ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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Cap. cxxxii.

An Act to alter and amend the Acts relating to the *Newry and Enniskillen* Railway Company, and to enable them to make Arrangements with other Railway Companies. [14th *August* 1848.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, (8 & 9 Vict. c. 129.) intituled *An Act for making a Railway from the Town of* Newry *to the Town of* Enniskillen: And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to alter and amend the* Newry and Enniskillen *Railway Act*, 1845: (10 & 11 Vict. c. 85.) And whereas it is expedient that the Powers and Provisions of the said Acts should be altered, amended, and enlarged: And whereas it would be to the Advantage of the Public and the *Newry and Enniskillen* Railway Company if the said Company were authorized to make Arrangements with the *Dublin and Belfast Junction* and the *Newry, Warrenpoint, and Rostrevor* Railway Companies, with reference to the Use of their respective Lines or some Parts thereof, and with the *Ulster* Railway Company with reference to the Use of the *Ulster* Railway or some Parts thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted, 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, That this Act shall be incorporated with and form Part of "The *Newry and Enniskillen* Railway Act, 1845," and of "The *Newry and Enniskillen* Railway Act Amendment Act, 1847," except so far as the same Acts, or either of them, is hereby altered and amended.

Recited Acts to form Part of this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The *Newry and Enniskillen* Railway Acts Amendment Act, 1848."

Short Title of Act.

III. And whereas it was by the "*Newry and Enniskillen* Railway Act, 1845," provided "that it should not be lawful for the Company to construct the Railway by such Act authorized to be made across the *Dublin and Belfast Junction* Railway otherwise than by means of a Bridge to be made over the said last-mentioned Railway, of the Height and Width that should be agreed upon between the said Companies, or, in case they should not agree, as should be determined by the Lords of the Committee of Her Majesty's Privy Council appointed for Trade:" And whereas it is expedient that such Provision should be modified to the Extent herein-after mentioned: Be it therefore enacted, That, notwithstanding such Provision, it shall be lawful for the *Newry and Enniskillen* Railway Company, with the Consent of the *Dublin and Belfast Junction* Railway Company, under their Corporate Seal, and also with the Consent of the Commissioners of Railways under their Seal first had and obtained, to construct the Railway by the said recited Act authorized to be made so as to communicate and form a Junction with the *Dublin and Belfast Junction* Railway at or near the Townland of *Goragh* in the Parish of *Killeavy* and County of *Armagh*, and that it shall also be lawful for the said *Newry and Enniskillen* Railway Company to construct the Railway by the said Act authorized to be made across and upon the Level of the *Dublin and Belfast Junction* Railway, provided the Consent in Writing of the *Dublin and Belfast Junction* Railway Company under their Corporate Seal, and also the Consent of the Commissioners of Railways under their Seal, to such Mode of crossing, be first had and obtained.

Modification of Clause in first-recited Act as to crossing Dublin and Belfast Junction Railway otherwise than by a Bridge.

IV. And be it enacted, That so much of "The *Newry and Enniskillen* Railway Act Amendment Act, 1847," as enacts that the Company should, out of the Monies which then were or which first thereafter might be at their Disposal, or a competent Part thereof, with all convenient Speed, complete and open the Portion of the Railway between *Newry* and *Armagh*, and that until the Portion of the said Railway between *Newry* and the City of *Armagh* should have been so completed and opened it should not be lawful for the said Company to open any other Portion of the said Railway, or to expend, in making any other Portion of the said Railway, any Part of the Capital comprised in or received on account of the Shares of the Series A. in such Act mentioned, or of any Monies authorized to be borrowed

So much of 10 & 11 Vict. c. 85. as to completing Line between Newry and Armagh, and as to Places where Meetings shall be held, repealed.

borrowed in respect of that Part of the Capital, and also so much of the said "*Newry and Enniskillen* Railway Act Amendment Act, 1847," as enacts that the Ordinary Meetings of the Company shall be held alternately in *Newry* and in *London*, and that the Extraordinary Meetings may be held at such Places as the Directors shall from Time to Time think fit, shall be and the same are hereby repealed.

So much of first-recited Act as relates to Powers of leasing repealed.

V. And be it enacted, That so much of the "*Newry and Enniskillen* Railway Act, 1845," as enacts, "that the *Newry and Enniskillen* Railway Company may, with the Consent of Three Fifths in Value of the Shareholders, present personally or by Proxy in General Meeting specially convened for that Purpose, grant a Lease of the Railway or any Part thereof to any other Company, or agree for the Use of the same or any Part thereof with any other Company which then was or might thereafter be incorporated, and whose Railway should or might be united or connected with the Railway by the said Act authorized to be made, for such Term, and for such Rent, and subject to such Powers, Provisoes, and Conditions, as should be agreed upon," shall be and the same is hereby repealed.

Place of Meeting.

VI. And be it enacted, That all Meetings of the Company, whether ordinary or extraordinary, shall be held at such Places as the Directors shall from Time to Time think fit.

Power to Company to make Arrangements with the Dublin and Belfast Junction Company as to Use of their Railway.

VII. And be it enacted, That it shall be lawful for the Company and the *Dublin and Belfast Junction* Railway Company, established by and acting under the Powers of "The *Dublin and Belfast Junction* and *Navan* Branch Railway Act, 1845," and of "The *Dublin and Belfast Junction* Railway Amendment Act, 1847," or any Company or Companies with whom the said *Dublin and Belfast Junction* Railway Company are or may be incorporated or amalgamated, or to whom their Undertaking is or may be leased or conveyed, from Time to Time to make and enter into, and vary, as they shall deem expedient, mutual Arrangements or Agreements with reference to the Use of and the Passage of locomotive and other Engines, Trains, and other Waggons, Carts, and Carriages, Passengers, Animals, and Goods, or other Traffic, from or to the *Newry and Enniskillen* Railway along the Portion of the *Dublin and Belfast Junction* Railway from the said proposed Junction thereof with the *Newry and Enniskillen* Railway to *Portadown*, and with reference to the Tolls or Charges to be taken or made by the same Companies respectively in respect of such Traffic, and with reference to the Use of Stations, and for all or any other Purposes relating to such Traffic, Tolls, and Stations, upon the Basis that the Tolls and Charges to be taken for the Carriage or Conveyance of Passengers or Goods between *Armagh* and *Newry* by means of the Lines of the said *Dublin and Belfast Junction*, the *Ulster*, and the *Newry and Enniskillen* Railways shall not exceed the Tolls and Charges which would or might have been taken for the Carriage or Conveyance of Passengers and Goods between those Places in case the whole of the *Newry and Enniskillen* Railway Line between those Places had been constructed: Provided always, that nothing herein contained shall be held or construed to render it compulsory upon the *Dublin and Belfast Junction*

Junction Railway Company, or any other Company with whom they may be amalgamated, or to whom their Undertaking may be leased or conveyed as aforesaid, or upon the *Newry and Enniskillen* Railway Company, or any Company or Companies with whom the said *Newry and Enniskillen* Railway Company may be incorporated or amalgamated, or to whom their Undertaking is or may be leased or conveyed, to enter into any such Arrangement or Agreement: Provided also, that when any such Arrangement or Agreement as aforesaid shall have been made, the Companies making the same or any of them shall have full Power to enforce the same.

Power to Company to make Arrangements with Ulster Railway Company as to Use of their Railway.

VIII. And be it enacted, That it shall be lawful for the Company and the *Ulster* Railway Company established by and acting under the Powers of a certain Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the Town of* Belfast *to the City of* Armagh *in the Province of* Ulster *in* Ireland, and of "The *Ulster* Railway Extension Act, 1845," or any Company or Companies with whom the said *Ulster* Railway Company are or may be incorporated or amalgamated, or to whom their Undertaking is or may be leased or conveyed, from Time to Time to make and enter into, and vary, as they shall deem expedient, mutual Arrangements or Agreements with reference to the Use of and the Passage of locomotive and other Engines, Trains, and other Waggons, Carts, and Carriages, Passengers, Animals, and Goods, or other Traffic, from or to the *Newry and Enniskillen* Railway along that Portion of the *Ulster* Railway which extends from the Junction thereof with the *Dublin and Belfast Junction* Railway at *Portadown* to *Armagh*, and with reference to the Tolls or Charges to be taken or made by the Company and the said *Ulster* Railway Company respectively in respect of such Traffic, and with reference to the Use of Stations, and for all or any other Purposes relating to such Traffic, Tolls, and Stations, upon the Basis that the Tolls and Charges to be taken for the Carriage or Conveyance of Passengers or Goods between *Armagh* and *Newry* by means of the Lines of the said *Dublin and Belfast Junction*, the *Ulster*, and *Newry and Enniskillen* Railways, shall not exceed the Tolls and Charges which would or might have been taken for the Carriage or Conveyance of Passengers and Goods between those Places in case the whole of the *Newry and Enniskillen* Railway Line between those Places had been constructed; and either of such Companies making such Arrangements and Agreements shall have full Power to enforce the same.

Power to Cmpany to make Arrangements with Newry, Warrenpoint, and Rostrevor Railway Company, for the Use of Lines.

IX. And be it enacted, That it shall be lawful for the Company, and the *Newry and Warrenpoint and Rostrevor* Railway Company, established by and and acting under the Powers of "The *Newry, Warrenpoint, and Rostrevor* Railway Act, 1846," from Time to Time to make and enter into, and vary, as they shall deem expedient, mutual Arrangements or Agreements with reference to the Use of and Passage of locomotive and other Engines, Trains, and other Waggons, Carts, and Carriages, Passengers, Animals, and Goods, or other Traffic, along their respective Lines of Railway, or any Portion or Portions thereof, from the other of them respectively, and with reference to the

Tolls or Charges to be taken or made by the same Companies respectively in respect of such Traffic, and with reference to the Use of their respective Stations, and for all or any other Purposes relating to such Traffic, Tolls, and Stations; and each Company shall have full Power to enforce every such Arrangement or Agreement as aforesaid.

Time limited for completing Railway between Newry and Goragh.

X. And be it enacted, That the Railway from the Town of *Newry* to the Townland of *Goragh* in the Parish of *Killeavy* and County of *Armagh* shall be completed within Eighteen Calendar Months from and after the passing of this Act.

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

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

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. c. 57.

XII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Session of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway and Company, so far as the same shall be applicable thereto.

Railway not to be exempt from Provisions of any general Act.

XIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said "*Newry and Enniskillen* Railway Act, 1845."

Expenses of Act.

XIV. And be it enacted, That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act shall be paid

paid by the Directors of the Company out of the first Monies of the Company at their Disposal.

Public Act. XV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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