



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clvi.

An Act enabling the *Newry and Enniskillen* Railway Company to construct their Railway as far as the City of *Armagh*; for changing the Name of the Company; and for consolidating their Acts. [17th August 1857.]

WHEREAS the *Newry and Enniskillen* Railway Company were incorporated by "The *Newry and Enniskillen* Railway Act, 1845," and were thereby authorized to construct a Railway from *Newry* to *Enniskillen*, passing through or near to the City of *Armagh*: And whereas that Act has been amended by Three other Acts of Parliament bearing the Name of the Company, and passed respectively in the Years One thousand eight hundred and forty-seven, One thousand eight hundred and forty-eight, and One thousand eight hundred and fifty-three, the Titles of which Acts are set forth in the Schedule hereto: And whereas the Company have been hitherto unable to effect the Objects contemplated by the first-recited Act, and their existing Undertaking consists only of a Railway in the County of *Armagh* from the Landing Quay at *Newry* to the *Dublin and Belfast Junction* Railway at *Goragh Wood* in the Neighbourhood of *Newry*; and the Company's Powers with respect to the

8 & 9 Vict.
c. cxxix.

10 & 11 Vict.
c. lxxxv.
11 & 12 Vict.
c. cxxxii.
16 & 17 Vict.
c. clxxxiii.

[Local.]

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Construction

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Construction of the Remainder of their original Undertaking have long since expired: And whereas the Communication by Railway between the City of *Armagh* and the Town of *Enniskillen* is in great Part provided for, but such Means of Communication between *Newry* and the City of *Armagh* are now indirect and circuitous; and it is expedient to renew the Powers granted to the Company for making a Railway between those Places, with a Branch at *Armagh* to join the *Monaghan* Extension of the *Ulster* Railway, and the Company are willing at their own Expense to construct the said Railway and Branch Railway: And whereas Plans and Sections of the Works by this Act authorized showing the Lines and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the Works will pass, were deposited with the Clerks of the Peace for the County of *Armagh* and for the County of *Down* in the Month of *November* One thousand eight hundred and fifty-six: And whereas the present authorized Capital of the Company is Nine hundred thousand Pounds, which by the first-recited Act was divided into Eighteen thousand Shares of Fifty Pounds each; but by the Act passed in the Year One thousand eight hundred and forty-seven each Share was divided into Three, making together Fifty-four thousand Shares, whereof Eighteen thousand are designated as Series A, and are of the nominal Value of Twenty Pounds each; Eighteen thousand as Series B, of the nominal Value of Fifteen Pounds each; and Eighteen thousand as Series C, also of the nominal Value of Fifteen Pounds each; and it was enacted (Section VIII.) that no Person could hold a Share in any One of these Series without holding the like Number of Shares in the other Series: And whereas Calls to the Amount of Nine Pounds upon each of the Shares in Series A have been made, but no Call has been made or Money paid in respect of the Shares in Series B and C; and the Company do not owe any Money on Mortgage or Bond, nor have they granted any Preference or Priority of Dividend to any Shares in the Company: And whereas the Company have already expended a Sum exceeding One hundred and thirty-one thousand Pounds on their Undertaking, and it is estimated that the Works by this Act authorized can be accomplished by a further Expenditure of One hundred and seventy thousand Pounds; and it is expedient therefore that the before-mentioned Capital of Nine hundred thousand Pounds should be reduced, that the Shares in Series A should be converted in the Manner herein-after mentioned, that the Shares in Series B and C should be cancelled, and that the Shares which have been forfeited for Nonpayment of Calls (which Shares are One thousand three hundred in Number) should also be cancelled, and that the Company should be authorized to issue new Shares for the Purposes of this Act, and to grant a Preference or Priority of Dividend upon the same

or

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or any Part of the same Shares: And whereas it is also expedient that the Company should have Power to enter into Working Arrangements with the *Newry, Warrenpoint, and Rostrevor* Railway Company, and (inasmuch as the Undertaking of the Company no longer extends to *Enniskillen*) that the Name of the Company should be altered, and that the said recited Acts should be repealed, and that such of the Provisions thereof as are applicable to the present Circumstances of the Company should be re-enacted and consolidated into One Act; but as these Objects cannot be accomplished without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Acts relating to the Company as set forth in the Schedule hereto are hereby repealed, and the *Newry and Enniskillen* Railway Company is hereby dissolved, and "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," and the 19 and 20 *Vict.* c. 72., being *An Act to continue the Railways Act* (*Ireland*), 1851, shall be incorporated with and form Part of this Act.

Acts set forth in Schedule repealed. 8 & 9 *Vict.* cc. 16., 18., and 20., 14 & 15 *Vict.* c. 70., and 19 & 20 *Vict.* c. 72. incorporated.

II. All Persons and Corporations who on the Day of the passing of this Act were Shareholders in the *Newry and Enniskillen* Railway Company are hereby re-incorporated by the Name of "The *Newry and Armagh* Railway Company," with perpetual Succession, and with Power to purchase, take, and hold and to sell and dispose of Land and other Property for the Purposes of their Undertaking, and with all the other Incidents of an incorporated Company.

Company re-incorporated.

III. The *Newry and Armagh* Railway Company, herein-after called the Company, shall upon the passing of this Act be seised and possessed of and entitled to all the Railways, Tramways, Undertakings, Buildings, and Works of every Description, and all the Lands, Tenements, Hereditaments, Estate, and Effects, real and personal, whereof the *Newry and Enniskillen* Railway Company (herein-after called the dissolved Company) were seised or possessed, or whereto they were entitled immediately before the passing of this Act, as fully and effectually to all Intents and Purposes, and subject to the same Conditions and Liabilities, as if the recited Acts had not been hereby repealed.

Company to continue seised and possessed of their Undertaking, &c.

IV. All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and

Conveyances to remain in force.

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and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of any of the Acts hereby repealed, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Acts, be as good, valid, and effectual, to all Intents and Purposes, as they would have been if the said Acts had not been repealed, and may be proceeded on and enforced accordingly.

Continuance
of Liabilities
of Company
under re-
pealed Acts.

V. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by any of the repealed Acts shall be as valid as if such Acts were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the said Acts were not repealed and this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and the Company incorporated by this Act shall be liable in respect to all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as the dissolved Company would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not been passed: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Actions, &c.
not to abate.

VI. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the dissolved Company before the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, whether in favour of or against the Company, in like Manner in all respects as the same would have continued and taken effect for or against the dissolved Company, the Acts relating to whom are hereby repealed; and all Offences against the Provisions of the Acts hereby repealed, or any of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects by or against the Company as if the Acts in which the said Provisions are contained in respect of such Offences had not been repealed.

Certain
Powers and
Provisions of
other Acts
reserved.

VII. All the Powers and Provisions contained in any Act or Acts of Parliament relating to the *Newry and Enniskillen Railway Company*, not being the recited Acts hereby repealed, shall, except in so far as they are expressly varied or modified by this Act, continue in full force, notwithstanding the passing of this Act, and may be exercised or enforced, either by or against or in reference to the
Company,

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Company, in like Manner and to the same Extent as they might have been enforced against the dissolved Company if this Act had not been passed; and all Acts, Agreements, Matters, and Things done thereunder or in virtue and pursuance thereof, or which may have been confirmed or sanctioned thereby, shall, except as aforesaid, be unaffected by the passing of this Act.

VIII. All Persons who immediately before the passing of this Act owed any Sum of Money to the dissolved Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company; and all Moneys which immediately before the passing of this Act were due or owing by or recoverable from the dissolved Company, or for the Payment and Satisfaction of which the dissolved Company were or but for this Act would be liable, shall, with all Interest (if any) due or to accrue thereon, be paid by or be recoverable from or be satisfied by the Company.

Debts due to and by the Company to be paid to and by them.

IX. In every Case in which under the Provisions of any of the Acts hereby repealed any Money was before the passing of this Act paid by the dissolved Company into the Bank of *Ireland*, or to any Trustees or Trustee, as Purchase or Compensation Money, or on any other Account, such Money, or the Stocks, Funds, or Securities in or upon which the same is or shall be invested by the Order of the Court of Chancery or otherwise, and the Interest, Dividends, and annual Produce thereof, shall after the passing of this Act be applied and disposed of pursuant to the Act under which the said Money was so paid, and the Obligations of the dissolved Company under such Act with respect to such Moneys, Stocks, Funds, and Securities shall be observed and performed by the Company.

Moneys paid into the Bank of Ireland.

X. All Books, Certificates, Writings, and Documents by any of the repealed Acts directed or authorized to be kept or made Evidence, and which, if this Act had not been passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly; and all Byelaws, Resolutions, Orders, Notices, and Proceedings of the dissolved Company, and the Directors thereof, made and taken before the passing of this Act, shall, until altered by the Company under the Provisions of this Act, continue for a Term not exceeding Six Calendar Months from the passing of this Act of full Force and Effect as if this Act had not been passed, and such Byelaws may be enforced and all Penalties thereunder may be recovered accordingly.

Books to be Evidence, &c.
Byelaws, &c. to remain in force.

XI. The Number of Directors shall be Twelve, and the Persons who were Directors of the dissolved Company immediately before the passing of this Act shall continue in Office and go out of Office by

Directors.

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Rotation,

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Rotation, or be otherwise removable, in like Manner and in the same Order as if this Act had not been passed.

Qualification of Directors.

XII. The Qualification of a Director of the Company shall be the Possession of not less than Sixty deferred Shares or Sixty new Shares in the Undertaking.

Power to reduce Number of Directors.

XIII. It shall be lawful for the Company from Time to Time at any General Meeting, upon special Notice, to reduce the Number of Directors, so that the reduced Number be not less than Six.

Quorum.

XIV. The Quorum of a Meeting of Directors shall be Three.

Company may maintain their Railway across certain Roads on the Level.

XV. The Company may maintain their existing Undertaking across and on the Level of the public Roads in the Townland of *Ballinlare* numbered 1, 3, 27, and 70 on the deposited Plans referred to in "The *Newry and Enniskillen Railway Acts Amendment Act, 1853.*"

Company to erect Station or Lodge where Roads crossed on the Level.

XVI. Provided always, That in the event of the Railway authorized by the last-mentioned Act being used with Carriages propelled by Steam or by atmospheric Agency, or by Ropes in connexion with a stationary Steam Engine, the Company shall, for the greater Convenience and Security of the Public, erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads are crossed on a Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

XVII. In the event of the Railway being used as aforesaid the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time may require the Company within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board

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of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

XVIII. And whereas by a Bill now before Parliament called "The *Newry, Warrenpoint, and Rostrevor* Railway Bill," the *Newry, Warrenpoint, and Rostrevor* Railway Company are authorized to construct a Railway on the Level across the *Dundalk and Banbridge* Turnpike Road, which level Crossing if made will be within a short Distance of the Point where *Bridge Street* is at present crossed on the Level under the Powers of "The *Newry and Enniskillen* Railway Acts Amendment Act, 1853," and Danger may arise if both of such Roads are crossed on the Level: Be it enacted, That if the said *Newry, Warrenpoint, and Rostrevor* Railway Bill shall pass into a Law, and the Railway thereby authorized shall be constructed, crossing the said Turnpike Road on the Level, so soon as the said Railway is opened no Locomotive Engine and no Trains worked otherwise than by Horse Power shall pass *Bridge Street* on the Level.

Restrictions as to level Crossing at Bridge Street in a certain Event.

XIX. The Communications between the *Newry and Enniskillen* Railway and the *Dublin and Belfast Junction* Railway shall be maintained in a substantial and workmanlike Manner by means of Connexion Rails and Points, of the Construction and laid in the Manner most approved from Time to Time and to the reasonable Satisfaction of the *Dublin and Belfast Junction* Railway Company.

As to Junction with Dublin and Belfast Junction Railway.

XX. The Expense of the said Communications with the *Dublin and Belfast Junction* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company, and all such Communications, Openings, and other Works shall from Time to Time be altered, amended, repaired, and maintained to the reasonable Satisfaction of the *Dublin and Belfast Junction* Railway Company, and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure the said *Dublin and Belfast Junction* Railway Company, or (except in so far, if at all, as may be unavoidably necessary for effecting and maintaining the said Communications) impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along their Railway, and the Control and Management of all such Communications, Openings, and other Works shall be and the same are hereby vested in the said *Dublin and Belfast Junction* Railway Company, subject to the Provision for Settlement of Differences herein-after contained.

Provision as to Expense of Junction.

XXI. If

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For Settlement of Differences.

XXI. If any Difference shall arise between the respective principal Engineers for the Time being of the said Companies with respect to the Points at which the said Communications, Openings, and other Works, or any of them, are or is to be constructed, or the Mode of constructing the same, or with respect to any Alteration, Amendment, Repairs, or Maintenance thereof, or the Watching, Regulation, or Adjustment thereof, or the Passage or Regulation of the Traffic there, or if any other Difference shall arise between the said Engineers or the said Companies with respect to the Expenses payable by the Company under the foregoing Provisions, or with respect to any other Matter in anyway relating to or consequent upon the Construction or Use of the said Communications, Openings, and other Works, the Matters in Difference shall from Time to Time be decided by an Umpire to be appointed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations on the Application of either Company, and the Decision of such Umpire shall be binding and conclusive on both the said Companies, and his Expenses shall be defrayed by such One of the said Companies, or by both of them, and in such Proportions as the said Umpire shall from Time to Time direct.

Saving Works and Property of the Dublin and Belfast Junction Railway Company.

XXII. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, or any Persons acting under or in execution of this Act, without the Consent of the said *Dublin and Belfast Junction* Railway Company under their Common Seal, either permanently or temporarily to enter upon, take, or use any of the Lands or Property of the said *Dublin and Belfast Junction* Railway Company, or which they have Power to take or use under their respective Acts of Parliament, or in any Manner to alter, vary, or interfere with their Railways or any of the Works appertaining thereto, save only for the Purpose of maintaining the Junction with the *Dublin and Belfast Junction* Railway, and of making and maintaining the Railways and Works by this Act authorized.

Saving Rights of the Dublin and Belfast Junction Railway Company.

XXIII. Except as in this Act otherwise expressed, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of the said *Dublin and Belfast Junction* Railway Company.

Power to construct new Lines of Railway according to deposited Plans.

XXIV. The Company may make and maintain the new Lines of Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith) in the Lines and upon the Lands delineated on the Plans and described in the Books of Reference deposited as aforesaid in the Month of *November* One thousand eight hundred and fifty-six, and according to the Levels defined on the said deposited Sections, and the Company may

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may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

XXV. The Railways and Works hereby authorized are the following: Describing new Lines of Railway.

1. A Railway commencing by a Junction with the *Newry and Enniskillen* Railway in the Townland of *Goragh* in the Parish of *Killeavy* in the County of *Armagh*, and terminating by a Junction with the *Ulster* Railway near the City of *Armagh* :
2. A Railway commencing by a Junction with the said firstly-described Railway in the Townland of *Longstone* in the Parish and County of *Armagh*, and terminating by a Junction with the authorized Extension of the *Ulster* Railway to *Monaghan* in the Townland of *Corporation* in the said Parish and County of *Armagh*.

XXVI. It shall be lawful for the Company, for the Purpose of carrying the Roads numbered as after mentioned on the said deposited Plans over, under, and across the said Railways, to alter the Inclinations of the said Roads to such an Extent as they may think fit, not exceeding the Inclinations following respectively; (that is to say,) As to the Inclination of certain Roads.

No. on Plan.	Townland.	Parish.	Description of Road.	Greatest Inclination when altered.
10	Cloghinny - - -	Killevy - - -	Public	1 in 13
3	Kilmonaghan - - -	Ditto - - -	Ditto	1 in 18
5	Kilrea - - -	Ditto - - -	Ditto	1 in 18
18	Mullaghmore - - -	Loughgilly - - -	Ditto	1 in 10
16	Edenykenedy- - -	Kilcloony - - -	Ditto	1 in 18
26	Ditto - - -	Ditto - - -	Ditto	1 in 18
6	Macautrim - - -	Mullaghbrack - - -	Ditto	1 in 15
27	Drumman - - -	Ditto - - -	Ditto	1 in 12
24	Drumorgan - - -	Ditto - - -	Ditto	1 in 10
10	Mullaghbane - - -	Loughgall - - -	Ditto	1 in 12
24	Tirnascope - - -	Armagh - - -	Ditto	1 in 14
4	Mullyloughran - - -	Ditto - - -	Ditto	1 in 10

XXVII. The Company may purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Twelve Acres, in addition to the Land heretofore acquired by the dissolved Company for such Purposes. Lands for extraordinary Purposes.

XXVIII. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

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Railway to be carried over Dublin and Belfast Junction Railway by a Bridge.

XXIX. The Railway shall be carried over the *Dublin and Belfast Junction* Railway by means of a good and substantial Bridge of the following Dimensions; (that is to say,) the Span thereof shall be such as to leave thereunder in One or more Openings a clear Space of not less than Thirty-eight Feet, and the Height thereof shall be such as to leave thereunder throughout the whole of the said Span a clear Distance of not less than Sixteen Feet between the Underpart of the Arch of the said Bridge and the Level of the Rails of the *Dublin and Belfast Junction* Railway under the said Bridge, and the said Bridge shall be erected and maintained by the Company under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *Dublin and Belfast Junction* Railway Company, and if any Difference shall arise between the said Companies or their Engineers touching the Matters aforesaid, or any of them, such Difference shall be referred to and decided upon by the Board of Trade, or some Engineer to be appointed for the Purpose by that Board.

Company in constructing the said Bridge not to obstruct or impede Traffic of Dublin and Belfast Junction Railway.

XXX. It shall not be lawful for the Company or their Agents, Servants, or Workmen, during the Construction of the said Bridge, in any Manner to obstruct or impede the Traffic upon the *Dublin and Belfast Junction* Railway, and if the said Traffic shall be obstructed or impeded contrary to this Provision the Company shall forfeit and pay to the *Dublin and Belfast Junction* Railway Company by way of Penalty a Sum of Fifty Pounds, and a further Sum of Ten Pounds for every Hour during which the said Traffic may be obstructed or impeded after the First Hour, and such Sums may be recovered from the Company by the *Dublin and Belfast Junction* Railway Company in any Court of competent Jurisdiction.

Period for the Completion of the Works.

XXXI. The Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways and Works not opened within limited Period, certain Dividends to be suspended.

XXXII. And whereas, pursuant to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Thirteen thousand four hundred and ninety Pounds Five Shillings and Threepence New Three *per Centum* Consolidated Bank Annuities, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited in Bank in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland* in respect to the Application to Parliament for this Act: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Thir-

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teen thousand four hundred and ninety Pounds Five Shillings and Threepence New Three *per Centum* Consolidated Bank Annuities so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the same Period shall expire before the Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Thirteen thousand four hundred and ninety Pounds Five Shillings and Threepence New Three *per Centum* Consolidated Bank Annuities shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs and Successors, of the said Sum of Thirteen thousand four hundred and ninety Pounds Five Shillings and Threepence New Three *per Centum* Consolidated Bank Annuities if the Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords

Commis-

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Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce a Certificate of this Act having passed; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Not to construct Railway within a certain Distance of Observatory at Armagh.

XXXIII. Nothing in this Act contained shall extend or be held to extend to confer any Powers on the Company to construct the Portion of Railway shown on the said deposited Plans as intended to be made in the Properties numbered 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, and 40, in the said Townland of *Corporation*, or to lay down any Rails for the Transit of Locomotive Engines or Carriages nearer to the Observatory at *Armagh* than the Distance of Seven hundred Yards, without the Consent in Writing of the Governors of the *Armagh* Observatory.

As to Interference with the Ulster Railway.

XXXIV. The Communications between the Railways hereby authorized and the *Ulster* Railway, and all such Openings in the Ledges or Flanches of the said Railway as may be necessary or convenient for effecting such Communications, and all Works interfering with the Line of the *Ulster* Railway, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Ulster* Railway Company; and in the event of any Difference arising between such Engineer and the Engineer of the Company as to the Mode of effecting such Communications, then the same shall be determined by a Referee, to be appointed by the Board of Trade on the Application of either Party.

Company may apply their Funds towards making of the Railway.

XXXV. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Moneys hereby vested in them, or which they shall receive in respect of deferred Shares herein-after next mentioned.

As to Reduction of Capital.

XXXVI. The ordinary Capital of the Company is hereby declared to be Fifty-five thousand six hundred and sixty Pounds, divided into Five thousand five hundred and sixty-six Shares of Ten Pounds each; and for the Purpose of so reducing the Capital of the dissolved Company the said Series B and C Shares shall be and the same are hereby

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hereby absolutely extinguished ; and from and after the passing of this Act every Person holding Three Shares in the said Series A of the dissolved Company, upon which all the Calls have been paid, shall in the Stead thereof be deemed to hold a Share of Ten Pounds in the *Newry and Armagh Railway Company*, to be called a deferred Share, upon which a Call of One Pound may still be made, and shall be entitled to receive, and shall within One Month after the passing of this Act, on Demand thereof, receive, a Certificate for such deferred Share of Ten Pounds, upon presenting at the principal Office of the Company, or at such other Place as the Directors shall appoint, the Certificates of his Three original Shares of Twenty Pounds to be cancelled : Provided always, that no further Call shall be made upon the said Class A Shares, and that there shall not be any greater Call than One Pound made upon each of the deferred Shares of Ten Pounds into which the said Shares shall have been converted, nor shall any Call be made upon such deferred Shares of Ten Pounds each until Nine Pounds *per* Share has been called and paid up on the new Shares to be created by the Company.

XXXVII. In any Case in which it shall happen that the Market Price of Shares which may be forfeited for Nonpayment of Calls shall be such as to render it impossible for the Company to sell the same so as to realize a Sum equal to the Arrears of Calls due upon the same, it shall be lawful for the Company to cancel the same Shares, and any such Cancellings of forfeited Shares heretofore made by the dissolved Company in accordance with this Provision are hereby confirmed.

Shares forfeited in certain Cases may be cancelled.

XXXVIII. It shall be lawful for the Directors to accept a Transfer or Surrender of any other Shares in the Company from the Proprietor or Holder thereof upon such Terms and Conditions as may be authorized by an Extraordinary Meeting of the Company, and every such Surrender shall be by Deed Poll under the Hand and Seal of such Proprietor, setting forth truly the Terms of such Surrender, and duly stamped : Provided always, that the cancelling of any such Shares as aforesaid, or the Acceptance of any such Surrender as aforesaid, shall not operate to discharge the Person whose Shares shall be so cancelled or surrendered from his Liability to pay the Arrears and Interest due thereon respectively, and any Expenses incurred by the Company as aforesaid, unless the contrary shall be expressly agreed on between him and the Directors.

Company may accept Transfer or Surrender of Shares.

XXXIX. It shall be lawful for the Company to raise by creating new Shares, in addition to the Sums of Money which the dissolved Company have already raised by Shares, or which the Company by virtue of the foregoing Provisions are authorized to raise, any further Sum

Company may raise additional Capital by new Shares.

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of Money not exceeding in the whole the Sum of One hundred and eighty thousand Pounds, to be divided into Shares of Ten Pounds each.

Limiting
Time for
making Calls.

XL. One Fourth of a Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of any Share shall be called in any One Year.

New Shares
to be entitled
to Preference
Dividend.

XLI. The said new Shares shall be entitled to a Preference or Priority of Dividend over the deferred Shares at the Rate of Five *per Centum per Annum* upon the Amount paid up thereon, and when the Dividends upon the deferred Shares exceed the Rate of Four *per Centum per Annum* such Excess shall be so divided between both Classes of Shares as to give to the new Shares an Advantage at the Rate of One *per Centum per Annum* over the deferred Shares.

Power to
borrow on
Mortgage.

XLII. It shall be lawful for the Company to borrow for the Purposes of this Act, on Mortgage or Bond, any Sum not exceeding in the whole the Sum of One hundred thousand Pounds, but no Part of such Sum shall be borrowed until Capital to the Extent of Three hundred thousand Pounds has been subscribed for, and One Half thereof paid up.

Application
of Moneys
raised under
this Act.

XLIII. All and every Part of the Moneys by this Act authorized to be raised by Shares or borrowing shall be applied only in carrying into execution the Objects and Purposes of this Act.

As to Place
of Meeting.

XLIV. The Ordinary Meetings of the Company shall be held alternately in *London*, and either in *Newry* or *Armagh*, and the Extraordinary Meetings shall be held at either of those Places which the Directors may appoint.

Tolls.

XLV. It shall be lawful for the Company to demand any Tolls for the Use of their Railways not exceeding the following; (that is to say,)

Tonnage on
Articles of
Merchan-
dise.

First. In respect of the Tonnage of all Articles conveyed upon the Railways, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand,

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Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny:

For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny:

For all Cotton and other Wools, Drugs (excepting Vitriol), manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, *per Mile* Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny:

And a like Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage so conveyed may weigh; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* of One Penny.

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows:

Tolls for
Passengers
and Cattle.

For every Person conveyed in or upon any such Carriage, *per Mile* One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Mile* of One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage belonging to the Company, Fivepence *per Mile*; and if propelled by an Engine belonging to the Company, a further Sum *per Mile* of One Penny:

For

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For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile of One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile of One Penny.

Maximum Rates of Charge for Passengers.

XLVI. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways, including the Tolls for the Use of the Railways and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny *per* Mile:

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railways and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company) shall not exceed the following Sums:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fivepence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Head *per* Mile:

For every Calf or Pig or other small Animal, Three Farthings *per* Mile:

For every Carriage, Sixpence *per* Mile:

For Manure and other Articles herein-before classed therewith, One Penny Halfpenny *per* Ton *per* Mile:

For Coals and other Articles herein-before classed therewith, Twopence *per* Ton *per* Mile:

For Sugar and other Articles herein-before classed therewith, Threepence *per* Ton *per* Mile:

For Cotton and other Goods and Articles herein-before classed therewith, Fourpence *per* Ton *per* Mile.

XLVII. The

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XLVII. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to the Tolls.

For Articles or Persons conveyed on the Railways for a less Distance than Four Miles the Company may demand Tolls as for Four entire Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise or Animals for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity.

XLVIII. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rate of Toll prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,) Tolls for small Parcels and single Articles of great Weight.

For the Carriage on their Railways, or any Part thereof, of any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For the Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence:

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Eightpence:

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling:

And for the Carriage of any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit.

XLIX. Every Passenger travelling upon the Railways may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers Luggage.

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Power to enter into Working Agreements with Newry, Warrenpoint, and Rostrevor Railway Company.

L. It shall be lawful for the Company on the one hand, and for the *Newry, Warrenpoint, and Rostrevor* Railway Company on the other hand, from Time to Time to enter into and make Contracts and Agreements for and with reference to the Working, Maintenance, Management, and Use of their respective Railways or any Part thereof respectively, and the Conduct of the Traffic thereon, and also with reference to the Rates, Tolls, and Charges to be charged by or between the said Companies for and in respect of any Traffic common to them, and also as to the Collection, Division, and Apportionment of such Rates, Tolls, and Charges, and from Time to Time to appoint joint Committees for the Purposes aforesaid, and to give to the said Committees with respect to the Matters aforesaid whatever Powers the Directors of the Two Companies might lawfully exercise over their respective Undertakings, and such Contracts and Agreements may be from Time altered and varied as Occasion may require: Provided always, that every such Contract or Agreement shall be approved by the Board of Trade, and shall be subject to their Revision at the Expiration of every Ten Years from the making thereof.

Contract, &c. not to alter Tolls, or to prevent Lines being used by other Companies.

LI. Provided always, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said Companies shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the Railways to which any such Contract or Agreement may extend, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract or Agreement had been entered into: Provided also, that the Board of Trade shall not approve any such Contract or Agreement without being satisfied that the same has been duly assented to by Three Fifths of the Votes of the Shareholders, present in Person or by Proxy, of the respective Companies in an Extraordinary Meeting.

Newspaper for Advertisements.

LII. The Notices of the Company shall be advertised in some Newspaper published in the County of *Armagh* and in a *London* Newspaper.

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

LIII. It shall not be lawful for the Company, out of any Money by any Act relating to the 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 Company to construct any other Railway, or execute any other Work or Undertaking.

LIV. The

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LIV. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Subscription Contract to be valid.

LV. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company: Provided, that nothing hereinbefore contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

LVI. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Railway Act relating to such Acts, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

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

LVII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Expenses of Act.

LVIII. In citing this Act it shall be sufficient to describe it as "*The Newry and Enniskillen Railway Amendment and Extension Act, 1857.*"

Short Title.

The Newry and Enniskillen Railway Amendment and Extension Act, 1857.

SCHEDULE of repealed Acts.

8 & 9 Vict. c. 129.

An Act for making a Railway from the Town of Newry to the Town of Enniskillen: "The Newry and Enniskillen Railway Act, 1845."

10 & 11 Vict. c. 85.

An Act to alter and amend the Newry and Enniskillen Railway Act, 1845: "The Newry and Enniskillen Railway Act Amendment Act, 1847."

11 & 12 Vict. c. 132.

An Act to alter and amend the Acts relating to the Newry and Enniskillen Railway Company, and to enable them to make Arrangements with other Railway Companies: "The Newry and Enniskillen Railway Acts Amendment Act, 1848."

16 & 17 Vict. c. 183.

An Act to enable the Newry and Enniskillen Railway Company to extend their Railway to the Landing Quay at Newry, to effect a Junction with the Dublin and Belfast Junction Railway, and for other Purposes: "The Newry and Enniskillen Railway Acts Amendment Act, 1853."

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