



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxxv.*

An Act to alter and amend the *Newry and Enniskillen* Railway Act, 1845. [2d July 1847.]

**W**HEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Town of Newry to the Town of Enniskillen*: And whereas by the said Act the Period of Three Years was fixed for the Completion of a Part of the Undertaking, and the Period of Five Years for the Remainder of the said Undertaking, and it is expedient that the Period for the Completion of the same should be enlarged: And whereas it would be found convenient if the Capital of the Company by the said Act incorporated were divided into Shares of a less Amount than that prescribed by the same Act: And whereas it is expedient that the Powers and Provisions of the said Act should be in other respects altered, amended, or enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall be incorporated with and form Part of the *Newry and Enniskillen* [Local.] 12 Y *Enniskillen* Recited Act incorporated with this Act. 8 & 9 Vict. c. 129.

*Enniskillen* Railway Act, 1845, except as the same Act is hereby altered and amended.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression, "The *Newry and Enniskillen* Railway Act Amendment Act, 1847."

Repeal of  
Parts of re-  
cited Act.

III. And be it enacted, That so much of the *Newry and Enniskillen* Railway Act, 1845, as enacts that the Railway between *Clones* and *Enniskillen* shall be completed within Three Years and the Remainder of the said Railway within Five Years from the passing of that Act, and that on the Expiration of such Period the Powers by that or the therein-recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as should then be completed, and also so much of the same Act as enacts that the Company thereby incorporated should and they were thereby required to complete the Portion of the Line by that Act authorized between the Point of Junction thereof at or near the Town of *Clones* with the Line of the *Dundalk and Enniskillen* Railway and the Town of *Enniskillen* within the Period of Three Years from the passing of that Act, and in such Manner as to insure as far as practicable that the same should be so completed simultaneously with the Line of the said *Dundalk and Enniskillen* Railway, and that it should not be lawful for the said Company to open any Portion of the said Line by that Act authorized between *Clones* and *Newry* before the said Portion of Line between *Clones* and *Enniskillen* should have been so completed as aforesaid, and also so much of the same Act as enacts that if the said Company should fail to complete the said Portion of Line between *Clones* and *Enniskillen* within Three Years from the passing of that Act, and provided that the *Dundalk and Enniskillen* Line from *Dundalk* to *Clones* should be executed within the said Period of Three Years, all Powers by that Act conferred on the Company thereby incorporated, with reference to the Formation of the Line between *Clones* and *Newry*, or to the Purchase or holding of Lands for the Purposes thereof, should absolutely cease and determine, shall be and the same are hereby repealed.

Time for  
completing  
the Railway.

IV. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by the *Newry and Enniskillen* Railway Act, 1845, granted to the Company for making the Railway, or otherwise relating thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed: Provided always, that  
nothing

nothing herein contained shall in any Manner interfere with or affect the Right of the *Dundalk and Enniskillen* Railway Company to have the free Use of the Portion of the said Railway to be constructed between *Clones* and *Enniskillen* upon the Terms and Conditions stated in the said recited Acts, or to the vesting the said Portion of the Line in the said *Dundalk and Enniskillen* Railway Company jointly with the said *Newry and Enniskillen* Railway Company, or to the joint Maintenance of the said Railway between *Clones* and *Enniskillen* by the said Companies.

V. And whereas it may facilitate the Execution of the Undertaking if the Capital of the Company be divided into Shares of a less Amount than Fifty Pounds each, and be arranged in several Series of Shares; be it therefore enacted, That so much of the *Newry and Enniskillen* Railway Act, 1845, as enacts that the Number of the Shares into which the Capital shall be divided shall be Eighteen thousand, and the Amount of each Share shall be Fifty Pounds, shall be and the same is hereby repealed.

Repeal of Part of recited Act as to Division of Capital into Shares.

VI. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Fifty-four thousand, and of such Shares Eighteen thousand shall be designated as Series A., and shall be of the Amount of Twenty Pounds each, and Eighteen thousand shall be designated as Series B., and shall be of the Amount of Fifteen Pounds each, and Eighteen thousand shall be designated as Series C., and shall be of the Amount of Fifteen Pounds each.

Division of Capital into Three Series of Shares.

VII. And be it enacted, That every Share now holden in the Capital shall be divided into Three Shares, whereof one shall belong to the Series A., another to the Series B., and the third to the Series C.

Existing Shares to be divided.

VIII. And be it enacted, That no Person shall be the Holder of any Share or Shares in any One of such Series unless he shall also be the Holder of a Share or an equal Number of Shares in each of the others of such Series.

Shares in every Series to be holden together.

IX. And be it enacted, That all Sums already paid by way of Deposits and Calls shall be considered as having been paid, and all Sums already called for and remaining unpaid shall when paid be considered as paid, on account of Calls on the Shareholders in respect of the Shares of the Series A.

Deposits and Calls to be considered as made on Series A.

X. And be it enacted, That, except as regards any Call already made, the greatest Amount of any One Call which shall be made on the Shareholders shall be One Pound Ten Shillings.

Amount of Calls.

XI. And

Order of  
Calls on the  
different  
Series.

XI. And be it enacted, That no Call shall be made in respect of the Shares in the Series B. until the total Sum of Twenty Pounds a Share shall have been called for in respect of the Shares in the Series A., and no Call shall be made in respect of the Shares in the Series C. until the total Sum of Fifteen Pounds a Share shall have been called for in respect of the Shares in the Series B.

Shareholders  
Consent for  
making Calls.

XII. And be it enacted, That after the total Sum of Twenty Pounds a Share shall have been called for in respect of the Shares in the Series A. no further Call shall be made on the Shareholders, except with the Approbation of Three Fifths in Value of the Shareholders present, personally or by Proxy, at some General Meeting specially convened for that Purpose.

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

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

Line between  
Newry and  
Armagh to  
be completed  
before any  
other Por-  
tion.

XIV. And be it enacted, That the said Company shall, out of the Monies which now are, or which first hereafter may be at their Disposal, or a competent Part thereof, with all convenient Speed, complete and open the Portion of the said Railway between *Newry* and the City of *Armagh*; and that until the Portion of the said Railway between *Newry* and the City of *Armagh* shall have been so completed and opened it shall not be lawful for the said Company to open any other Portion of the said Railway, or to expend in making any other Portion of the said Railway any Part of the Capital comprised in or received on account of the said Shares of the Series A., or of any of the Monies authorized to be borrowed in respect of that Part of the Capital: Provided always, that nothing herein contained shall prevent the said Company from opening the Portions of the said Railway between *Newry* and *Market Hill* and between *Market Hill* and *Armagh* respectively so soon as the same or either of them may from Time to Time be completed.

No Power  
of leasing  
until Line  
between

XV. And be it enacted, That until the Portion of the said Railway between *Newry* and the City of *Armagh* shall have been completed and opened the said Company shall not exercise as to that Portion of the

the said Railway the Power of leasing given by the *Newry and Enniskillen Railway Act, 1845.* Newry and Armagh is completed.

XVI. And be it enacted, That it shall be lawful for the Company, at a General Meeting specially convened for the Purpose, to reduce the Number of the Directors to any Number not less than Seven, any thing in the said recited Act contained to the contrary notwithstanding. As to the Number of Directors.

XVII. And be it enacted, That the Ordinary Meetings of the Company shall be held alternately in *Newry* and in *London*, and the Extraordinary Meetings may be held at such Places as the Directors shall from Time to Time think fit. Where Meetings may be held.

XVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Session of Parliament*; and for other Purposes in relation to Railways; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto. Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. c. 57.

XIX. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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 authorized by this Act. Railway subject to Provisions of any future general Acts.

XX. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act shall be paid by the Directors of the Company out of the first Monies of the Company at their Disposal. Expences of Act.

[Local.]

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XXI. And

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10° & 11° VICTORIÆ, *Cap.*lxxxv.

Public Act.

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

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