carrickduff and Crossnenagh in the said parish of Keady which the Castleblayne Company were by the Act of 1906 empowered to construct;

are hereby revived and the powers for making the said railways and works may be exercised by the Castleblayne Company at any time during two years from the twenty-ninth day of November one thousand nine hundred and nine on the expiration of which period the powers hereby revived for making and completing the said railways and works shall cease to be exercised except as to so much thereof as shall then be completed.

Vesting  
Castleblayne  
undertaking in  
Company.

**39.** As from the first day of July one thousand nine hundred and eleven (which date is in this Act referred to as "the date of vesting") the Castleblayne undertaking shall be and be deemed to have been vested in and form and be deemed to have formed part of the undertaking of the Company and the Castleblayne Company shall be and are hereby dissolved.

Company  
may exercise  
unexercised  
borrowing  
powers of  
Castleblayne  
Company.

**40.** It shall be lawful for the Company at any time after the date of vesting to exercise in lieu of the Castleblayne Company all or any of the unexercised powers of that company of raising money on mortgage of the Castleblayne undertaking or of creating and issuing debenture stock or of issuing any debenture stock of the Castleblayne Company which may before the date of vesting have been created by that company Provided that all moneys raised by the Company by the exercise of such powers shall be applied for the general purposes of that portion of their undertaking which consists of the Castleblayne undertaking and not otherwise but all debenture stock created or issued under the powers of this section shall be deemed to be debenture stock of the Company and the pro-

visions of the section of this Act of which the marginal note is "Debenture stock" shall apply with respect to any debenture stock so created and issued. A.D. 1911.

**41.** As from the date of vesting all the issued capital of the Castleblayney Company and all debenture stock issued by that company shall be and be deemed to have been cancelled and extinguished and all moneys subscribed by the Company to such capital and all moneys advanced to the Castleblayney Company by the Company on the issue to them of any debenture stock shall be deemed capital moneys expended on the undertaking of the Company and all capital created and issued by the Company in order to raise such moneys shall be deemed to have been created and issued for the purposes of the undertaking of the Company. Cancellation of capital of Castleblayney Company.

**42.** For the purpose of calculating the maximum fares rates and charges the railway of the Company and the railway of the Castleblayney Company shall as from the date of vesting be deemed one railway. Calculation of maximum fares &c.

**43.** Notwithstanding anything contained in Part V. of the Railways Clauses Act 1863 the clerks officers and servants of the Castleblayney Company who are in the employment of that company at the date of vesting shall at the discretion of the Company either become clerks officers or servants (as the case may be) of the Company at not less than their present salaries or wages or be retired on a pension of an amount to be agreed upon between the Company and the person so retired or failing such agreement to be determined by an arbitrator to be appointed in default of agreement by the Board of Trade on the application of either party and the costs of and incidental to such determination shall be borne and paid as the arbitrator may direct. As to officers of Castleblayney Company.

**44.** The rights and powers of the Castleblayney Company by virtue of this Act vested in the Company shall be deemed to include the rights and powers of the Castleblayney Company under this Act. Rights of Castleblayney Company under this Act to vest in Company.

**45.** The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised Company may apply their funds towards purposes of Act

A.D. 1911.  
and may  
raise addi-  
tional capital.

to be raised and the Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys any additional capital not exceeding in the whole six hundred thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not to  
vest until  
one-fifth paid  
up.

**46.** The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Preference  
stock may be  
issued as four  
per centum  
consolidated  
preference  
stock.

**47.** Any preference stock authorised to be created and issued under the powers of this Act may with the consent of the holders of three-fourths of Great Northern Railway (Ireland) Consolidated Four per Centum Preference Stock present in person or by proxy at a meeting of such holders specially called for the purpose be created and issued as such stock and rank *pari passu* therewith.

Power to  
borrow.

**48.** The Company may in respect of the additional capital of six hundred thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any sum not exceeding in the whole two hundred thousand pounds and of that sum they may borrow any sum not exceeding in the whole five thousand pounds in respect of each fifteen thousand pounds of the said additional capital but no part of any such sum of five thousand pounds shall be borrowed until shares for so much of the portion of additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half thereof 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 portion of capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 such portion of the said additional capital as is to be raised by means of stock is fully 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 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 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.

A.D. 1911.

**49.**—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 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 on 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.

(2) Any debenture stock created and issued under the powers of this Act may with the consent of the holders of three-fourths of Great Northern Railway (Ireland) consolidated four pounds per centum debenture stock present in person or by proxy at a meeting of such holders specially held for the purpose be created and issued as such stock and rank pari passu therewith.

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

Former mort-  
gages to have  
priority.

A.D. 1911.

Application  
of moneys.

**51.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company to which capital is properly applicable and not otherwise.

Receipt in  
case of per-  
sons not sui  
juris.

**52.** If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Interest not  
to be paid on  
calls paid up.

**53.** 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.

**54.** 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.

Payment out  
of court of  
deposit fund  
in respect of  
Castleblay-  
ney railways.

**55.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 certain sums which are now represented by the sum of twelve thousand nine hundred and eighty-four pounds four shillings and eight-pence two and a half per centum consolidated stock (herein-after referred to as "the deposit fund") were deposited with the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for the Act of 1900 and the Act of 1902 and in respect of the application for the powers by the Act of 1906 conferred upon the Castleblayney Company And whereas it is provided by the Act of 1906 that the deposit fund shall not be paid out of court to the persons depositing the same except in certain events and the said Act contains provisions with respect to the application of the deposit fund Be it enacted that notwithstanding anything contained in the Act of 1906 or any other Act the High Court may and shall on application at any time after the date of vesting by or on behalf of the Com-

pany and on the production of the certificate of the Chairman of Committees of the House of Lords that this Act was passed or of a King's Printer's copy of this Act order the deposit fund to be paid to the Company or as the Company shall direct.

A.D. 1911.

**56.** If the Company fail within the period limited by this Act to complete the railways and the Castleblayney Railways 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 such railways are 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 3 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 and to the credit 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 were prevented from completing or opening such railways 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.

Penalty imposed unless railways opened within time limited.

**57.** 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 railways or the Castleblayney Railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon or vested in 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

Application of penalty.

A.D. 1911. 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 railways in respect of which the penalty has been incurred 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 benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Special constables.

**58.** Subject to the conditions herein set forth any two justices having jurisdiction in any one of the counties or boroughs in which the constables herein-after mentioned are to act may on the application of the Company appoint all or so many as they think fit of the persons recommended to them for that purpose by the Company to act as special constables upon and within the whole of the railways stations and works belonging or leased to or worked by the Company either solely or jointly with any other company and every or any part thereof respectively and the following provisions shall apply to every appointment so made:—

- (1) Every person so appointed shall make oath or declaration in due form of law before a justice having jurisdiction in any one of the counties or boroughs in which such person is to act duly to execute the office of a constable:
- (2) Every person so appointed and having been sworn or having made such declaration as aforesaid shall during the continuance of his appointment have all the powers protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has departed from any of the said railways stations or works after committing therein or thereon any offence for which he might have been arrested while within or upon the said railways stations or works:
- (3) Any two justices assembled and acting together or the Company may dismiss from his office or accept the resignation of any constable so appointed and thereupon

all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease No person so dismissed shall be capable of being re-appointed except with the consent of the authority by whom he was dismissed: A.D. 1911.

- (4) The local authorities of any county or borough shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or consequent upon their appointment:
- (5) A constable appointed as aforesaid shall not act as such under the authority of this Act unless he be in uniform or provided with an authority to act as a constable which authority the justice before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so.

**59.** Any person who shall be found sleeping or lodging without reasonable excuse in any railway carriage standing on any siding or standage line of the Company or shall commit any nuisance or act of indecency in any such carriage shall be liable on conviction to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices shall apply to this enactment. For prevent-  
ing improper  
use of rail-  
way car-  
riages.

**60.** 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 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 Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. Provision as  
to general  
Railway  
Acts.

**61.** 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. Costs of Act.

A.D. 1911.

SCHEDULE referred to in the foregoing Act.DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED  
TO BE TAKEN BY THE COMPANY.

Townland.	Parish or other Area.	Numbers on deposited Plans.
Dunmurry - - -	Drumbeg - - - - -	3 4 28 29 30 31 32.
Ballyfinaghy - -	Drumbeg - - - - -	3 4 5 6 7 11 24 27.
Ballyganmon - -	Shankill - - - - -	2 3.
Malone Upper - -	Shankill - - - - -	3 4.
Malone Lower - -	Shankill - - - - -	11 16 23 25 68 107.
Townparks - - -	Dundalk - - - - -	1 2 3 4 5 6 7 8 23.
Point - - - - -	Dundalk - - - - -	1 3 4 5 6 12.
	Extra-parochial place of Dundalk Harbour - - - - -	3.

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