CHAPTER ccxx.

An Act to incorporate the Mullingar Kells and Drogheda Railway Company and for making railways and other works in the counties of Westmeath Meath and Louth and to confer subscription and other powers on certain existing railway companies and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the construction of the railways herein-after described for the purpose of establishing direct railway communication between Mullingar Kells and Drogheda in the counties of Westmeath Meath and Louth would be of public and local advantage by affording increased means of communication between those places and other towns and places in Ireland:

And whereas the persons in this Act named with others are willing at their own expense to carry the undertaking into execution and are desirous of being incorporated into a company for that purpose (in this Act called "the Company") and of having the requisite powers conferred upon them:

And whereas it is expedient that the running powers over the portions of railways and the stations of the companies herein-after mentioned and also facility powers with reference to traffic as herein-after provided should be granted:

And whereas it is expedient that the Company and the Great Northern Railway Company (Ireland) (herein-after called "the Northern Company") should be empowered to enter into working and other agreements and that other powers should be conferred upon them as herein-after provided:

And whereas it is expedient to authorise the Lancashire and Yorkshire Railway Company to subscribe towards the undertaking

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of the Company and to raise money for the purpose of such subscription:

And whereas it is expedient to authorise the Company to pay interest out of capital during construction as herein-after provided:

And whereas plans and sections showing the lines and levels of the railways and other works by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace of the county of Westmeath and with the clerk of the peace of the county of Meath and with the clerk of the peace of the county of Louth and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Mullingar Kells and Drogheda Railway Act 1903.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845; and

Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Acts;

The Railways Clauses Consolidation Act 1845;

The Lands Clauses Acts; and

Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863;

are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

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

And in this Act unless otherwise explained or unless the context otherwise requires—

The expression "the Company" means the Company incorporated by this Act;

The expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Deposit of plans with clerks of district councils.

4. The provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act be read and construed as if the expression "clerks of the district councils within which such parishes are included in Ireland" or the words "clerks of the district councils" (as the case may be) had been inserted in those sections in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

Company incorporated.

5. Joseph Rowlands Robert Worthington Charles Menzies Holland and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and other works authorised by and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Mullingar Kells and Drogheda Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways and widenings connected therewith.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and widenings connected therewith herein-after described with all proper stations platforms sidings junctions bridges tunnels roads buildings approaches passages works and conveniences connected therewith and may enter upon take and use such of the lands and may use such of the existing quays delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways and widenings connected therewith herein-before referred to and authorised by this Act

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are situate in the counties of Westmeath Meath and Louth and are—

MULLINGAR AND KELLS SECTION OF UNDERTAKING.

A Railway No. 1 two furlongs and five chains in length commencing in the parish of Mullingar by a junction with the Midland Great Western Railway of Ireland at a point in the rails thereof distant 282 lineal yards or thereabouts from the north corner of the east signal box measured along the rails in an easterly direction and terminating in the parish of Mullingar at a point in the east fence of the public road called Millmount Road which point is distant 40 lineal yards or thereabouts from the north-east corner of the abutment of the bridge carrying the said Midland Great Western Railway over the said Millmount Road and measured along the said east fence in a northerly direction:

A Railway No. 2 twenty-four miles two furlongs and 9·5 chains in length commencing at the point of termination of Railway No. 1 herein-before described and terminating in the parish of Kells at a point in the rails of the Oldcastle Kells and Navan Branch of the Great Northern Railway of Ireland which point is distant 66 lineal yards or thereabouts from the north-west gate-post of the level crossing at Kells railway station measured in a westerly direction along the rails of the said branch of the Great Northern Railway.

DROGHEDA SECTION OF UNDERTAKING.

A Railway No. 3 two miles four furlongs and two chains in length commencing in the parish of Duleek at a point in the rails of the Oldcastle Kells and Navan Branch Railway of the Great Northern Railway Company of Ireland which point is distant 420 lineal yards or thereabouts from the $2\frac{1}{4}$ mile-post on the said branch railway from Drogheda and measured along the rails of the said branch railway in a south-westerly direction crossing the River Boyne by a bridge then passing along Wellington Quay and Haymarket and terminating at a point on the inner face of the west parapet of St. Mary's Bridge in the urban district of Drogheda and parish of St. Peter's which point is distant 16 lineal yards or thereabouts from the lamp-post on the centre of the west parapet of the said bridge measured in a northern direction along the said parapet:

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A widening (in connexion with Railway No. 3) of the existing quays in Drogheda known as Wellington Quay and the Haymarket commencing in the parish of St. Peter's at a point on the river edge of Wellington Quay opposite the centre of Stockwell Lane and terminating in the said parish at a point on the west parapet of St. Mary's Bridge which point is distant 16 lineal yards or thereabouts from the lamp-post on the centre of the west parapet of the said bridge measured in a northern direction along the said parapet:

A Railway No. 4 four furlongs and 4·5 chains in length commencing at the point of termination of Railway No. 3 herein-before described thence crossing St. Mary's Bridge on the level and passing along the North Quay the Mall Custom House Quay Merchants' Quay Steampacket Quay and Ballast Quay and terminating on Ballast Quay in the urban district of Drogheda and parish of St. Peter's at a point on the said quay in the centre between the two piers of the Great Northern Railway viaduct at Drogheda which said two piers carry the northern end iron girders of the said viaduct:

A widening (in connexion with Railway No. 4) of the existing quays in Drogheda known as the North Quay and Custom House Quay commencing in the parish of St. Peter's at a point on the east parapet of St. Mary's Bridge which point is distant 186 lineal yards or thereabouts from a point on the river's edge of Custom House Quay opposite the south-east corner of the Custom House and measured along the river's edge of Custom House Quay and North Quay in a south-westerly direction and terminating in the parish of St. Peter's at a point on the river edge of the Custom House Quay opposite the south-east corner of the Custom House.

Power to make Railways Nos. 3 and 4 on level of highways and quays.

7. Notwithstanding anything in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 or in any other Act incorporated herewith contained in reference to the crossing of roads on the level the Company may make and maintain Railways Nos. 3 and 4 or any part thereof along across and on the level of any highway or quay in the urban district of Drogheda in accordance with the deposited plans and sections and the provisions of the said Acts with reference to the crossing of roads

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or other interference therewith and with respect to works for the accommodation of lands adjoining the railway and fencing shall not apply to the said railways so far as the same may be constructed on the level or along or across any highway or quay in the said urban district of Drogheda.

Mode of formation of Railways Nos. 3 and 4 on highways and quays in Drogheda.

8. Where the Railways Nos. 3 and 4 hereby authorised are laid along across and on the level of any highway or quay in the urban district of Drogheda as shown on the deposited plans and sections they shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the highway or quay and shall not be opened for traffic until the same have been inspected and certified to be fit for such traffic by an officer to be appointed for the purpose by the Board of Trade.

For protection of public Board of Trade may make orders for working Railways Nos. 3 and 4 where situated along highways and quays in Drogheda.

9. Where the Railways Nos. 3 and 4 or any part thereof are respectively laid along across and on the level of any highway or quay in the urban district of Drogheda the same shall be worked subject to any regulations which may be prescribed by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger Any order made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Accesses to and from shore &c.

10. During the construction of the Railways Nos. 3 and 4 by this Act authorised on or near the foreshore of the River Boyne at Drogheda and also at all times after completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the railway as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the embankments of the railway such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

St. Dominick's Bridge not to be

11. Notwithstanding anything shown upon the deposited plans and sections the Company shall not take pull down or divert

the existing road bridge over the River Boyne at Drogheda known as St. Dominick's Bridge nor erect a new diversion road bridge in lieu thereof.

taken or pulled down.

Vesting and maintenance of widenings of quays.

12. The alteration and widening of the existing quays authorised by this Act in connexion with Railways Nos. 3 and 4 herein-before described shall when and so soon as the same are completed be and for ever thereafter form part of the quays which are altered or widened and shall be vested in the authority or other the parties in whom the said existing quays at the passing of this Act are by law vested and such widenings shall be maintained by and at the expense of the Company.

For protection of corporation of Drogheda.

13. The following provisions shall apply and have effect for the protection of the mayor aldermen and burgesses of the borough of Drogheda being the urban district council of Drogheda (herein-after in this section called " the council ") unless otherwise agreed on in writing between the Company and the council (that is to say) :—

(1) The Company shall not without the consent of the council close or permit to be closed so as to impede traffic along the road the gates at the level crossing of the road numbered 22 and 23 on the deposited plans in the parish of St. Peter's and urban district of Drogheda during a period of at least ten minutes before the scheduled time of departure of any passenger train from the present main line Drogheda station of the Great Northern Railway (Ireland) Company nor shall the Company except with the consent of the council close or permit to be closed the said gates at the said level crossing for a longer period than five minutes at any one time :

(2) The Company shall erect a substantial iron footbridge to the reasonable approval of the council over the said level crossing and shall maintain and keep the same in proper repair and condition :

(3) The limit of deviation of Railway No. 3 between St. Dominick's Bridge and John's Gate on the south side of the River Boyne and between Patrickswell Lane and Stockwell Lane on the north side of the said river shall not extend to or encroach on the existing public roadways and footpaths between those points respectively except with the consent of the council :

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(4) The Company shall erect and provide a suitable passenger and goods station on the said Railway No. 3 to the westward of St. Mary's Bridge and within five furlongs measured along the said railway from the western side of the said bridge:

(5) Any difference which may from time to time arise between the Company and the council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of Drogheda Harbour Commissioners.

14. The following provisions shall apply and have effect for the protection of the commissioners for improving the port and harbour of Drogheda (herein-after called "the commissioners") unless otherwise agreed on in writing between the Company and the commissioners (that is to say):—

(1) Notwithstanding anything shown upon the deposited plans the northern and southern limits of deviation of Railway No. 4 shall not extend beyond the restricted limits of deviation shown upon the plan signed in duplicate by the Right Honourable Charles Seale-Hayne the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred during its progress through Parliament one copy of which plan has been deposited in the Private Bill Office of the House of Commons and the other copy whereof has been deposited in the Office of the Clerk of the Parliaments Provided always that the above-mentioned restriction of the said northern limit of deviation shall not take away prejudice or affect the powers of the Company to acquire compulsorily under the provisions of this Act the piece of waste land situate between the lower cattle yard of the Lancashire and Yorkshire Railway Company and the Boyne Viaduct of the Great Northern Railway (Ireland) so far as the said piece of land is comprised in the original limits of deviation shown upon the deposited plans and forms part of the property numbered 7 on the said deposited plans in the townland of Yellowbatter and parish of St. Peter's:

(2) The Company shall make and maintain so much of Railway No. 4 as extends from a point on the said Rail-

way No. 4 immediately opposite the entrance door of the Custom House to the termination of the said Railway No. 4 with a double line of rails:

(3) The Company shall under the powers of this Act acquire an easement or right of user only for the purposes of the railways and of the undertaking of and in the existing public roads and quays in the urban district of Drogheda along which Railways Nos. 3 and 4 are authorised to be made and maintained:

(4) The Company shall not in the construction reconstruction or repair of the said Railways Nos. 3 and 4 close the said existing public roads footpaths and quays except temporarily and so far only as may be reasonably necessary for the purposes of such construction reconstruction or repair and in accordance with such regulations as to the temporary accommodation for vehicular and pedestrian traffic along such public roads footpaths and quays as shall be reasonably approved of in writing by the engineer of the commissioners:

(5) If the Company can under the powers of this Act acquire the land necessary for the purpose at a reasonable price they shall at their own expense and to the reasonable satisfaction of the engineer of the commissioners construct the two roads delineated and coloured red on the said plan referred to in subsection (1) of this section The said roads shall be at least 20 feet in width properly metalled paved kerbed and drained and when completed the same shall become and be public highways and be repaired and maintained accordingly:

(6) The Company shall construct the said Railways Nos. 3 and 4 at their own risk and the commissioners shall not be in any way liable for any accident caused by reason of the construction or working of the said railways or either of them to the quay walls or any part thereof along or over which the said Railways Nos. 3 and 4 shall be constructed and in case the said quay walls or any part thereof shall hereafter from any cause due to the construction or working of the said railways give way the Company shall at their own expense rebuild the said wall or any part thereof which may give way or collapse as aforesaid to the reasonable satisfaction of the engineer of the commissioners:

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(7) Any difference which may from time to time arise between the Company and the commissioners under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of Martin Butterly and Company Limited.

15. For the protection of Martin Butterly and Company Limited their successors and assigns (herein-after referred to as "the coal company") the following provisions shall unless otherwise agreed in writing between the Company and the coal company have effect (that is to say):—

(1) The Company shall construct so much of Railway No. 4 as lies to the west of the entrance door of the Custom House as a single line only:

(2) The coal company may subject to any necessary consents being obtained construct a siding on the North Quay with a connexion between their premises and such siding and may by means of such siding effect a junction with the said Railway No. 4 in such manner as the engineer of the Company may reasonably approve The coal company shall be entitled to the exclusive use of such siding at all times on any ordinary working day and may use a crane thereon for the purpose of loading and unloading goods and minerals into and from vessels lying along the North Quay Provided always that such crane or the user thereof shall not obstruct or interfere with the working of the railway:

(3) Subject to the proper working of their traffic upon so much of Railway No. 4 as is constructed opposite any of the premises of the coal company the Company shall so conduct their traffic upon the North Quay as not to interfere with the free and convenient use of the quay for the purpose of the coal company's business:

(4) Any difference which may arise between the Company and the coal company under this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of Lancashire and Yorkshire

16. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the protected company") the following provisions shall have effect unless otherwise

agreed in writing between the Company and the protected company (that is to say) :—

(1) The Company shall before they open any part of Railway No. 4 by this Act authorised for public traffic strengthen where necessary to the reasonable satisfaction of the protected company the wall at Drogheda Quay for a length of 400 yards between a point about 1 furlong 7 chains from the commencement of that railway as shown on the deposited plans and a point about 5 furlongs 5 chains from such commencement so as to make the said wall capable of carrying the weight of locomotives and trains :

(2) The Company shall provide to the reasonable satisfaction of the protected company and in such situations subject to the approval of the commissioners for improving the port and harbour of Drogheda as the protected company may require sufficient and proper goods sheds in substitution for any goods sheds now occupied or used by the protected company which may be removed or materially interfered with by the Company :

(3) The Company shall so construct and work Railway No. 4 as to cause as little interference as possible with the free passage of persons animals goods merchandise and vehicles across and along the quays or between vessels lying at the quays and the cattle sheds and yards goods sheds and other property of the protected company and shall permit the protected company from time to time to make such openings in the rails of the said railway and such connexions therewith as they may reasonably require for the purpose of laying rails from the quay walls to the premises of the protected company or of making communications between the premises of the protected company and Railway No. 4 :

(4) Nothing in this Act shall be deemed to authorise the Company without the consent of the protected company (which consent shall not be unreasonably withheld) to interfere with any existing cranes or other conveniences of the protected company or to prevent the erection and use of such other cranes and conveniences as they may from time to time construct erect and use as if this Act had not been passed Provided always that such cranes and conveniences or the user thereof shall not obstruct or interfere with the working of the railway :

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(5) If any difference shall arise between the Company and the protected company under this section such difference shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either party.

For protection of Midland Company.

17. For the protection of the Midland Great Western Railway of Ireland Company (herein-after called "the Midland Company") the following provisions shall unless otherwise agreed upon in writing between the Company and the Midland Company have effect (that is to say):—

(1) The junction by this Act authorised with the railway of the Midland Company shall be made at such point within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the chief engineer for the time being of the Midland Company or in case of difference as shall be settled by arbitration:

(2) In constructing the said junction and works aforesaid the Company their agents or contractors or their respective servants or workmen shall as far as may be avoid any obstruction impediment or interference with the free and uninterrupted and safe user of the railway and works of the Midland Company or with the traffic thereon and if any obstruction or interference shall be occasioned to the traffic of or upon the railway of the Midland Company the Company shall pay to the Midland Company full compensation in respect thereof:

(3) The Company shall at their own expense construct the said junction in all respects according to plans and specifications to be previously submitted to and approved in writing by the said chief engineer and any difference in respect of such plans or specifications between such chief engineer and the engineer for the time being of the Company shall be settled by arbitration and the Company shall not commence the construction of the said junction or enter on the lands of the Midland Company or in any way interfere with their railway works or property until such plans and specifications have been so submitted and approved or any difference in respect thereof settled by arbitration as aforesaid Provided always that if the said chief engineer shall not have expressed his approval or

disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(4) During the construction of the said junction and works in connexion therewith the Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise:

(5) The Midland Company shall maintain the said junction and works in substantial repair and good order and condition and all necessary and reasonable costs and expenses of or incidental to the said maintenance shall be repaid to the Midland Company by the Company at the end of each half year:

(6) The Company shall not in any case without the previous consent in writing and under the common seal of the Midland Company acquire any lands or property of the Midland Company but the Company may purchase and take and the Midland Company shall sell and grant accordingly an easement or right of using in perpetuity so much of the land of the Midland Company as may be necessary for the construction of the said junction and works in connexion therewith by this Act authorised but in case it should be necessary hereafter to alter the railways of the Midland Company so as to make an alteration of such construction reasonably necessary the Midland Company shall before making any such alteration provide and complete at their own cost another and equally convenient junction in manner to be agreed on or failing agreement as shall be determined by the Board of Trade the amount to be paid for the acquisition of such easement to be settled in case of dispute in manner provided by the Lands Clauses Acts with respect to the purchase of lands:

(7) In running over and using any portion of the Midland Railway between the said junction and Mullingar Station

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and in using the Mullingar Station and conveniences of the Midland Company in accordance with the provisions in this Act contained the Company shall be under the reasonable control and direction of the Midland Company and subject to the byelaws and regulations of the Midland Company for the time being in force and in case of any difference arising under this subsection the same shall be settled by arbitration as herein-after provided:

(8) The Midland Company shall give all reasonable facilities and accommodation required by the Company and perform at the said Mullingar Station all necessary station and terminal work in respect of the traffic of the Company using such station The Company shall make to the Midland Company such payments in respect of such accommodation and for the said work as shall be determined by mutual agreement between the Company and the Midland Company or failing agreement as shall be settled and determined by arbitration in manner herein-after provided:

(9) The Midland Company shall within one month after notice of the Company's desire to exercise running powers into Mullingar Station supply to the Company plans and an estimate of the cost of any enlargement extension or alteration which the Midland Company deem necessary for the purpose of such running powers and if the Company shall be of opinion that the whole or any parts of the works described on the said plans is or are unnecessary or that the estimate of cost thereof is excessive or unreasonable they shall within one month after receipt of such plans and estimate give notice of their objection to the Midland Company and the difference shall be decided by arbitration as herein-after mentioned and the arbitrator may decide what proportion of such cost shall be paid by the Company having regard to the user of the additional accommodation to be provided at the said station and the Midland Company shall on receipt of the award forthwith carry out and complete with all reasonable despatch the works (if any) ordered to be done by or as the result of such award:

(10) Both the Companies shall so far as practicable do all things necessary to insure the completion of the said works (if any) by the Midland Company concurrently with the completion and opening of the Company's line into Mullingar And such running powers shall upon such completion come

into force and be exercised by the Company forthwith and the Company shall thereupon pay to the Midland Company the reasonable actual cost of such works (if any) as aforesaid including the value of the lands required for the enlargement of the said Mullingar Station :

(11) If at any time hereafter any enlargement extension or alteration of the said Mullingar Station is rendered necessary by reason of the said running powers or powers of user such enlargement extension or alteration shall be carried out by the Midland Company but in all things subject to the provisions herein-before contained in sub-section (9) of this section mutatis mutandis so far as the same may be applicable :

(12) In carrying the railway across the Royal Canal the Company shall not without the consent of the Midland Company deviate from the line as shown upon the deposited plans and sections or construct the bridge across of a less headway and span than are shown upon the deposited sections and the construction of the said bridge and works connected therewith shall be according to plans and sections previously submitted to and approved in writing by the chief engineer of the Midland Company and any difference in respect to such plans shall be settled by arbitration as in this section provided Provided always that if the said chief engineer shall not have expressed his approval or disapproval of the said plans and sections within one month after the same shall have been submitted to him he shall be deemed to have approved thereof :

(13) In constructing the said bridge and works connected therewith the Company their agents or contractors or their respective servants and workmen shall as far as may be avoid any obstruction impediment or interference with the free uninterrupted and safe user of the said canal or with the traffic thereon and if any such obstruction or interference with such traffic be caused the Company shall pay to the Midland Company full compensation in respect thereof :

(14) All matters which are by this section to be settled by arbitration or any difference which may arise in respect of any matters provided for by this section or as to the true intent and meaning thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the

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application of either Company and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

For protection of Northern Company.

18. For the protection of the Northern Company the following provisions shall unless otherwise agreed in writing between the Northern Company and the Company have effect (that is to say) :—

(1) The junctions by this Act authorised with the railway of the Northern Company shall not be made otherwise than at such points within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the engineer-in-chief for the time being of the Northern Company or in case of difference as shall be settled by arbitration :

(2) In constructing the said junctions and works the Company their agents or contractors or their respective servants and workmen shall so far as may be avoid any obstruction or impediment to or interference with the free and uninterrupted and safe user of the railway and works of the Northern Company or to or with the traffic thereon and if any obstruction or impediment to or interference with the traffic of or upon the railway of the Northern Company shall be occasioned the Company shall pay to the Northern Company full compensation in respect thereof :

(3) The Company shall at their own expense construct the said junctions in all respects according to plans and specifications to be previously submitted to and approved in writing by the said engineer-in-chief and any difference in respect of such plans or specifications between such engineer-in-chief and the engineer of the Company shall be settled by arbitration and the Company shall not commence the construction of the said junctions or enter on the lands of the Northern Company or in any way interfere with their railway works or property until such plans and specifications have been so submitted and approved or any difference in respect thereof settled by arbitration as aforesaid Provided always that if the said engineer-in-chief shall not have expressed his approval or disapproval of the said plans and specifications within one month after

the same shall have been submitted to him he shall be deemed to have approved thereof:

(4) During the construction of the said junctions and works in connexion therewith the Company shall bear and on demand pay to the Northern Company the reasonable expense of the employment by the Northern Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing so far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise:

(5) The Northern Company shall maintain the said junctions and works in substantial repair and good order and condition and all necessary and reasonable costs and expenses of or incidental to the said maintenance shall be repaid to the Northern Company by the Company at the end of each half year:

(6) The Company shall not in any case without the previous consent in writing and under the common seal of the Northern Company acquire any lands or property of the Northern Company but the Company may purchase and take and the Northern Company shall sell and grant accordingly easements or rights of using in perpetuity so much of the lands of the Northern Company as may be necessary for the construction of the said junctions and works in connexion therewith authorised by this Act but in case it should be necessary hereafter to alter the railways of the Northern Company so as to make an alteration of such construction reasonably necessary the Northern Company shall before making any such alteration provide and complete at their own cost another and equally convenient junction in manner to be agreed on or failing agreement as shall be determined by the Board of Trade The amount to be paid for the acquisition of such easements to be settled in case of dispute in manner provided by the Lands Clauses Acts with respect to the purchase of lands:

(7) The Northern Company shall give all reasonable facilities and accommodation required by the Company and perform

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at Kells Railway Station all necessary station and terminal work in respect of the traffic of the Company using such station The Company shall make to the Northern Company such payments in respect of such accommodation and for the said work as shall be determined by agreement between the Company and the Northern Company or as failing agreement shall be settled by arbitration in manner herein-after provided:

(8) The Northern Company shall within one month after notice of the Company's desire to exercise running powers over the Northern Company's line or any portion thereof supply to the Company plans and an estimate of the cost of any enlargement extension or alteration of the Kells Railway Station which the Northern Company may deem necessary for the purpose of such running powers and if the Company shall be of the opinion that the whole or any parts of the works described on the said plans is or are unnecessary or that the cost thereof is excessive or unreasonable they shall within one month after receipt of such plans and estimate give notice of their objection to the Northern Company and the difference shall be decided by arbitration as herein-after mentioned and the arbitrator may decide what proportion of such cost shall be paid by the Company having regard to the user of the additional accommodation to be provided at the said station and the Northern Company shall on receipt of the award forthwith carry out and complete with all reasonable despatch the works (if any) declared by such award to be necessary Both the Companies shall so far as practicable do all things necessary to insure the completion of the said works (if any) by the Northern Company so as to enable the said running powers and powers of user to be exercised by the Company with the least possible delay and the Company shall upon the completion of such works pay to the Northern Company the reasonable actual cost of and incidental thereto and such running powers and powers of user shall subject to the provisions of this Act upon such completion and payment come into force and be exerciseable by the Company forthwith:

(9) If at any time hereafter any enlargement extension or alteration of the said Kells Railway Station is rendered necessary by reason of the said running powers or powers

of user such enlargement extension or alteration shall be carried out by the Northern Company but in all things subject to the provisions herein-before contained in sub-section (8) of this section mutatis mutandis so far as the same may be applicable :

(10) All matters which are by this section to be settled by arbitration or any difference which may arise in respect of any matters provided for by this section or as to the true intent and meaning thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company and the decision of any such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Works below high-water mark not to be commenced without consent of Board of Trade.

19. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and when any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on works.

20. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

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Survey of works by Board of Trade.

21. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

22. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Permanent lights on works.

23. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

24. In case of injury to or destruction or decay of the works or any part thereof below high-water mark the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to the Commissioners for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Capital.

25. The capital of the Company shall be three hundred and fifty thousand pounds in thirty-five thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

26. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of such share is paid in respect thereof.

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Calls.

27. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

28. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

29. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole of the amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

30. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends on preferred half shares to be paid out of profits of year only.

31. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made

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good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

32. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

33. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

34. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered.

35. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

36. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

37. The Company may from time to time in respect of the capital of three hundred and fifty thousand pounds by this Act

authorised to be raised borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one hundred and seventy-five thousand pounds and of that sum the Company may borrow a sum of not exceeding one hundred and five thousand pounds when Railways Nos. 1 and 2 shall have been constructed to formation level and they may borrow a sum of not exceeding seventy thousand pounds when Railways Nos. 3 and 4 shall have been constructed to formation level but no such borrowing powers shall be exercised by the Company until they have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that share capital has been bonâ fide issued and accepted to the extent of two hundred and ten thousand pounds in respect of the said sum of one hundred and five thousand pounds or one hundred and forty thousand pounds in respect of the said sum of seventy thousand pounds as the case may be and that not less than one-half part of such portions of share capital respectively has been paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate or certificates as the case may be that the proof aforesaid has been given which shall be sufficient evidence thereof. A.D. 1903.

38. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. For appointment of a receiver.

39. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

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Application of moneys.

40. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

41. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

42. The quorum of a meeting of the Company shall be not less than seven proprietors holding in the aggregate not less than a fortieth part of the ssued capital of the Company.

Number of directors.

43. The number of directors shall be five but the Company may from time to time vary the number provided that the number be not at any time more than seven or less than three except as herein-after provided.

Qualification of directors.

44. The qualification of a director shall be the possession in his own right of not less than thirty-five shares.

Quorum of directors' meeting.

45. The quorum of a meeting of directors shall be three.

First and subsequent directors.

46. Joseph Rowlands Robert Worthington Charles Menzies Holland and three other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting of the Company held after the passing of this Act.

At that meeting the shareholders present in person or by proxy may either continue in office the said directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election And at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

47. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed twenty acres but nothing in that Act or in this Act shall exempt the

Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for compulsory purchase of lands.

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

Power to cross certain roads on the level.

49. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on deposited Plans.	Townland.	Parish.	Description of Road.
8	Curraghmore -	Rathconnell - -	Public road
13A	Billistown - -	Castletowndelvin -	Public road
4	Castletowndelvin -	Castletowndelvin -	Public road
22	- - -	St. Peter's - -	St. Mary's Bridge Public road
23	Moneymore - -	St. Peter's - -	Public road

Power to divert roads as shown on deposited plans.

50. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Railway.	Townland.	Parish.	No. of Road on deposited Plans.
No. 2	Petitswood - - -	Mullingar - -	8
No. 2	Robinstown - -	Kilskeer - -	12
No. 2	Billistown - -	Castletowndelvin -	1A
No. 2	Robinstown Great -	Castletowndelvin -	2
	Mitchelstown - -		2
	Moyleroe Little - -		3
	Moyleroe Big - -		5
No. 2	Moyleroe Big - -	Castletowndelvin -	4
No. 2	Balrath North - -	Rathconnell - -	4

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And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to take easements &c. by agreement.

51. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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

52. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Company empowered or may be required to

53. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it

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underpin or otherwise strengthen houses near railway.

may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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

(2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :

(3) If any owner lessee or occupier of any such house or building of the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove

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inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Restriction on taking houses of labouring class.

54. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate

dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Deposit money not to be repaid except so far as railway is opened.

55. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of sixteen thousand nine hundred and seventy-six pounds seven shillings being equal in value to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not 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 or the personal representatives of such survivor (which persons survivors or survivor or personal representatives of such survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of that fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce

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any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

56. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

57. If the railways and works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls.

58. The Company may demand and take for the use of the railways by any other company or person with engines and carriages such reasonable tolls as they think fit.

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Rates for merchandise.

59. The classification of merchandise traffic (including perishable merchandise by passenger train) and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 which Order is scheduled to and confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act Provided always that for all purposes of rates and charges for the conveyance of merchandise as defined by the last-mentioned Act on Railways Nos. 3 and 4 by this Act authorised the combined length of those railways shall be deemed to be six miles Provided also that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger trains the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Notice as to rates.

60.—(1) If the Company intend to propose any increase in fares rates or charges the provisions of subsection 6 of section 33 of the Railway and Canal Traffic Act 1888 shall apply to such intended increase except that one month's notice shall be substituted for the fourteen days' notice mentioned in that subsection And the Company shall on the date of the issue of the notice as herein prescribed deliver to the Department of Agriculture and Technical Instruction for Ireland three copies of such notice.

(2) In this section the expression "rates" includes special or exceptional rates as well as all other descriptions of rates fares terminals and charges.

Charges for small parcels.

61. For the conveyance on the railways of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

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For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence; and

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels 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:

Provided also that the charges for agricultural or market-garden produce not provided for by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall not exceed one half the maximum rates authorised by this section.

Maximum fares for conveyance of passengers.

62. The maximum fares to be charged by the Company for the conveyance of passengers upon the railways including every expense incidental to such conveyance shall not exceed the following (that is to say):—

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;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Passengers' luggage.

63. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and fifty pounds in weight for first-class passengers one hundred and twenty pounds in weight for second-class passengers and one hundred pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Restrictions as to charges not to apply to special trains.

64. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railways.

Information as to rates to be given to Department of Agriculture and Technical Instruction for Ireland.

65. The Company shall forthwith upon application from the Department of Agriculture and Technical Instruction for Ireland (in this section called "the Department") supply to the Department full information as to any local or through rate or rates charged for the conveyance of traffic to or from any station or stations on the railway and shall on the like application produce to the Department or to any inspector or officer of the Department any books or lists showing such rates or permit copies to be taken or supply copies thereof or extracts therefrom and shall also notify to the Department the particulars of any proposed alteration of any rates in respect of which information has been supplied under this section at the same time as notification thereof is given to the parties concerned and any failure to comply with any of the provisions of this section shall be deemed to be an offence within the meaning of section 33 (7) of the Railway and Canal Traffic Act 1888.

Running powers.

66.—(1) The Company and any company or person lawfully working or using the railways of the Company or any part thereof may run over and use with their engines carriages and waggons and officers and servants whether in charge of engines and trains or for any other purpose whatever and for the purposes of their traffic of every description the following portions of railways (that is to say):—

So much of the railway belonging to the Midland Great Western Railway of Ireland Company (herein-after in this Act called "the Midland Company") as is situate between the point of commencement of Railway No. 1 herein-before described and the Mullingar Railway Station of the Midland Company including the use of that station and works connected therewith:

So much of the Oldcastle Kells and Navan Branch Railway belonging to the Great Northern Railway Company (Ireland) (herein-after in this Act called "the Northern Company") as is situate between the point of termination of Railway No. 2 herein-before described and the point of commencement of Railway No. 3 herein-before described including the use of Kells Railway Station of the Northern Company and works connected therewith:

Together with the stations roads platforms points lights signals water water-engines watering-places engine-sheds cranes standing room for engines booking and other offices warehouses sidings

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junctions machinery works telegraphs and telephones and conveniences on or connected with the said portions of railways and stations respectively.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other considerations to be paid by the Company and any other company as aforesaid for and in respect of the running over and use of the said portions of railways stations works and conveniences shall be such as are from time to time agreed upon between the companies interested or failing such agreement as shall be determined on the application of any company interested by the Railway and Canal Commission:

Provided that the timing of trains shall be so fixed as to interfere as little as practicable with the train arrangements of the owning company.

(3) In running over and using the said portions of railways and using the stations sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the portions of railways respectively so used shall be at all times observed so far as such regulations and byelaws shall be applicable to the Company and any other company as aforesaid in exercise of the said powers.

(4) Provided that the Company and any such other company as aforesaid shall not use any telegraphs or telephones used by the Postmaster-General for the service of the Post Office without his consent.

Tolls &c. on portions of railways used.

67. The Company and any other company as aforesaid may demand and take for all passengers animals minerals and goods conveyed by them on the portions aforesaid of the railways of the Northern Company or the Midland Company respectively and for the use of the stations and works of those companies respectively and for carriages and waggons and for locomotive engines and other power and for all services performed by them and for all other matters in respect of traffic thereon a like amount of tolls fares rates or other charges in each case as by the Act or Acts relating to the said portions of railways respectively and stations and works respectively are authorised to be demanded and taken for like traffic services and matters by the said companies respectively and in like manner and with and subject to like powers and provisions and where applicable like limitations of maximum charges in all respects.

Facilities for Company's traffic.

68. The Northern Company and the Midland Company respectively shall afford all requisite facilities for the purpose of traffic of every description and shall receive book through forward accommodate or deliver on and from their railways respectively and at the stations warehouses and booking offices thereof all traffic coming from or destined for the undertaking of the Company and in all respects on an equality with their own proper traffic.

Nature and extent of traffic facilities.

69. The traffic facilities to be so afforded by the said companies shall include through booking through invoicing through waggons trucks and other arrangements and facilities as may be agreed on or failing such agreement as shall be determined by the Railway and Canal Commission.

Terms &c. on which facilities shall be given.

70. The terms and conditions on which the said companies or any of them as the case may be shall afford the traffic facilities by this Act prescribed and the through rates for the traffic for which the facilities are afforded shall be such terms and conditions and such lawful through rates respectively as may be agreed on between the Company and such company or companies respectively as the case may be or failing such agreement as shall be determined by the Railway and Canal Commission.

As to times of trains in exercise of running powers into Mullingar Station.

71. In the exercise of the running powers into Mullingar Station and the user of the said station the times of all the trains of the Company shall failing agreement be determined by arbitration in the same manner as provided in the section of this Act whereof the marginal note is "For protection of Midland Company."

Protecting local traffic of Northern Company.

72. In exercising the running powers under this Act over the railway of the Northern Company the Company and any company or person lawfully working or using the railways of the Company or any part thereof shall not without the consent in writing of the Northern Company take up at any station siding or place of the Northern Company any passengers parcels animals goods minerals or other traffic of any description and deliver the same at any other station siding or place on the line of the Northern Company.

Working agreements between Company and Northern Company.

73. The Company on the one hand and the Northern Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time

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to time enter into agreements with respect to the following purposes or any of them (that is to say) :—

The maintenance and management of the railways of the Company or any one or more of them or any part thereof respectively and the works connected therewith or any of them :

The use or working of the railways of the Company or of any part thereof and the conveyance of traffic thereon :

The supply and maintenance by the Northern Company under and during the continuance of any such agreement as aforesaid for the working of the railways of the Company of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants :

The payment allowances drawbacks or rebates to be made and the conditions to be performed with respect to such working use management and maintenance :

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of the traffic on the railways or portions of railways of the contracting companies :

The interchange transmission forwarding and delivery of traffic coming from or destined for the railways of those companies :

The appointment of joint committees for the purposes of any such agreement.

Rates on traffic conveyed partly on railways and partly on other railways.

74. During the continuance of the running powers by this Act conferred on the Company and any other company or person as aforesaid and during the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of the Company by any other company the railways of the Company and of any other company or companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railways of the Company and partly on the railways of such other company or companies rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railways of the Company and partly on the

railways of such other company or companies the Company shall (subject to and with the benefit of the special rates and charges authorised to be charged by the Company in respect of Railways Nos. 3 and 4) be deemed to be a company connected with such other company or companies and specified in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892.

Power to Lancashire and Yorkshire Railway Company to subscribe and to apply funds for that purpose.

75. The Lancashire and Yorkshire Railway Company (herein-after in this Act called "the Lancashire Company") may with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said company specially convened for the purpose subscribe such moneys as they may think fit towards the undertaking of the Company not exceeding in the whole the sum of three hundred and fifty thousand pounds and the Lancashire Company may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the Lancashire Company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided always that the Lancashire Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Appointment of director by Lancashire Company.

76. From and after the passing of this Act the directors of the Lancashire Company if that company subscribe to the undertaking as aforesaid may by writing under the common seal of their company appoint one person whether individually a shareholder of the Company or not to be a director of the Company (in addition to the directors to be appointed by the shareholders of the Company other than the Lancashire Company) who shall remain in office until he shall die or resign or until his appointment be revoked as herein-after mentioned and the directors of the Lancashire Company shall have power to revoke any such appointment and to appoint a new director of the

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Company in the place of any director appointed by them whose appointment shall be so revoked or who shall have died or resigned and the maximum number of the directors of the Company shall be increased by the number of directors who may be so appointed.

Power to Lancashire Company to raise additional capital &c.

77. The Lancashire Company may raise for the purposes of their subscription to the undertaking any capital not exceeding in nominal amount in the whole the sum of three hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by any subsequent Act shall so far as applicable (except where expressly varied by this Act or inconsistent with anything contained in any existing special Act relating to the Lancashire Company) extend and apply to the Lancashire Company and to the additional capital which they are by this Act authorised to raise.

Shares of Lancashire Company not to be issued until one fifth paid.

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

Application of additional capital raised by Lancashire Company.

79. All moneys which the Lancashire Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Vote of Lancashire Company at general meetings.

80. The Lancashire Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person (whether a shareholder of the Company or not) to attend any meeting of the Company and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the Lancashire Company Provided that such person shall not vote in respect of such capital in relation to the election of directors by the shareholders of the Company.

Saving rights of Crown.

81. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Power to pay interest out of capital during construction.

82. Notwithstanding anything in this Act or any Act or Acts incorporated herewith contained the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the railways or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory

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declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(b) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(c) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one half of the amount paid for interest as aforesaid:

(d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as to general Railway Acts.

84. Nothing in this Act contained shall exempt the Company or the undertaking from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts

of railway companies passed before or after the commencement of this Act 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 this Act. A.D. 1903

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

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The SCHEDULE referred to in the foregoing Act.

Lands and Buildings of which Portions only may be required.

No. on deposited Plans.	Description of Property.	Townland.	Parish.
	Railway No. 3.		
3	Weigh-house yard and out offices and weighbridge.	Moneymore	St. Peter's.
4	Fishmarket steps landing stage yard and out offices.	Moneymore	St. Peter's.
5	Yard sheds and out offices - -	Moneymore	St. Peter's.
6	Yard - - - - -	Moneymore	St. Peter's.
15	Yard sheds and out offices - -	Moneymore	St. Peter's.
16	Yard sheds and out offices and steps -	Moneymore	St. Peter's.
17	Yard and out offices - - -	Moneymore	St. Peter's.
18	Yard out offices and salt works - -	Moneymore	St. Peter's.
19	Yard stables sheds and out offices and steps.	Moneymore	St. Peter's.
20	Yard stables and out offices - -	Moneymore	St. Peter's.
21	House yard and out offices and steps -	Moneymore	St. Peter's.

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