CHAP. cxviii.

An Act for conferring on the London and North-western Railway Company additional powers, and making further provision with respect to steam communication between Holyhead and Ireland; and for other purposes. A.D. 1870.

[14th July 1870.]

WHEREAS it is expedient that the London and North-western Railway Company (in this Act called the Company) should be empowered to establish an improved communication between Holyhead on the one hand, and Greenore and other ports in the Lough of Carlingford on the other hand, and to provide steam and other vessels for the purpose:

And whereas by the Dundalk and Greenore Railway Act, 1863, the Dundalk and Greenore Railway Company (herein-after called "the Dundalk and Greenore Company") were incorporated, with power to make a railway from the Irish North-western Railway at the town of Dundalk, to Greenore on the shore of Carlingford Lough in the county of Louth; and by the Dundalk and Greenore Railway Act, 1867, the Dundalk and Greenore Company were empowered to construct other railways, and the Company were empowered to subscribe towards the undertaking of the Dundalk and Greenore Company, and the Dundalk and Greenore Company on the one hand, and the Irish North-western Railway Company (herein-after called the Irish North-western Company) and the Company on the other hand, were empowered to enter into contracts with respect to the management, use, working, and maintenance of the railways of the Dundalk and Greenore Company, and otherwise in relation thereto: 26 & 27 Vict. c. ccxxxiii.

And whereas it is expedient that the Company on the one hand, and the Irish North-western Company and the Dundalk and Greenore Company on the other hand, should be empowered to make and carry into effect agreements for the participation by those two Companies respectively in the exercise jointly with the

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Company of the powers of this Act, so far as those powers relate to communication between Holyhead on the one hand, and Greenore and other ports in the Lough of Carlingford on the other hand:

And whereas it is expedient that the period limited by the Chester and Holyhead Railway Act, 1848, (in this Act referred to as "the Act of 1848,") and extended by the London and North-western (Chester and Holyhead) Railway Act, 1861, (in this Act referred to as "the Act of 1861,") and the period limited by the Improved Postal and Passenger Communication between England and Ireland Act, 1855, (in this Act referred to as "the Act of 1855,") for the exercise of the powers in those Acts contained or referred to with respect to steam boat communication between Holyhead on the one hand, and Dublin, Howth, and Kingstown on the other hand, should be extended:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:

Short title.

1. This Act may be cited for all purposes as "The London and North-western Railway (Steam Vessels) Act, 1870."

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" means the London and North-western Railway Company:

The expression "the Irish North-western Company" means the Irish North-western Railway Company:

The expression "the Dundalk and Greenore Company" means the Dundalk and Greenore Railway Company: and

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Act partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Company may provide and work steam and

3. The Company may, for the purpose of establishing in connexion with their undertaking an improved and efficient communication between Holyhead on the one hand, and Greenore and other

ports in the Lough of Carlingford on the other hand, build, purchase, hire, provide, charter, employ, and maintain steam and other vessels of every or any description, and may navigate, work, and use the same, and may therein and thereby convey and carry passengers, animals, minerals, goods, merchandise, and things of every description between Holyhead on the one hand, and Greenore and other ports in the Lough of Carlingford or either of them on the other hand, and may do all acts that may be necessary to enable them to carry fully into effect the purposes aforesaid.

other vessels between Holyhead and Greenore, &c.

4. The Company may ask, demand, and recover for the conveyance of passengers, animals, minerals, goods, merchandise, and other things in the steam or other vessels so provided by them, such reasonable rates or sums as they shall think fit, not exceeding the rates or sums authorised to be taken by them for the conveyance upon their railway of passengers, animals, minerals, goods, merchandise, and other things for a distance of seventy-nine miles thereon: Provided always, that it shall be lawful for every first-class passenger conveyed in such vessels, and having passed or intending to pass over the Company's railway, to take with him, without extra charge, his ordinary luggage, not exceeding one hundred and twelve pounds in weight, and every second-class passenger not exceeding one hundred pounds in weight, and every third class passenger not exceeding sixty pounds in weight.

Company may make charges for conveyance of traffic.

5. The powers by this Act granted, to purchase, hire, use, and own steam and other vessels shall continue until the thirty-first day of December one thousand eight hundred and eighty-five.

Period limited for exercising foregoing powers of this Act.

6. The Company on the one hand, and the Irish North-western Company and the Dundalk and Greenore Company respectively on the other hand, may from time to time enter into and carry into effect agreements for or with respect to the participation by the two last-named Companies respectively in the exercise jointly with the Company of all or any of the powers by the foregoing provisions of this Act conferred on the Company.

Authorising agreement with Irish North-western and Dundalk and Greenore Companies.

7. The memorandum of agreement between the Company, the Irish North-western Company, and the Dundalk and Greenore Company, contained in the schedule to this Act, shall be taken and considered as an agreement made under the provisions of the last preceding enactment.

Application of preceding enactment to scheduled agreement.

8. Part IV. (relating to steam vessels) of the Railways Clauses Act, 1863, is incorporated with and forms part of the foregoing provisions of this Act, relating to steam communication between

Part IV. of 26 & 27 Vict. c. 92. incorporated.

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Holyhead on the one hand, and Greenore and other ports in the Lough of Carlingford on the other hand.

Securing facilities to other carrying Companies.

9. If under the provisions of this Act, the Irish North-western and the Dundalk and Greenore Companies (who are in this enactment called the Irish Railway Companies), or if either of those two Companies shall enter into such agreement with the Company as is herein-before authorised, the following provisions shall have effect for the protection of any company or person being owner of a railway, or canal, or navigation, and being carriers of traffic passing between England and Ireland stations:

(*a.*) The contracting Companies shall respectively afford to all traffic conveyed, or intended to be conveyed by any such company or person, to or from any towns or stations in England, from or to any town or station in Ireland, through the port of Holyhead and Greenore and other ports in Carlingford Lough, every facility necessary for the due and speedy transmission and delivery of such traffic, on terms as advantageous as and at rates of charge not greater than the terms and rates which apply to and may for the time being be payable in respect of traffic of the same kind conveyed to the same places by the contracting Companies:

(*b.*) The Irish Railway Companies or either of them shall upon demand make with any such company or person, being carriers as aforesaid, through rates for the conveyance of such traffic, not exceeding as aforesaid the rate charged for the time being by the contracting Companies for the conveyance of traffic to and from similar places, and if any question shall arise as to the division of such rates, the same shall be settled by an arbitrator to be appointed (if the parties cannot agree on an arbitrator) by the Board of Trade at the request of either party, and the "Railway Companies Arbitration Act, 1859," shall apply to every such arbitration:

(*c.*) The forty-first, forty-fifth, and forty-sixth sections of the "Dundalk and Greenore Railway Act, 1867," shall, so far as they are applicable, apply to this enactment, and to any contract or arrangement made under the powers of this Act, as fully and effectually as though the same sections were repeated in this Act.

Powers of previous Acts as to steam com-

10. The Company may lawfully exercise for a further period of fourteen years from the thirty-first day of December one thousand

eight hundred and seventy-one the powers in relation to the purchase, hiring, using, and owning of steamboats conferred on or now vested in them by or under the said Acts of 1848, 1855, and 1861 respectively.

munication between Holyhead and Dublin, &c. extended.

11. The Company may from time to time apply to all or any of the purposes of this Act any moneys which they now have in their hands or which they have power to raise, and which are not by any of the Acts relating to the Company made applicable to any special purpose, or which being so made applicable are not required for the special purpose.

Company may apply corporate funds to purposes of this Act.

12. The Company shall not, out of any money by this or any other Act relating to the Company authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

13. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the Acts relating to the Company.

Railway not exempt from provisions of present and future general Acts.

14. All costs, charges, and expenses, of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF AGREEMENT made the first day of July one thousand eight hundred and sixty-nine, between the London and North-western Railway Company, herein-after called the English Company, of the first part, the Irish North-western Railway Company, herein-after called the Irish Company, of the second part, and the Dundalk and Greenore Railway Company, herein-after called the Dundalk Company, of the third part.

Whereas the English Company are the owners of and work over lines of railway from Birmingham, Manchester, Liverpool, and other important towns in England to Holyhead: And whereas the Irish Company are the owners of and work over lines of railway from Londonderry, Enniskillen, and other important towns in Ireland to Dundalk: And whereas by the Dundalk and Greenore Railway Acts, 1863 and 1867, the Dundalk Company was authorised to make and maintain a line of railway, commencing by a junction at Dundalk with the railway of the Irish Company and terminating at Greenore, with quay works at Greenore: And whereas by the London and North-western Traffic Arrangements Act, 1864, section 3, the English Company on the one hand, and the Irish Company and the Dundalk Company on the other hand, were authorised from time to time to enter into and carry into effect, and from time to time to alter and vary, arrangements and agreements with reference to the transmission of traffic upon or over the railways of the three Companies, parties hereto, and with reference to the fixing and ascertaining, division, and apportionment between the three Companies, parties hereto, of the tolls, rates, and charges arising from such traffic; and (section 4) the three Companies, parties hereto on the one hand, and the owners of steam packets or other vessels on the other hand, were authorised from time to time to enter into and carry into effect, and from time to time to alter and vary agreements and arrangements with reference to the transmission of traffic between (inter alia) the ports of Greenore and Holyhead, and with reference to the fixing, ascertaining, division, and apportionment between the parties to such arrangements or agreements of the tolls, rates, and charges arising from such traffic: And whereas, in pursuance of the last-mentioned Act an agreement was, on the first of May one thousand eight hundred and sixty-six, entered into between the three Companies, parties hereto, by which it was agreed (article 2) that the three Companies should forthwith establish, and at all times maintain, a complete system of through fares and rates, and through booking and invoicing of all cross channel traffic, over their respective systems of railways by way of Holyhead and Greenore respectively; and (article 15) the agreements which in accordance with section 4 of the London and North-western Traffic Arrangements Act, 1864, were to be made with respect to steam packets and other vessels, should be made prior to the opening of the Dundalk lines, and should be made on the following principle, videlicet,

in the division of receipts arising from through traffic, including the fares and rates arising from trip by sea as well as by railway. The steamboats should, if required, be allowed out of such through traffic receipts more than their actual mileage for such period as might be agreed upon between them and the three Companies; and (article 25) out of the gross receipts in respect of the through fares and rates, there should in the first place be allowed to the steam packets or other vessels carrying the traffic whence those gross receipts arose, such portion thereof as should be determined and agreed upon according to article 15: And whereas by heads of agreement, bearing date the eleventh day of May one thousand eight hundred and sixty-five, entered into between the three Companies, parties hereto, it was agreed (article 6) that the steamers between Holyhead and Dundalk or Greenore were to be arranged for by the boards of the three Companies as the boards should thereafter agree upon: And whereas the English Company are the owners of steam vessels, and they are willing to allow such vessels to be used for the transmission of traffic between the ports of Greenore and Holyhead, and the boards of the three Companies, pursuant to the terms of the last-mentioned agreement, have arranged with them for the use and working of their steam vessels upon the following terms: Now, therefore, these presents witness that for the considerations herein appearing, it is hereby agreed by and between the English Company for themselves and their assigns on the one hand, and the Irish Company and the Dundalk Company for themselves respectively, and their respective assigns on the other hand, as follows, that is to say:

1. That the English Company shall, for the period of five years immediately after the opening of the Dundalk Company's line for traffic, at all times provide steam vessels to sail in each week daily (except Sunday) from the port of Holyhead to Greenore, and from the port of Greenore to Holyhead, the tonnage and steam power of the vessels, and the accommodation for traffic in them, to be agreed on between the three Companies, or, failing agreement, settled by arbitration in manner herein-after provided.

2. The English Company are to receive out of the rates arising from the through traffic, as a first charge thereon, a mileage proportion of the traffic sufficient in each half year to provide an adequate renewal fund for the steam vessels, and to pay interest at five per centum per annum on the capital expended on the said steam vessels, and the actual maintenance and cost of working them, including insurance and any losses; and in case of difference as to any of the items aforesaid between the three Companies, the matter in difference is to be referred to arbitration in manner hereafter provided, it being the true intent and meaning of the parties hereto that the English Company are not to make any profit or incur any loss by reason of their providing, maintaining, and working the steam vessels, but that in each year, out of the through rates, they shall receive the actual cost thereof by a mileage proportion of those rates, whether such mileage proportion in any year is greater or less than the actual distance the traffic is carried by such steam vessels.

3. Any difference or dispute is to be settled in manner provided by the "Railway Companies Arbitration Act, 1859."

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4. The Companies at the request of any of them to concur in obtaining any Parliamentary powers necessary for carrying into effect any part of this agreement.

Passed under the common seal of the London and North-western Railway Company in the presence of

S. REAY, Secretary.

Seal of the London and North-western Railway Company.

Passed under the common seal of the Irish North-western Railway Company, in the presence of

ALEX. BOYD,
Solicitor of said Company.

Seal of the Irish North-western Railway Company.

Passed under the common seal of the Dundalk and Greenore Railway Company, in the presence of

S. REAY, Secretary.

Seal of the Dundalk and Greenore Railway Company.

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