ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. lxxv.

An Act to confer further Powers on the *Newry and Armagh* Railway Company.

[30th *June* 1862.]

20 & 21 Vict. c. clvi. and 22 & 23 Vict. c. xxxviii.

WHEREAS the Two Acts now in force immediately relating to the *Newry and Armagh* Railway Company (who are herein referred to as "the Company") are "The *Newry and Armagh* Railway Act, 1857," and "The *Newry and Armagh* Railway Amendment Act, 1859," by the first whereof the former Acts of the Company (who had been theretofore known as the *Newry and Enniskillen* Railway Company) were repealed and consolidated, and the Company were authorized to construct their Railway to *Armagh*, and were re-incorporated under the Name of the *Newry and Armagh* Railway Company: And whereas the Time conferred by that Act for the compulsory Purchase of Lands expired on the Seventeenth Day of *August* One thousand eight hundred and sixty, and the Time for making the said Extension will expire on the Seventeenth Day of *August* One thousand eight hundred and sixty-two: And whereas the Company have made great Progress with the said Extension, but they have not bought all the Land which is required, and it is necessary and expedient that the Powers of compulsory Purchase should be revived in respect of certain Lands, and also that a further Time should be given for making the said Extension: And whereas by the Act of 1859 the Company were authorized to divert a Portion of the said Extension and their Line to the *Albert* Basin at *Newry*, and to make a Branch Railway in the said Town: And whereas the Time for the Purchase of Lands by Compulsion under the said Act of 1859 expired on the First Day of *August* One thousand eight hundred and sixty-

one, and the Time for making the Works by the said Act authorized will expire on the First Day of *August* One thousand eight hundred and sixty-two, and it is necessary and expedient that the Powers for the Purchase of Lands should be revived in respect of the Deviation of the said Extension and for the said Branch Railway, and that a further Time should be given for making such Deviation and Branch Railway: And whereas it is expedient that the Company should for the Purposes of their Undertaking have Power to divert *Carlingford Road* in the said Town of *Newry*, and to purchase certain Properties in the Vicinity of their Station at *Newry*: And whereas Plans and Sections describing the intended Diversions of Roads and Plans showing the Lands to be acquired under the Powers of this Act, with a Book of Reference to such Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Armagh*: And whereas by the said Act of 1857 the Share Capital of the Company was altered and re-arranged, and it is enacted that "from and after the passing of the Act every Person holding "Three Shares in the Series A of the dissolved Company" (meaning the *Newry and Enniskillen* Railway Company) "upon which all the "Calls have been paid shall in the Stead thereof be deemed to hold "a Share of Ten Pounds in the *Newry and Armagh* Railway Com-"pany, to be called a Deferred Share, upon which a Call of One Pound "may still be made, and shall be entitled to receive, and shall within "One Month after the passing of this Act, on Demand thereof, receive "a Certificate for such Deferred Share of Ten Pounds upon presenting "at the principal Office of the Company, or at such other Place as "the Directors shall appoint, the Certificates of his Three original "Shares of Twenty Pounds to be cancelled;" and the said Act further provides that the Call of One Pound shall not be made upon the "De-"ferred Shares of Ten Pounds each until Nine Pounds *per* Share has "been called and paid up on the new Shares to be created by the "Company:" And whereas many of the said Series A Shares have not been sent in to the Company for the Purpose of being exchanged, and great Confusion is thereby caused in keeping the Books of the Company, and it is expedient that Provision should be made for making it obligatory upon the Holders of the Shares to register the same: And whereas it is expedient that the Company should have Power to convert their Mortgage Debt from Time to Time into an Irredeemable Debenture Stock upon the Conditions herein-after contained: And whereas the Objects aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. c. 18., 14 & 15 Vict. c. 70., 23 & 24 Vict. cc. 97. and 106. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

2. The

Reviving Time for the Purchase of certain Lands.

2. The Powers for the compulsory Purchase, taking, or using of the Lands respectively mentioned or referred to in the Schedules A. and B. to this Act are hereby revived, and shall continue in force until the First Day of *January* One thousand eight hundred and sixty-four.

Extending Time for the Construction of Works.

3. The Time granted by the said Act of 1857 for the making of the said Extension, and the Time granted by the said Act of 1859 for the making of the before-mentioned Deviation and Branch Railway, shall be extended until the First Day of *August* One thousand eight hundred and sixty-five.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

4. The Justices, Arbitrators, and Umpires respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the said Lands, or in any Lands which may be injuriously affected by the Construction of the Railway or Works, shall, in estimating the Amount of such Compensation, have regard to the Claim (if any) for Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take Lands not to be affected.

5. Provided always, That nothing herein contained shall in anywise prejudice or affect any Contract entered into or Notice given by the Company or any Award made in pursuance of "The Railways Act (*Ireland*), 1851," before the passing of this Act for the Purchase or taking of any Lands, but every such Contract, Notice, and Award respectively shall be construed and shall take effect and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof both at Law and in Equity as if this Act had not been passed.

Power to alter Carlingford Road.

6. The Company may in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, divert the public Road in *Newry* called *Carlingford Road*, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to purchase other Lands.

7. The Company may also enter upon, take, and use for the Purposes of their Undertaking all or any of the Lands in the Townships of *Ballinlare* and Parish of *Newry* shown upon the Plans and described in the Book of Reference deposited as aforesaid.

Nothing to confer Right on Company to Road, &c. herein named.

8. Provided always, That nothing in this Act contained shall confer upon the Company or enable them to acquire any Right, Title, Claim, or Control to or over the public Road leading to *Carlingford*, which is numbered 14 on the Plans deposited as aforesaid, in the Townland of *Lisdrumliska* and Parish of *Newry*, and belongs or is reputed to belong jointly to the Grand Jury of the County of *Armagh* and the *Newry* Navigation Company, or to or over the Towing-path at the *Albert* Quay, numbered

numbered on those Plans 15, in the same Townland and Parish, or to or over the Property, numbered on those Plans 9, in the same Townland and Parish.

Application of Monies.

9. The Company may apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which they may not require for the Purposes of their Undertaking.

Holders of Three Series A. Shares to register them or Shares to be forfeited, but Notice of this Enactment to be published.

10. The Holders of Shares in Series A of the dissolved Company shall within Eight Months after the passing of this Act send in the Certificates for such Shares to the Secretary of the Company for the Purpose of their being dealt with in accordance with the before-mentioned Provision of the Act of 1857; and the Directors of the Company shall cause Notice of this Provision to be inserted within One Month after the passing of this Act once in the *London Gazette* and in the *Dublin Gazette*, and once a Week for Three successive Weeks in a *London* daily Newspaper, and in a *Dublin* daily Newspaper, and shall also within Three Months after the passing of this Act send to every Holder of such Shares Notice in Writing of this Provision addressed to his last known Place of Abode as appearing on the Register of Shareholders of the Company, and within One Month after the Company shall have resolved, in conformity with the Provisions of the Act of 1857, to call up the final One Pound on the Deferred Shares, Notice of the said Resolution shall in like Manner be advertised and be sent in Writing to every Holder of Class A Shares, and the said Notice shall intimate the Fact that any of the said Shares may be forfeited, the Certificates for which are not within a specified Period (being not less than One Month after the Publication of the Notice) delivered to the Company to be cancelled and exchanged; and it shall be lawful for the Company to declare any Shares to be forfeited the Certificates for which are not so delivered up to be exchanged within the Time specified in such Notice.

Authorizing Creation of Debenture Stock.

11. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company convened with due Notice of that Object, to resolve that any Portion, to be defined in the Resolution, of the Monies borrowed by the Company under the Authority of any Act of Parliament and then outstanding on the Security of Mortgages or Bonds may be converted into Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds before the same become due or by paying off the same respectively when due; and also with the like Consent from Time to Time to resolve that the whole or such Part as may be defined in such Resolution of the Monies which the Company may have Authority to raise by borrowing under the Powers of any of their Acts, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Stock of a corresponding Amount instead of borrowing the same; and also with the like Consent to attach to the Stock so authorized to be created and issued for any of the Purposes aforesaid

aforesaid a fixed and perpetual irredeemable yearly Dividend or Interest, at any Rate not exceeding Five Pounds for every One hundred Pounds thereof, payable in equal half-yearly Portions; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions by the Creation and Issue of such Stock from Time to Time bearing such fixed Rate of Dividend or Interest as aforesaid; and the Stock so created and issued shall be a Charge upon the Undertaking and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate; and the said Dividend or Interest shall for ever have Priority of Payment over all other Dividends on any other Stock or Shares of the Company, whether ordinary, or preference, or guaranteed, and the Stock when so created shall be termed "*Newry and Armagh* Railway Debenture Stock."

Saving Mortgages and Bonds.

12. Provided always, That nothing herein contained shall in anywise prejudice or affect the Rights of the Holders of Mortgages or Bonds, or other Creditors of the Company, and all the Debenture Stock shall be subject to the Mortgages and Bonds existing at the Time of the Issue of such Stock: Provided also, that after the Creation and Issue of any such Stock, the Powers of borrowing by the Company shall, to the Extent of the Stock so from Time to Time created and issued, be extinguished; and lastly, that if any Part of the said Debenture Stock shall be issued before the outstanding Securities shall be actually due, and before the Holders of the same shall be willing to receive Payment, in every such Case the Monies received from the Issue of such Debenture Stock shall immediately upon the Receipt thereof be invested upon Government Securities, and shall continue so invested until such outstanding Securities shall become due, or the Holders thereof consent to receive the same, and no Part of the Monies so invested shall be applicable to the general Purposes of the Company; and any Loss occasioned by such Investments shall be made good out of the Revenue of the Company, and any Profit derived therefrom, after Payment of all the Expenses attending such Investments, may be carried to the Revenue Account.

Debenture Stock to extinguish Debt.

Application of Debenture Stock.

13. The Money raised by the Company by means of the said Debenture Stock shall be applied solely in discharging the Mortgages or Bonds of the Company, and a separate Account shall at all Times be kept by the Company of the said Debenture Stock and of the Application of the Monies raised thereby.

As to Votes of Holders of Debenture Stock and Transfer and Registry of Stock.

14. The Holders of the said Debenture Stock shall not be entitled to vote in the Affairs of the Company; and the Provisions contained in the Sixty-second and Sixty-third Sections of "The Companies Clauses Consolidation Act, 1845," with respect to the Transfer and the Register of Consolidated Stock, shall apply to the Debenture Stock created by virtue of this Act.

Arrears of Dividend may be en-

15. If within Thirty Days after the Dividend or Interest on the said Debenture Stock has become payable, and after Demand thereof

forced by Appointment of a Receiver.

in Writing the same be not paid, the Proprietor or Proprietors of such Stock, holding individually or collectively an Amount in nominal Value of Five thousand Pounds or upwards, may (without Prejudice to his and their Right to sue for the Dividend or Interest so in arrear in any Court of competent Jurisdiction) require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment of a Receiver.

16. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices of the Peace for the County of *Armagh*, and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Dividends or Interest until all the Arrears of Dividends or Interest which may then be due on the said Stock, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls or Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall, but without Prejudice to the Claims of any Creditors of the Company, in the meantime and until the said Money shall be distributed as herein-after mentioned, be so much Money received by or to the Use of the Proprietors of the said Stock to whom such Dividends or Interest shall be then due; and so soon as the full Amount of such Dividends, Interest, and Costs has been so received, the Power of such Receiver shall cease: Provided always, that such Receiver shall distribute rateably, and without Priority, among the Mortgagees, according to their several Priorities, and among all the Proprietors of the said Stock, to whom respectively Interest or Dividends shall be in arrear, the Monies which shall so come to his Hands.

Reciprocal Facilities and Interchange of certain Traffic.

17. In order to facilitate the Transmission of Traffic coming to or from the Railway of the *Newry, Warrenpoint, and Rostrevor* Railway Company from or to any Place or Places on the Railways of the Company, or to any Places beyond, the *Newry, Warrenpoint, and Rostrevor* Railway Company shall, for the Purposes of all Traffic whatever at all Times hereafter, have the Right to book and invoice through over the Railways of the Company all such Traffic intended to pass to or from the *Newry, Warrenpoint, and Rostrevor* Railway to any Place or Places on the Railways of the Company or to any Places beyond; and the Company shall for and in respect of all such Traffic at all Times afford to and for the *Newry, Warrenpoint, and Rostrevor* Railway Company all needful Accommodations, Facilities, and Conveniences at, on, and over the Lines and Stations, Approaches and Conveniences of the Company, by the Trains of the Company, and by through booking and invoicing through, through Rates, through Waggons and Carriages; and the Company shall at all Times and in all respects conduct, forward, and carry on, and accommodate all such Traffic on equal Terms with and as well as if it were their own proper Traffic; and the Charge to the *Newry, Warrenpoint, and Rostrevor* Railway Company shall in no Case exceed the Mileage Proportion of through Rate in

respect

respect of such Traffic, after Deduction of the Charges on Goods usually agreed to be allowed between Companies using the Clearing House, and called there Terminal Charges, and the Government Duty on Passengers: Provided always, that the *Newry, Warrenpoint, and Rostrevor* Railway Company shall afford to the Company all such and the like Facilities in respect of Traffic coming from, or to, or beyond the Railways of the Company to or from or beyond the *Newry, Warrenpoint, and Rostrevor* Railway, as are by this Enactment provided and secured to the *Newry, Warrenpoint, and Rostrevor* Railway Company.

Provision for Settlement of Disputes by Arbitration.

18. If any Dispute shall at any Time arise between the last-named Company and the Company as to the Amounts to be allowed or charged by the one to the other for the Services to be respectively performed as aforesaid, or as to any Matter or Thing in the immediately preceding Enactment mentioned, the same shall from Time to Time be settled by Arbitration in the Manner provided for the Settlement of Disputes by Arbitration by "The Railway Companies Arbitration Act, 1859," and the Decisions of such Arbitrator shall be binding and conclusive on the Companies, and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct; and either of the said Companies who shall refuse or neglect to perform or observe and conform to any Decision given, or Regulation made by any such Arbitrator in the Premises, shall forfeit and pay to the other Company, as the Arbitrator shall determine, any Sum not exceeding Fifty Pounds for any such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

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

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

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

20. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company, or the Company, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Short Title.

Expenses of Act.

21. This Act may be cited as "The *Newry and Armagh* Railway Amendment Act, 1862;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Lands numbered on the deposited Plans referred to in the Act of 1857, as follow :

Numbers.	Townland.	Parish.
23, 23*a*, 26, 27	Mullaghmore	Loughgilly.
26, 31a	Maghnaverry	Kilclooney.
44, 50, 53, 54	Coolmellish	Mullaghbrack.
35, 40, 41	Drumorgan	Mullaghbrack.
2, 4, 5, 6, 7, 7*a*, 8	Killyruddan	Mullaghbrack.
13, 13*a*, 16, 17, 19, 20, 21, 22, 23	Rathdrumgran	Loughgall.
15, 15*a*, 22, 23, 24, 26, 27, 29, 31, 32	Altaturk	Loughgall.
5	Corporation	Armagh.

SCHEDULE B.

Lands numbered on the deposited Plans referred to in the Act of 1859, as follow :

Numbers.	Townland.	Parish.
1, 2, 3, 4*a*, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15	Ballinlare	Newry.
7	Cloghinny	Killeavy.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31*a*, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41	Kilmonaghan	Killeavy.
1, 2, 3, 4, 5, 6, 7, 8, 9, and 14	Knockduff	Killeavy.
1, 2, 4, 4*a*, 5, 6, 7, 12, 16, 55	Kilrea	Killeavy.
1, 9, 20, 32, 34, 35, 35*a*, 35*b*, 36, 37, 38, 39	Lissummon	Killeavy.
1, 2, and 41	Cullentragh	Ballymore.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15*a*, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Lisnagree	Ballymore.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13*a*, 14, 15, 16, 17, 17*a*, 18, 19, 20, 21, 22, 23, 24, 24*a*, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 34*a*, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63	Ballydogherty	Loughgilly.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18	Creeve	Loughgilly.
1, 2, 3, 4, 5, 6, 7, 8, and 9	Drummilt	Loughgilly.

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