ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

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Cap. cv.

An Act to enable the *Dundalk and Enniskillen* Railway Company to construct Extension Railways; and for other Purposes. [2d *July* 1855.]

WHEREAS by "The *Dundalk and Enniskillen* Railway Act, 1845," a Company was incorporated by the Name of "The *Dundalk and Enniskillen* Railway Company," with a Share Capital of Seven hundred and fifty thousand Pounds, divided into Fifteen thousand Shares of Fifty Pounds each, and with Power to borrow on Mortgage or Bond any Sums not exceeding in the whole Two hundred and fifty thousand Pounds, and was authorized to make a Main Line of Railway from *Dundalk* in the County of *Louth* to or near to *Clones* in the County of *Monaghan*, and to use the intended Line of the *Newry and Enniskillen* Railway Company from *Clones* to *Enniskillen:* And whereas by "The *Dundalk and Enniskillen* Railway Act, 1847," and "The *Dundalk and Enniskillen* Railway Act, 1850," the Capital of the *Dundalk and Enniskillen* Railway Company, and the Number and Amount of the Shares therein, were reduced, and that Capital now consists of the Sum of Four hundred and six thousand eight hundred Pounds, divided into

8 & 9 Vict. c. xcvi.

Thirteen thousand five hundred and sixty Shares of Thirty Pounds each, and by the same Acts the Amount which the last-mentioned Company were authorized to borrow was reduced to the Amount of One Third of their Share Capital for the Time being: And whereas the said last-mentioned Company have made and opened for public Use so much of the Railway authorized by the said first-recited Act as lies between *Dundalk* aforesaid and *Ballybay:* And whereas the *Newry and Enniskillen* Railway Company having failed to construct their intended Line from *Clones* to *Enniskillen*, the *Dundalk and Enniskillen* Railway Company were by "The *Dundalk and Enniskillen* Railway Act, 1852," authorized to extend their Railway from *Ballybay* to *Enniskillen* aforesaid, and are now proceeding with the Execution of that Extension: And whereas it is expedient that the *Dundalk and Enniskillen* Railway Company should be authorized to extend their Railway from *Shantonagh*, near to *Ballybay*, to *Cavan:* And whereas it is expedient that the *Dundalk and Enniskillen* Railway Company should be authorized to extend their Line of Railway to the Steam Packet Quay in the Town of *Dundalk*, and to raise additional Money for effecting the Objects aforesaid, and that the several Acts relating to the *Dundalk and Enniskillen* Railway Company should be amended; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Dundalk and Enniskillen* Railway Extensions Act, 1855."

Recited Acts not to be affected.

II. Except as is by this Act expressly provided, this Act or anything herein contained shall not repeal, extend, alter, interpret, or otherwise affect the recited Acts or anything therein contained.

8 & 9 Vict. c. 20. and 14 & 15 Vict. c. 70. incorporated.

III. "The Railways Clauses Consolidation Act, 1845," and the "Railways Act (*Ireland*), 1851," (except such Provisions of those Acts as are expressly altered by this Act,) shall be incorporated with and form Part of this Act.

Interpretation of Terms.

IV. In construing this Act and (in connexion with this Act) the Acts incorporated herewith, the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The

The Expression "the Company" and the Expression "the Promoters of the Undertaking" respectively shall mean the *Dundalk and Enniskillen* Railway Company:

The Expression "the Undertaking" and the Expression "the Railway" respectively shall include the Railways by this Act authorized, and the Works respectively connected therewith.

Certain Provisions of 8 & 9 Vict. c. 17. incorporated.

V. Inasmuch as "The Companies Clauses Consolidation Act, 1845," provides no Means for the Recovery of Calls from any Party in *Scotland* who at the Time of making such Calls was not residing in *Scotland:* Therefore the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, shall, so far as regards the Rights, Remedies, Liabilities, and Proceedings of the Company in *Scotland*, be incorporated with and form Part of this Act.

Application of existing Capital.

VI. The Company may apply to the Purposes by this Act authorized so much of the Monies raised and which they have existing Powers for raising by Shares and borrowing, under the Authority of the said recited Acts or either of them, as may not be required for the Purposes of those Acts, other than and except any Monies borrowed or which may be borrowed by them on the Security of the annual Payments to be made by the County of *Fermanagh* under the Provisions of the "*Dundalk and Enniskillen* Railway Act, 1852."

Power to create new Shares.

VII. The Company may raise (in addition to the Sums of Money which they are already authorized to raise) any further Sum not exceeding Ninety thousand Pounds by the Creation of new Shares in the Undertaking of the Company, in One or more Classes, and of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any Ordinary or Extraordinary Meeting of the Company.

New Shares, how offered to existing Shareholders.

VIII. Any such new Shares which may be apportioned by the Order of any such Meeting among the then Shareholders shall be offered to them by Letter under the Hand of the Secretary, given to or sent by Post addressed to each Shareholder according to his Address in the Register of Shareholders, or left at his usual or last known Place of Abode.

Vesting or other Disposition of such Shares.

IX. Such last-mentioned new Shares shall vest in and belong to the then Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Directors; and if any then Shareholders for One Month

Month after such Offer of new Shares fail to accept the same, and pay the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Limit of Amount and Number of Calls.

X. The Amount of any One Call to be made upon the Proprietors of the new Shares created under the Powers of this Act shall not exceed the Rate of Ten Pounds *per Centum* on the Amount of such Shares, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and there shall be an Interval of Two Calendar Months at least between every Two successive Calls.

Qualifications of new Shareholders.

XI. All such new Shares of the Amount of Thirty Pounds each shall confer the same Qualifications and Rights of voting as the existing Shares; and all new Shares of any other Amount shall confer on the respective Holders thereof Qualifications and Rights of voting in proportion to the aggregate nominal Value of such new Shares held by them respectively, and not in proportion to the Number of or the Amount paid on such new Shares; and for the Purpose of Qualifications and Rights of voting every entire Sum of Thirty Pounds of such aggregate nominal Value shall be considered as equivalent to One Share of Thirty Pounds in the Capital of the Company; and no Holder of new Shares shall have any Qualification or Right of voting in respect of any Number of new Shares constituting in aggregate nominal Value any Fraction of Thirty Pounds.

Votes for preferential Shares may be restricted.

XII. Provided always, That the Company, with the Assent of Three Fifths at least of the Votes of the Shareholders present at a Meeting specially called for the Purpose, may, if they think fit, issue any new Shares to which any fixed, guaranteed, or preferential Dividend or Interest may be attached, on the express Condition of those Shares not conferring any Right of voting or Qualification, and those Shares shall not confer any Right precluded by the Condition so attached to them.

Company may accept Surrenders of Shares.

XIII. The Directors may accept Surrenders of any Shares in the Company from the Proprietors or Holders thereof, upon such Terms and Conditions as may be authorized by any Extraordinary Meeting of the Company specially convened for that Purpose; and all such Surrenders shall be by Deed under the Hands and Seals of such Proprietors or Holders, setting forth truly the Terms of such Surrenders, and duly stamped, and may be in the Form contained in the Schedule to this Act, or as near thereto as Circumstances will admit; and the Directors may affix the Common Seal of the Company to any such Surrenders

Surrenders containing any Terms or Agreement on the Part of the Company only, or of both Parties thereto.

Merger of such Shares.

XIV. All Shares so surrendered shall merge in the Capital Stock of the Company, and thereupon all Right and Interest of the former Proprietors of such Shares therein shall cease and be absolutely extinguished.

Surrender not to extinguish Arrears, unless so agreed.

XV. The Acceptance of any such Surrender as aforesaid shall not operate to discharge the Person whose Shares shall be so surrendered from his Liability to pay any Calls, Arrears, or Interest then due thereon respectively, but the same shall be paid by him, unless the contrary shall be expressly agreed on between him and the Directors, in which Case such Person shall be discharged from Liability in respect of the Shares so surrendered to the Extent so determined and agreed upon.

As to Surrenders by Trustees, &c.

XVI. All Trustees, Executors, Administrators, Assignees of Bankrupts or Insolvents, and all Committees of the Estate of Lunatics or Idiots, in whose respective Names any Shares in the Undertaking shall for the Time being be standing in the Books of the Company, or who in such Capacities shall be entitled to the Receipt of the Dividends or Interest on any such Shares, may surrender such Shares or any of them, and such Surrenders respectively shall, as between the Surrenderors and the Company, be as valid as if such Executors and other Persons respectively were absolutely entitled in their own Right to the Shares so surrendered.

Power to issue new Shares in lieu of those surrendered.

XVII. The Company may, by the Order of an Extraordinary Meeting as aforesaid, from Time to Time, in lieu and stead of any Shares which may have been so surrendered as aforesaid, create and issue new Shares in One or more Classes, and of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any Ordinary or Extraordinary Meeting of the Company.

Privileges may be attached to new Shares.

XVIII. Subject to the Provisions herein-after contained with respect to existing Preferential Shares, the Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened for that Purpose, attach to any new Shares, or any Class of new Shares created under the Powers of this Act, any perpetual, terminable, fixed, variable, contingent, or absolute Preference, Priority, or guaranteed Interest or Dividend not exceeding the Rate of Five Pounds *per Centum per Annum*, or other Privileges, as to the Company shall seem fit.

Saving existing Preference Shares.

XIX. Any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares or Stock in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Power to borrow on Mortgage.

XX. The Company may borrow on Mortgage or Bond any additional Sum of Money not exceeding Thirty thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital of the Company herein-before authorized to be raised shall have been subscribed for, and One Half thereof shall have been actually paid up.

Priority of existing Mortgages.

XXI. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted by virtue of this Act.

Application of Sums raised under this Act.

XXII. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares, or on Mortgage or Bond, shall be applied only to the Purposes by this Act and the recited Acts authorized.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

XXIII. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of borrowed Money into Capital, and with respect to the making of Dividends, shall be incorporated with this Act, and shall respectively apply to all Shares created and issued, and to all Mortgages and Bonds granted, and Monies borrowed, under the Powers of this Act.

Mortgages and Bonds may be issued in satisfaction of Debts.

XXIV. The Company, with the Consent of any Persons being Creditors of the Company, may grant to such Persons Mortgages or Bonds in satisfaction of their respective Debts or any Parts thereof respectively: Provided always, that to the Extent of the aggregate Amount secured by the Mortgages or Bonds so granted the Powers of borrowing by this Act on the said recited Acts conferred on the Company shall be deemed to be exercised, and the Company shall not

not thereafter borrow any greater Sum in the whole than will (with such aggregate Amount) make up the total Sum by this Act and the said recited Acts authorized to be borrowed.

Allotment of new Shares in satisfaction of Debts.

XXV. The Company from Time to Time may, by Agreement with any Creditor of the Company, allot to him any new Shares, in satisfaction of all or such Part as is mutually agreed on of his Debt, with Interest thereon; and upon every such Allotment the new Shares so allotted shall be deemed fully paid up, and the Debt or Part of Debt in respect whereof those Shares are so allotted, and the Interest thereon, shall thereupon be extinguished: Provided always, that the Company shall not allot to any Person any such new Shares or any Mortgages or Bonds of a nominal Amount exceeding the Amount of his Debt or Part of Debt and Interest so extinguished.

Power to make Extension Lines of Railway.

XXVI. It shall be lawful for the Company to make a Railway to commence by a Junction with the authorized Line of the Company in the Townland of *Shantonagh* in the Parish of *Ballybay* in the County of *Monaghan*, and to terminate by a Junction with the Line of the *Midland Great Western* Railway of *Ireland* Company at or near the *Cavan* Station of that Company in the Parish of *Urney* in the County of *Cavan*, and also to make an Extension of the *Dundalk and Enniskillen* Railway to the Steam Packet Quay or Wharf on the River of *Dundalk*, all in the Parish of *Dundalk* in the County of *Louth*.

Power to make Railways according to deposited Plans.

XXVII. Inasmuch as Plans and Sections of the said intended Railways showing the Lines and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, and Lessees or reputed Lessees, and of the Occupiers of the Lands to be taken for the Purposes of the said Lines of Railway, have been deposited for public Inspection with the respective Clerks of the Peace of the Counties of *Monaghan*, *Cavan*, and *Louth*: Therefore, subject to the Powers of Deviation in "The Railways Clauses Consolidation Act, 1845," contained, the said intended Railways shall be made in the respective Lines or Courses and upon the Lands delineated on those Plans and described in those Books of Reference, and according to the Levels defined on those Sections; and, subject to the Provisions of the Acts incorporated herewith and this Act, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

Deferring Branch at Dundalk.

XXVIII. And whereas the Commissioners for the Harbour at *Dundalk* are now soliciting a Bill in Parliament, whereby, among other things, they propose to acquire Power to purchase the Quays at *Dundalk*, and it may be expedient that if the said Power be acquired

the

the Communication between the Railway and the Quays at *Dundalk* may be more conveniently made by an Extension through or near to the Butter Crane Premises at *Dundalk*: Be it enacted, That the Company shall not, until the First Day of *August* One thousand eight hundred and fifty-six, without the Consent in Writing of the said Commissioners under their Corporate Seal, execute any of the Powers hereby granted to them for the Execution of the said Extension to the Steam Packet Quay in the Town of *Dundalk*.

Regulating Descent of Road under Railway.

XXIX. With reference to the Bridge to be constructed for carrying the Railway over the Road which on the Plans so deposited as aforesaid is numbered 4 in the Townland of *Tullycoe*, the Company may make the Descent in that Road required in order to carry the same under the Bridge of any Inclination not steeper than 1 in 15.

Regulating Ascents of Bridges over the Railway.

XXX. The Company may, in the Construction of the Bridges required for carrying the Roads next herein-after mentioned over the Railways, construct the Ascents of those Bridges and their Approaches of any Inclination not greater than the Inclinations herein-after prescribed with reference to those Roads respectively; (that is to say,)

Number of Road on the Plans so deposited as aforesaid.	Townland or Parish in which the Road is shown on those Plans.	Inclination of Ascent.
18	Townland of Lisgorran - - -	1 in 9
40	Townland of Lisgillan - - - -	1 in 12
23	Townland of Corryhagan - - -	1 in 10
6	Townland of Corglass - - - -	1 in 8
22	Townland of Drummole - - -	1 in 12
15	Townland of Drumoghra - - -	1 in 15
2	Parish of Dundalk - - - - -	1 in 15

As to Deposit of Plans with Clerks of Unions.

XXXI. Inasmuch as by "The Railways Clauses Consolidation Act, 1845," it is provided, that Certificates of any Omission, Misstatement, or erroneous Description in certain Plans and Books of Reference therein referred to shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate; and it is also provided, that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved by Parliament shall also be deposited with such Postmasters, and be retained, and produced by them for Inspection in manner therein mentioned; and inasmuch as, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmaster of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions,

Unions, instead of such Postmasters: Therefore, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, shall be read and construed as if instead of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*" the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," and as if instead of the Word "Postmaster" the Words "Clerk of the Union," had been used and inserted in that Act throughout those Provisions.

Period within which Lands are to be purchased.

XXXII. The Powers of the Company for the compulsory Purchase of Lands for the Purpose of making the Railways by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Railways to be completed in Five Years, or Powers to cease.

XXXIII. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period all the Powers hereby granted to the Company for making the Railways by this Act authorized shall cease.

Dividends suspended if Railways not opened within Period limited.

XXXIV. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then from the Expiration of that Period it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railways shall have been completed and opened for public Traffic.

Lands for extraordinary Purposes.

XXXV. It shall be lawful for the Company to purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Fifteen Acres, in addition to the Lands which they are authorized to take for such Purposes under the Authority of the said recited Acts.

New Line to be Part of Company's Undertaking.

XXXVI. The Railways by this Act authorized to be made, and the Works connected therewith, shall be and be deemed Part of the Undertaking of the Company: Provided always, that the annual Payments to be made by the County of *Fermanagh*, under "The *Dundalk and Enniskillen* Railway Act, 1852," or any of them, or any Part thereof, shall not be applicable or applied to the Purposes of the Railways by this Act authorized to be made, or of either of them, or any Part thereof.

For securing Construction of Railway to Monaghan.

XXXVII. The Company shall within One Year from the passing of this Act, or within such further Period as the Board of Trade shall by Certificate in Writing allow for the Purpose, *bonâ fide* apply for and use

use their best Endeavours to obtain an Act of Parliament authorizing them to construct a Railway to connect the *Cavan* Extension Line by this Act authorized with the Line of the *Ulster* Extension Railway at or near the Town of *Monaghan;* and if such Act shall be passed, either on the Application of the Company or on any Application to be made on the Authority of the Board of Trade, as herein-after provided, then the said *Cavan* Extension Line shall not be opened for public Traffic until the Railway to connect the said *Cavan* Extension Line with the said *Ulster* Extension Railway as aforesaid shall be completed and opened for public Traffic: Provided always, that if the Company shall not, within One Year from the passing of this Act, or within such further Period as the Board of Trade shall allow in that Behalf as aforesaid, *bonâ fide* apply for and use their best Endeavours to obtain such Act, the Board of Trade may direct Application to be made for such Act, by or in the Name of such Person or Persons as they shall think fit; and the Costs of such Person or Persons, and all Expenses necessarily incurred in or for the Purposes of such Application, shall be a Debt due to the Crown, and recoverable against the Company accordingly.

Tolls.

XXXVIII. The Company may demand and receive upon and in respect of the Railways by this Act authorized to be made such and the same Tolls for the Use thereof, and for the Use of Carriages, Steam and other Moving Power, when provided by them, as they shall for the Time being be by the said recited Acts and this Act authorized to demand upon or in respect of the Railways by the said recited Acts authorized to be constructed.

For Purposes of Tolls, Lines to be deemed continuous.

XXXIX. Provided always, That in calculating the Tolls payable to the Company the Railways by this Act and the recited Acts authorized shall be deemed One continuous Line of Railway, and no extra Charge for stopping, loading, or unloading shall be made in respect of any Article or Person unless the Aggregate of the Distances on any of the Railways of the Company traversed by such Article or Person on the same Occasion shall be less than Six Miles.

Limiting Tolls for small Parcels.

XL. Notwithstanding anything in the said recited Acts contained, it shall not be lawful for the Company to demand for the Carriage of small Parcels on their Railways any Tolls exceeding the Sums following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Ninepence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings:

For

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any reasonable Sum which they may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Packages, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages.

Repealing Clause as to Passengers Luggage.

XLI. The Section of the *Dundalk and Enniskillen* Railway Act, 1845, numbered 30, relating to Passengers Luggage, shall be and the same is hereby repealed.

Provision as toPassengers Luggage.

XLII. Every Passenger travelling upon the Railways of the Company by the recited Acts or this Act authorized to be constructed may take with him his ordinary Luggage, not exceeding One hundred and twelve 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.

As to Junction with other Railways.

XLIII. All Communications between the Railway hereby authorized and the Railway of the *Midland Great Western* Railway of *Ireland* Company at *Cavan* shall be effected in a substantial and workmanlike Manner by means of Connection Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and in each Case to the reasonable Satisfaction of the principal Engineer for the Time being of that Company.

Provision as to Expense of Junction.

XLIV. The Expense of the Communication hereby authorized with the Railway of the *Midland Great Western* Railway of *Ireland* Company, 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 the Points thereof, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company; and every such Communication, and the Openings and other Works connected therewith, shall not only be in the first instance made and done, but also shall from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the principal Engineer for the Time being of the *Midland Great Western* Railway of *Ireland* Company, and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure such last-mentioned Company, or (except in so far, if at all, as may be unavoidably necessary for effecting the Communication hereby authorized,) impede, obstruct, or interfere with the free and uninterrupted Passage along their Railway; and the Control

and

and Management of every such Communication, Openings, and other Works shall be and the same is hereby vested in the *Midland Great Western* Railway of *Ireland* Company, but subject to the Provision for Settlement of Differences herein-after contained.

For Settlemet of Differences.

XLV. If any Difference shall arise between the respective principal Engineers for the Time being of the Company and of the said *Midland Great Western* Railway of *Ireland* Company, with respect to the Point at which any such Communication, Openings, and other Works 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 any way relating to or consequent upon the Construction or Use of the said Communication, Openings, and other Works, the Matters in difference shall from Time to Time be decided by an Umpire, to be appointed by the Board of Trade on the Application of either Company, whose Decision shall be binding and conclusive on both the said Companies, and whose 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.

Power to use Station of Midland Great Western Company.

XLVI. The Company and their Assigns may run and pass over and into, work and use, with the Engines and Carriages belonging to and employed by them, any Station which may be constructed by the *Midland Great Western* Railway of *Ireland* Company at or near the Town of *Cavan*, and the Sidings, Watering Places, Watering Engines, and other Works and Conveniences of and in such Station or connected therewith; and the Owners of such Station shall permit the Company and their Assigns so to do, and shall afford all reasonable Accommodation and Facilities thereat, for the Reception, Transmission, Booking, Protection, and Conveyance of all Passengers and Goods passing or being about or intended to pass to or from the Railways by this Act authorized; and the Expenses incurred by the Owners of that Station in providing or giving such Accommodation and Facilities shall be repaid by the Company.

Differences to be settled by the Board of Trade.

XLVII. All Questions or Differences which may arise between the Company and the *Midland Great Western* Railway of *Ireland* Company with reference to the Nature and Extent of the Accommodation and Facilities to be afforded as aforesaid, and the Terms and Conditions to be observed by the Company for or in respect of the Use of the Station before specified, and of the Works and Conveniences connected

connected therewith, and the Amount of Expenses to be paid by the Company for the Accommodation and Facilities afforded at that Station, and with reference to any Matters of Detail connected therewith, shall from Time to Time be settled and determined by the Board of Trade, or by an Arbitrator to be appointed by that Board, either of whose Decision shall be binding and conclusive on both the Parties in dispute; and the Costs and Expenses of the Board of Trade and of every such Arbitrator shall be defrayed by such One of the Parties in dispute, or by both of them, and in such Proportions, as that Board or such Arbitrator shall appoint; and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any Decision given or Rule or Regulation made by the Board of Trade or by such Arbitrator as aforesaid shall forfeit and pay any Sum not exceeding One hundred Pounds for every such Offence, and Fifty Pounds for every Day during which such Offence shall continue.

Power to Midland Great Western Company to use Stations of the Company.

XLVIII. The *Midland Great Western* Railway of *Ireland* Company and their Assigns may run and pass over and into, work and use, with the Engines and Carriages belonging to and employed by them, any Station which may be constructed by the Company at or near the Town of *Cavan*, and the Sidings, Watering Places, Watering Engines, and other Works and Conveniences of and in such Station or connected therewith; and the Owners of such Station shall permit the *Midland Great Western* Railway of *Ireland* Company and their Assigns so to do, and shall afford all reasonable Accommodation and Facilities thereat, for the Reception, Transmission, Booking, Protection, and Conveyance of all Passengers and Goods passing or being about or intended to pass to or from the Railways by this Act authorized; and the Expenses incurred by the Owners of that Station in providing or giving such Accommodation and Facilities shall be repaid by the *Midland Great Western* Railway of *Ireland* Company.

Differences to be settled by the Board of Trade.

XLIX. All Questions or Differences which may arise between the *Midland Great Western* Railway of *Ireland* Company and the Company with reference to the Nature and Extent of the Accommodation and Facilities to be afforded as last aforesaid, and the Terms and Conditions to be observed by the *Midland Great Western* Railway of *Ireland* Company, for or in respect of the Use of the Station lastly before specified, and of the Works and Conveniences connected therewith, and the Amount of Expenses to be paid by the last-mentioned Company for the Accommodation and Facilities afforded at that Station, and with reference to any Matters of Detail connected therewith, shall from Time to Time be settled and determined by the Board of Trade, or by an Arbitrator to be appointed by that Board, either of whose Decision shall be binding and conclusive on both the Parties in dispute;

and the Costs and Expenses of the Board of Trade and of every such Arbitrator shall be defrayed by such One of the Parties in dispute, or by both of them, and in such Proportions, as that Board or such Arbitrator shall appoint; and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any Decision given or Rule or Regulation made by the Board of Trade or by such Arbitrator as aforesaid shall forfeit and pay any Sum not exceeding One hundred Pounds for every such Offence, and Fifty Pounds for every Day during which such Offence shall continue.

No Interest or Dividend to be paid on Calls paid up.

L. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

LI. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being 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 Railway or to execute any other Work or Undertaking.

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

LII. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Acts authorized to be made from the Provisions of any General 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 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, or of the Tolls for small Parcels, authorized by this or the recited Acts.

Expenses of this Act.

LIII. The Expenses, Costs, and Charges of preparing and passing this Act, and incidental thereto, shall be paid by the Company.

The

The SCHEDULE referred to in the foregoing Act.

Form of Surrender of Shares.

This Deed, made the Day of One thousand eight hundred and between of of the one Part, and the Dundalk and Enniskillen Railway Company of the other Part, witnesseth, that [*here add, if any Money Consideration is to be paid by the Company*, "in consideration of the Sum of " of lawful Money of Great Britain to the said " paid by the said Company,"] the said doth hereby surrender unto the said Company all those Shares in the Capital and Undertaking of the said Company which in the Books of the said Company are distinguished by the respective Numbers and all his Right, Title, and Interest therein and thereto, to the Intent that the same may be absolutely merged and extinguished [*here add the following Provision, if intended*, "and it is hereby agreed that the said (*Surrenderor*) shall be " henceforth discharged from all Calls and Liabilities in respect of the " Shares hereby surrendered," *and any other Terms and Conditions intended*]. In witness whereof the said (*Surrenderor*) hath hereunto set his Hand and Seal, and the said Company have caused their Common Seal to be hereunto set and affixed, on the Day and Year first before written.

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