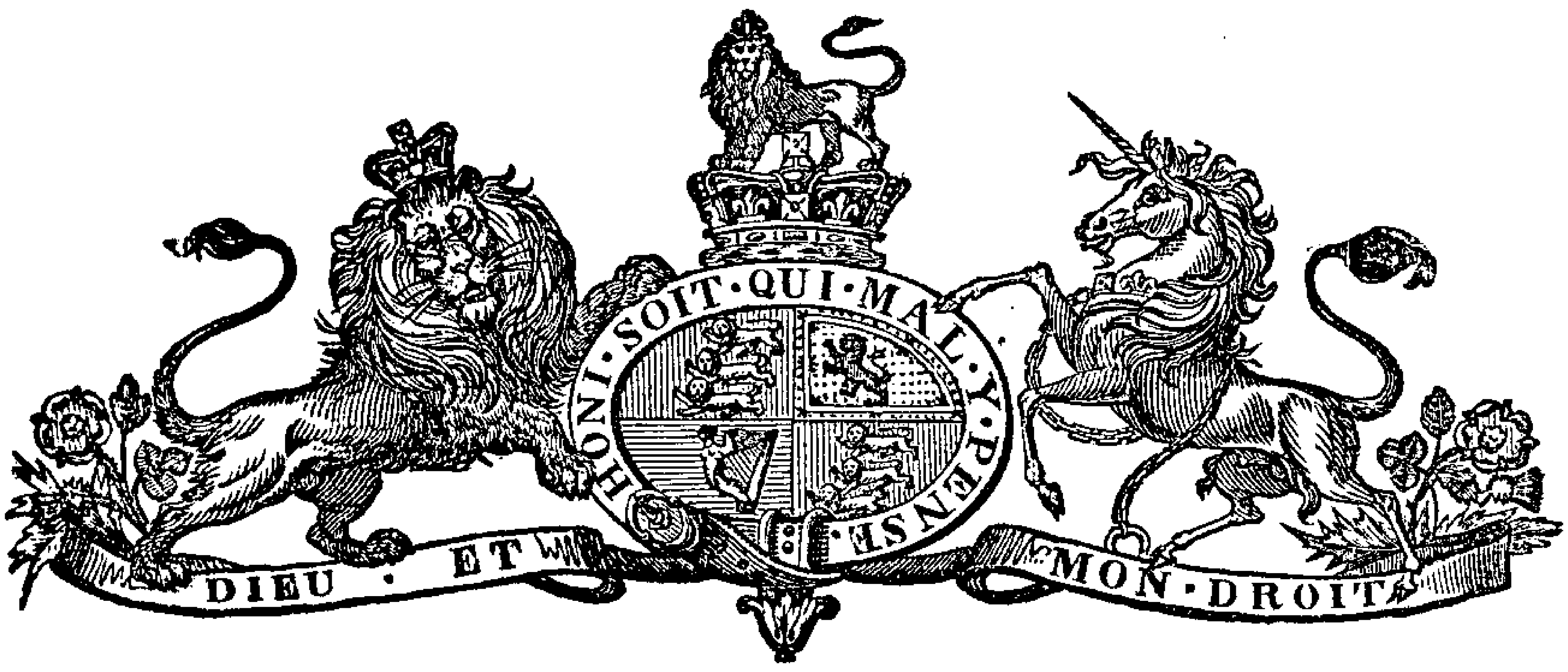


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. clxxxiii.

An Act to enable the *Newry and Enniskillen* Railway Company to extend their Railway to the Landing Quay at *Newry*, to effect a Junction with the *Dublin and Belfast Junction* Railway, and for other Purposes. [4th *August* 1853.]

WHEREAS the *Newry and Enniskillen* Railway Company were incorporated by "The *Newry and Enniskillen* Railway Act, 1845," whereby they were authorized to make a Railway from *Newry* to *Enniskillen*: And whereas the Powers of the before-mentioned Act were amended and enlarged by "The *Newry and Enniskillen* Railway Act, 1847," and "The *Newry and Enniskillen* Railway Acts Amendment Act, 1848:" And whereas the Company are proceeding in the Construction of so much of their Railway as lies between *Edward Street* in the Town of *Newry* and the *Dublin and Belfast Junction* Railway in the Townland of *Goragh*: And whereas the Company have not borrowed any Money on Mortgage or Bond: And whereas the Extension of the *Newry and Enniskillen* Railway from the Terminus thereof, now in formation at *Edward Street*, to the Landing Quay at *Newry*, would be of public Advantage: And

8 & 9 Vict. c. cxxix.

10 & 11 Vict. c. lxxxv.

11 & 12 Vict. c. cxxxii.

whereas it is expedient that the said Company should be empowered to alter the Levels of their Railway in the said Townland of *Goragh* so as to effect a Junction with the *Dublin and Belfast Junction* Railway: And whereas the Company are willing to undertake the said Extension, and to alter the Levels of the said Railway, in manner herein-after mentioned; but these Objects 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. cc. 18. & 20. incorporated with this Act.

I. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The Company."

II. That where the Words "the Company" are used in this Act the same shall mean "The *Newry and Enniskillen* Railway Company."

Power to construct Railway, &c. according to deposited Plans.

III. That the Company may alter the Levels of their Railway in the Townland of *Goragh*, and may form a Junction there with the *Dublin and Belfast Junction* Railway, and they may make and maintain an Extension of their Railway to the Northern Side of the Landing Quay and Road (leading from *Newry* to *Carlingford*) in *Newry* opposite *Albert* Basin (with all proper Works, Stations, Approaches, and Conveniences connected therewith,) in the Line and upon the Lands delineated on the Plans of the said Railway and described in the Books of Reference deposited in the Month of *November* last with the Clerk of the Peace for the County of *Armagh*, and according to the Levels defined on the Sections deposited with those Plans, and the Company may enter upon, take, and use such of the said Lands as may be necessary in the Construction of the said Junction and Extension, and the Works and Conveniences connected therewith.

Power to cross certain Roads on the Level.

IV. That the Company may construct the said new Line of Railway across and upon the Level of the public Roads numbered on the said Plans as follows; (that is to say,)

Numbers 1, 3, 27, and 70 in the Townland of *Ballinlare*.

Company to erect Station or Lodge where Roads crossed on the Level.

V. That in the event of the new Line of Railway being used with Carriages propelled by Steam or by Atmospheric Agency, or by Ropes in connexion with a stationary Steam Engine, the Company shall, for the greater Convenience and Security of the Public, erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level; and the

the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

VI. That the Board of Trade (if it shall appear to them necessary for the Public Safety, at any Time after the Railway hereby authorized to be made shall have been completed and opened for public Traffic, and if the said Railway shall be used in manner before defined,) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

As to Junction with the Dublin and Belfast Junction Railway.

VII. That the Junction hereby authorized with the *Dublin and Belfast Junction* Railway shall be made at the Points and according to the Levels shown on the said Plans and Sections, and not elsewhere or otherwise, without the Consent in Writing of the *Dublin and Belfast Junction* Railway Company; and that all Communications between the Railway hereby authorized and the *Dublin and Belfast Junction* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and to the reasonable Satisfaction of the *Dublin and Belfast Junction* Railway Company.

Provision as to Expense of Junction.

VIII. That the Expense of the Communications hereby authorized with the *Dublin and Belfast Junction* Railway, and of all necessary Openings in the Rails thereof respectively, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the *Newry and Enniskillen* Railway

Railway Company, and that all such Communications, Openings, and other Works shall not only be in the first instance made and done, but also from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the *Dublin and Belfast Junction* Railway Company, on each Occasion, and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure the said *Dublin and Belfast Junction* Railway Company, or (except in so far, if at all, as may be unavoidably necessary for effecting the Communication hereby authorized,) impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along their Railway; and the Control and Management of all such Communications, Openings, and other Works shall be and the same is hereby vested in the said *Dublin and Belfast Junction* Railway Company, subject to the Provision for Settlement of Differences herein-after contained.

For Settlement of Differences.

IX. That if any Difference shall arise between the respective principal Engineers for the Time being of the said Companies, with respect to the Points at which the said Communications, Openings, and other Works, or any of them, are or is to be constructed, or the Mode of constructing the same, or with respect to any Alteration, Amendments, Repairs, or Maintenance thereof, or the watching, Regulation, or Adjustment thereof, or the Passage or Regulation of the Traffic there, or if any other Difference shall arise between the said Engineers or the said Companies with respect to the Expenses payable by the Company under the foregoing Provisions, or with respect to any other Matter in any way relating to or consequent upon the Construction or Use of the said Communications, Openings, and other Works, the Matters in difference shall from Time to Time be decided by an Umpire to be appointed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, on the Application of either Company, and the Decision of such Umpire shall be binding and conclusive on both the said Companies, and his Expenses shall be defrayed by such One of the said Companies, or by both of them, and in such Proportions, as the said Umpire shall from Time to Time direct.

Not to interfere with the Dublin and Belfast Junction Railway Company, without Consent.

X. That, notwithstanding anything in this Act contained, it shall not be lawful for the Company, or any Persons acting under or in execution of this Act, without the Consent of the said *Dublin and Belfast Junction* Railway Company, under their Common Seal, either permanently or temporarily to enter upon, take, or use any of the Lands or Property of the said *Dublin and Belfast Junction* Railway Company, or which they have Power to take or use under their respective Acts of Parliament, or in any Manner to alter, vary, or interfere with their Railways, or any of the Works appertaining thereto, save

save only for the Purpose of constructing the Railway, and effecting the Communications by this Act authorized.

Saving Rights of the Dublin and Belfast Junction Railway Company.

XI. That, except as in this Act otherwise expressed, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of or vested in or belonging to the said *Dublin and Belfast Junction* Railway Company, but all the Rights, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved.

Newry and Enniskillen Railway Company not to construct certain Works without Consent.

XII. That nothing in this Act contained shall extend or be construed to extend to enable the said *Newry and Enniskillen* Railway Company to construct their Railway across the said *Dublin and Belfast Junction* Railway on the Level, without the Consent in Writing of the said *Dublin and Belfast Junction* Railway Company under their Common Seal first had and obtained.

Land for additional extraordinary Purposes.

XIII. That the Company may purchase any Quantity of Land for extraordinary Purposes, not exceeding Five Acres, in addition to the Land which they are at present authorized to take for such Purposes.

As to compulsory Purchase of Lands.

XIV. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Eighteen Months from the passing of this Act.

Period for Completion of the Works.

XV. That the Works hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company may construct Railways out of Funds already authorized to be raised.

XVI. That the Company may defray the Cost of constructing the said new Lines of Railway, and the Works and Conveniences connected therewith, out of any of the Monies which they are already authorized to raise.

Power to reduce the Number of Directors.

XVII. And whereas the present Number of the Directors is Seven, and it is expedient that the Company should be empowered to reduce that Number: Be it enacted, That it shall be lawful for the Company at any Ordinary Meeting from Time to Time to reduce the Number of their Directors, provided that the reduced Number be not less than Five.

Tolls on new Lines.

XVIII. That it shall be lawful for the Company to demand and receive for and in respect of the said Railways the same Tolls and Charges as they are authorized to demand and receive by "The *Newry and Enniskillen* Railway Act, 1845."

Maximum Tolls.

XIX. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Railways hereby authorized shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said Act.

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

XX. That it shall not be lawful for the Company, out of any Money which they are at present authorized to raise, 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 execute any other Work or Undertaking.

Railways subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXI. 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 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 Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXII. That nothing herein contained shall be deemed or construed to exempt the Railways 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, 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

of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said first-mentioned Act.

Expenses of Act.

XXIII. That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company.

Short Title.

XXIV. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Newry and Enniskillen* Railway Acts Amendment Act, 1853."

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