CHAPTER cxl.

An Act to empower the Newry Keady and Tynan Light Railway Company to construct new railways and to abandon portion of their authorised railways to revive and extend the time limited by the Newry Keady and Tynan Light Railway Act 1900 the Ulster and Connaught Light Railways Act 1903 and the Newry Keady and Tynan Light Railway Act 1905 for the compulsory purchase of lands for the purposes thereof and for the completion of the railways thereby authorised to change the name of the Company and for other purposes. A.D. 1909.

[20th September 1909.]

WHEREAS by the Newry Keady and Tynan Light Railway Act 1900 (in this Act called "the Act of 1900") the Newry Keady and Tynan Light Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain railways in the counties of Down Armagh and Monaghan which were described in the Act of 1900 as Railway (No. 1) and Railway (No. 2) and are in this Act called "the railways of 1900":

And whereas the said Railway (No. 1) at its western extremity is authorised to join the existing Clogher Valley Railway at Tynan and at its eastern extremity to join the existing railway known as the Bessbrook and Newry Railway (in this Act called "the Bessbrook Railway") at Bessbrook and the said Railway (No. 2) is authorised to commence by a junction with the Bessbrook Railway in Newry and to terminate by a junction with the existing goods line of the Great Northern Railway (Ireland) at the Albert Basin in Newry Harbour:

[*Price* 1*s.* 9*d.*]

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And whereas the Company are authorised and have agreed to acquire the Bessbrook Railway and are authorised to lay down a third rail from the point of junction of the said Railway (No. 2) with the said goods line of the Great Northern Railway (Ireland) along all the existing railway and sidings of the Great Northern Railway (Ireland) on the west side of the said Albert Basin and the canal known as the Newry Navigation and to run over and use the same:

And whereas under powers contained in the Act of 1900 the urban district council of Newry have guaranteed a dividend at the rate of four pounds per centum per annum on fifty thousand pounds of the share capital of the Company for a period of forty years from the opening of the said Railway (No. 1) and Railway (No. 2) for public traffic:

And whereas by the Ulster and Connaught Light Railways Act 1903 (in this Act called "the Act of 1903") the name of the Company was changed to "The Ulster and Connaught Light Railways Company" and the periods limited by the Act of 1900 for the compulsory purchase of lands for the railways of 1900 and for the completion of such railways were respectively extended to the sixth day of August one thousand nine hundred and five and one thousand nine hundred and eight:

And whereas by the Act of 1903 the Company were empowered after purchase of the undertaking (consisting in the main of the Bessbrook Railway) of the Bessbrook and Newry Tramway Company to acquire the fee simple of some or all of the lands on which the Bessbrook Railway has been constructed within three years from the fourteenth day of August one thousand nine hundred and three:

And whereas by the Newry Keady and Tynan Light Railway Act 1905 (in this Act called "the Act of 1905") the Company were re-named "The Newry Keady and Tynan Light Railway Company" and the period limited as aforesaid for the compulsory purchase of lands for the purposes of the Act of 1900 was extended which period expired on the sixth day of August one thousand nine hundred and seven and the period for the completion of the railways of 1900 was extended to the sixth day of August one thousand nine hundred and nine:

And whereas by the Act of 1905 the period limited as aforesaid for the compulsory purchase of lands for the purposes of the Bessbrook Railway was extended and such period expired on

the fourteenth day of August one thousand nine hundred and eight and the Company were authorised to acquire additional lands for the improvement thereof within three years from the eleventh day of August one thousand nine hundred and five:

And whereas by an agreement contained in the Second Schedule to and confirmed by the Act of 1905 His Excellency the Lord Lieutenant of Ireland agreed to pay to the Company through the Commissioners of Public Works in Ireland the sum of seventy-five thousand pounds as a grant in aid of the construction of Railway (No. 1) and Railway (No. 2) authorised by the Act of 1900:

And whereas under powers contained in the Act of 1903 the Company were authorised to make and have made an agreement dated the seventh day of March one thousand nine hundred and seven with the Clogher Valley Railway Company whereby the Company agreed to work the Clogher Valley Railway as part of their undertaking:

And whereas it is expedient that the Company be empowered to construct the railways herein-after described and to abandon Railway (No. 2) authorised by the Act of 1900 and that the period for the completion of the railways of 1900 other than the said Railway (No. 2) be extended and the powers for the compulsory purchase of lands for the purposes of the Act of 1900 the Act of 1903 and the Act of 1905 be revived and extended as herein-after provided:

And whereas it is expedient that the Company should be authorised to acquire for the improvement of the Bessbrook Railway and for the general purposes of their undertaking the additional lands shown on the deposited plans and described in the deposited book of reference herein-after mentioned:

And whereas it is expedient that the Company be authorised to raise and borrow further moneys for the construction of the works by this Act authorised and the general purposes of their undertaking:

And whereas it is expedient that the name of the Company should be changed to "The Newry Keady and Tynan Railway Company" and that the other provisions herein-after contained should be made:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and a book of reference

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thereto 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 clerks of the peace for the counties of Down and Armagh and are herein-after respectively referred to as the deposited plans sections and book 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 Newry Keady and Tynan Railway Act 1909.

Incorporation of Acts.

2. The 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 borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

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;

the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act

1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Deposit of plans with clerks of district councils.

3. The provisions of sections 7 8 and 9 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 urban "or rural districts within which the parishes are included "in Ireland" or the words "clerks of the urban or rural "districts" (as the case may be) had been used and inserted in those sections in lieu of the expression "the postmaster of "the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmaster" (as the case may be).

Interpretation.

4. 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 the context otherwise requires—

"The Company" includes the Newry Keady and Tynan Railway Company;

"The Act of 1900" means the Newry Keady and Tynan Light Railway Act 1900;

"The Act of 1903" means the Ulster and Connaught Light Railways Act 1903;

"The Act of 1905" means the Newry Keady and Tynan Light Railway Act 1905;

"The Acts of the Company" means and includes the Act of 1900 the Act of 1903 and the Act of 1905;

"The railways of 1900" means the railways in the counties of Down Armagh and Monaghan authorised to be made by the Act of 1900;

"The railways" means the railways and the works connected therewith by this Act authorised;

"The undertaking" means the undertaking of the Company.

Power to make railways.

5. 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 herein-after described with all proper stations sidings approaches works and conveniences connected therewith.

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The railways herein-before referred to and authorised by this Act will be situate in the county of Down and are—

Railway No. 1 6 furlongs 1·7 chains or thereabouts in length wholly in the parish and urban district of Newry commencing in the townland of Ballinlare by a junction with the Bessbrook Railway at a point 100 yards or thereabouts measured in a northerly direction along that railway from the points at the northern end of the terminal loop of that railway at Newry Station and terminating in the townland of Lisdrumliska on the quay on the west side of the Albert Basin by a junction with the sidings of the Great Northern Railway Company (Ireland) at their northern termination:

Railway No. 2 5 chains or thereabouts in length wholly in the townland of Lisdrumliska in the parish and urban district of Newry commencing by a junction with Railway No. 1 by this Act authorised at a point on the quay on the west side of the Albert Basin 15 yards or thereabouts measured in a northerly direction from the northern termination of the sidings of the Great Northern Railway Company (Ireland) and 4 yards or thereabouts measured in a westerly direction from the quay wall of the Albert Basin and terminating in the yard of the Newry Brick and Stone Company Limited on the west side of the west quay of the said basin at a point 37 yards or thereabouts measured in a south-easterly direction from the factory chimney of the said Newry Brick and Stone Company Limited and 28 yards or thereabouts measured in a south-westerly direction from the Ordnance bench mark cut in the brick quoin of the south pier of the northern entrance gate to the said Brick and Stone Company's works.

For the purposes of sections 7 (Company may lay third rail along portion of Great Northern Railway (Ireland)) and 64 (Power to run over portions of other railways) of the Act of 1900 the said point of junction of Railway No. 1 by this Act authorised with the said sidings of the Great Northern Railway Company (Ireland) shall be deemed to be the point of junction referred to in the said section 7.

Gauge of railways.

6. The Company may construct work and maintain the railways on a gauge of not less than three feet.

Railways may be light railways.

7. The Company may construct work and maintain the railways as light railways but shall not be limited as to the speed of trains or weight of rolling stock except so far as the Board of Trade may require.

Power of lateral and vertical deviations and of altering gradients and curves of railways.

8. The Company notwithstanding the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act may deviate laterally from the lines of the railways as delineated on the deposited plans thereof to any extent within the limits of deviation shown on those plans and may deviate from the levels of the railways as delineated on the deposited sections thereof ten feet upwards or downwards and to any further extent upwards or downwards as may be agreed upon in writing with the owners of any lands through which and with the owners lessees and occupiers of any house affected by or through the curtilage of which such deviations are intended to be made and may increase any inclination or gradient of the railways shown on the deposited sections thereof as not steeper than one in forty to such an extent as they may see fit provided that such inclinations or gradients where so increased be not steeper than one in forty and they may diminish the radius of any curve prescribed on the deposited plans of the railways to any extent which shall leave a radius of not less than one furlong.

Power to cross certain roads on level.

9. 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 railways carry the same with a single line only whilst the railways 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.
7 } 8 }	Ballinlare - -	Newry - -	Public.
28	Ballinlare - -	Newry - -	Public.
72	Ballinlare - -	Newry - -	Public.
74	Ballinlare - -	Newry - -	Public.
2	Lisdrumliska -	Newry - -	Public.

Inclination of road.

10. In altering for the purposes of this Act the public road and quay numbered on the deposited plans 2 in the townland of

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Lisdrumliska and parish of Newry the Company may make the same of any inclination not steeper than 1 in 40.

Height and span of bridge.

11. The Company may make the arch of the bridge for carrying the railways over the public road numbered on the deposited plans 52 in the townland of Ballinlare and parish of Newry of any height not less than 15 feet 6 inches and any span not less than 50 feet.

Protection of gas and water mains of local authorities.

12. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "district council" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the district council to which their revenues in respect of water or gas (as the case may be) are appropriated.

Period for completion of works.

13. If the railways 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 railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Company to abandon Railway (No. 2) authorised by Act of 1900.

14. The Company shall abandon the construction of Railway (No. 2) authorised by the Act of 1900.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

15. The abandonment by the Company under the authority of this Act of Railway (No. 2) authorised by the Act of 1900 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1900.

Compensation to be made in

16. Where before the passing of this Act any contract has been entered into or notice given by the Company for the

purchasing of any land for the purposes of or in relation to the said Railway (No. 2) authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

respect of railway abandoned.

17. The railways shall for all purposes form part of the undertaking of the Company and shall for the purposes of the recited agreement between His Excellency the Lord Lieutenant of Ireland the Commissioners of Public Works in Ireland and the Company contained in the Second Schedule to the Act of 1905 and for the purposes of the agreement made the seventh day of March one thousand nine hundred and seven between the Newry Keady and Tynan Light Railway Company and the Clogher Valley Railway Company and for the purposes of the guarantee by the urban district council of Newry under the Act of 1900 and all other purposes be deemed to be Railway (No. 2) authorised by the Act of 1900 and the railways and Railway (No. 1) authorised by the Act of 1900 shall be deemed to be the railways authorised by the Act of 1900 and the railways which the Company are authorised to make.

Substitution of railways for Railway (No. 2) authorised by Act of 1900.

18. The portion of the deposit fund referred to in section 55 (Deposit money not to be repaid except so far as railway opened) of the Act of 1900 which refers to Railway (No. 2) authorised by the Act of 1900 and by this Act directed to be abandoned shall extend and apply to and be deemed to have been deposited in respect of the railways and the said section 55 and section 56 (Application of deposit) of the Act of 1900 shall be read and construed accordingly.

Portion of deposit fund referred to in Act of 1900 to apply to railways.

19. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of five hundred and eighteen pounds being equal to five per centum upon the amount by which the estimate in respect of the railways exceeds the estimate of Railway (No. 2) authorised

New deposit fund not to be repaid except so far as railways opened.

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by the Act of 1900 and by this Act directed to be abandoned 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 together with the said portion of the deposit fund for the Act of 1900 relating to Railway (No. 2) by that Act authorised is referred to in this Act as "the new deposit fund" Be it enacted that notwithstanding anything contained in the said Act the new 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 (which persons survivors or 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 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 new 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 new deposit fund which bears to the whole of the new deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Court shall on the application of the depositors order the portion of the new 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 any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of new deposit fund.

20. 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 new deposit fund or so much thereof as shall not have been paid 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 abandon-

ment 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 new deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the new 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 new 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.

Power to take lands.

21. Subject to the provisions of this Act the Company may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference.

Lands for extraordinary purposes.

22. The Company may for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 and for the general purposes of the undertaking purchase lease or take by agreement and hold any lands not exceeding in the whole ten acres in addition to the lands which they are by this Act authorised to take by compulsion but nothing in that Act or in this Act contained 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.

Persons under disability may grant easements &c.

23. 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

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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.

24. And whereas in the construction of the railways or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Company the owner of any of the scheduled properties of which a portion only is proposed to be acquired by the Company shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator or other authority to whom the question of disputed compensation shall

be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Company of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may delete the said portion from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps:

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(7) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not agree to remove the portion first included from the said schedules and maps shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every schedule deposited by the Company wherein a portion of the scheduled properties is included as proposed to be acquired compulsorily and where by statute notice thereof is required to be given by the Company to the owner shall also be stated in such notice.

As to limited owner.

25.—(1) Any limited owner as defined in this Act may with the sanction of the Commissioners of Public Works in Ireland (in this section called "the Commissioners") given under this section grant to the Company either without payment of purchase money or compensation or in consideration of the issue as herein-after provided of shares or stock in the undertaking any land which the Company are authorised to purchase and take for the purposes of the railways and may convey the same free from all incumbrances thereon Provided that the costs or expenses incurred by such limited owner or any successor in title in the land or by the trustees (for the time being) herein-after mentioned or by any incumbrancer on the land of all conveyances and assurances to the Company of such lands and of evidencing and verifying the title to the same or to the said shares or stock when issued to the trustees as herein-after

provided and of appearing before the Commissioners shall be paid by the Company and such costs and expenses may be taxed in manner provided in respect to costs incurred under the provisions of the Railways Act (Ireland) 1864 and if within seven days after demand of the amount certified the same be not paid it may be recovered in the manner provided by the thirteenth section of the Railways Act (Ireland) 1851.

(2) The Commissioners shall not give their sanction under this section unless they are satisfied that the estate of which the land so to be purchased and taken forms part will be permanently increased in value by the construction of the railways Provided always that in the case of a free grant of land by the limited owner to the Company the Commissioners shall certify that in their opinion the said estate will be permanently increased in value to an amount greater than the value of the land so granted and in case such land shall be granted in consideration of the issue of shares or stock that in the opinion of the Commissioners the said estate will be permanently increased in value to an amount exceeding the difference between the value of the land so granted and the actual value of such shares or stock at the date of the transfer or conveyance of the land to the Company Provided also that if the land proposed to be granted is subject to incumbrances the Commissioners before giving their sanction under this section shall cause notice to be given to the incumbrancers and shall consider the objections (if any) raised by them.

(3) Where any limited owner grants any land to the Company in consideration of the issue of shares or stock in the undertaking the amount of such shares or stock shall be equal in nominal value to the purchase money of such land and such shares or stock shall be issued to two trustees nominated by the limited owner to be held by them upon the like uses and trusts and for the same purposes as the estate of which such land formed part stood settled Provided that such shares or stock shall be deemed to be shares or stock fully paid up of the undertaking.

(4) If either or both of the trustees die resign or become incapable of acting then the limited owner or his successor in title may nominate by writing under his hand another person or other persons to be a trustee or trustees in place of the trustee or trustees having died resigned or become incapable of acting.

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(5) If any one trustee die resign or become incapable of acting the remaining trustee shall continue to be as competent to act as if no such deficiency in number had occurred and no act of the surviving trustee shall be invalidated or illegal by reason of the vacancy not being filled up or by reason of any irregularity or omission in or about any appointment of a new trustee or trustees.

(6) Trustees appointed under this section shall be indemnified against any claim or any loss by reason of their acting and taking and holding any shares or stock under the provisions and for the purposes of this section.

(7) The term "limited owner" in this section shall mean any person or persons by whom the powers of sale conferred by section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised.

As to private rights of way over lands taken compulsorily.

26. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to sell &c. lands.

27. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may retain hold and use and from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired at any time or provided by them and not required for the purposes of the undertaking and may execute and do any deed act or thing proper for effectuating any such sale lease or other disposition and in any exchange may give or take any money for equality of exchange.

Period for compulsory purchase of lands.

28. 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.

Extension of time for completion of

29. The period limited by section 57 (Period for completion of works) of the Act of 1900 as extended by section 10

(Extension of time for completion of Newry Railway) of the Act of 1903 and by section 15 (Extension of time for completion of railway of 1900) of the Act of 1905 for the completion of the railways of 1900 except Railway (No. 2) authorised by this Act to be abandoned shall be and the same is hereby further extended and shall continue in force for three years from the passing of this Act and the said period as so extended shall for all purposes be deemed to be the time limited by the Acts of the Company for the completion of the railways which the Company are authorised to make and for the opening of such railways for public traffic and the Acts of the Company shall be read and construed and take effect accordingly.

railways of 1900.

30. The powers granted by the Act of 1900 as extended by the Act of 1903 and the Act of 1905 for the compulsory purchase of lands for the purposes of the Act of 1900 except so far as the same relate to Railway (No. 2) authorised by this Act to be abandoned are hereby revived and extended and shall continue in force for and during a period of two years from the passing of this Act and the said period as so revived and extended shall for all purposes of the Act of 1900 be deemed to be the period originally limited by that Act for the compulsory purchase of the said lands.

Revival of powers for compulsory purchase of lands for railways of 1900.

31. Subject to the proviso to section 4 (Power to acquire site of Bessbrook Railway) of the Act of 1903 the powers for the compulsory purchase of the lands and interests in lands in that section mentioned granted by that Act as extended by section 13 (Extension of time for purchase of site of Bessbrook Railway) of the Act of 1905 are hereby revived and extended and shall continue in force for and during a period of two years from the passing of this Act and the said period as so revived and extended shall for all purposes of the Act of 1903 be deemed to be the period originally limited by that Act for the compulsory purchase of the said lands and interests.

Revival of powers for compulsory purchase of site of Bessbrook Railway.

32. Section 68 (As to purchase of tramways of Bessbrook and Newry Tramway Company) of the Act of 1900 shall be read and construed as if the words "any lands acquired by the Company" had been inserted in the said section in lieu of the words "any of the lands acquired by the Company under "the powers of this Act for the purposes of the said tram-

Amendment of section 68 of Act of 1900.

A.D. 1909.

" way laid on the lands acquired by the Company from the " Bessbrook and Newry Tramway Company."

Revival of powers for compulsory purchase of lands under Act of 1905.

33. The powers granted by the Act of 1905 for the compulsory purchase of lands under the powers of that Act are hereby revived and extended and shall continue in force for and during a period of two years from the passing of this Act and the said period as so revived and extended shall for all purposes of the Act of 1905 be deemed to be the period originally limited by that Act for the compulsory purchase of the said lands.

Restrictions on displacing persons of working class.

34.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers unless and until the Company—

(A) shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number or proportion of such persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall

require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit. A.D. 1909.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court in Ireland.

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

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they may have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 as amended by any subsequent enactment shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the working class as may be necessary for the

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purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking. Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the said Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the said Local Government Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the said Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act whether

purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the working class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the working class as were occupying the said houses at the date of their acquisition Provided that if the said Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate.

(12) 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 "working 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 of such persons who may be residing with them.

Change of name of Company.

35. From and after the passing of this Act and subject to and in accordance with the provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 the name of the Company shall be "The Newry Keady and Tynan Railway Company."

Amending sections 10 11 and 16 of Act of 1900 and section 17 of Act of 1905.

36. Sections 10 (Capital) 11 (Preferred shares) and 16 (Application of net receipts) of the Act of 1900 and section 17 (Amending sections 21 and 23 of Act of 1900) of the Act of 1905 shall be read and have effect as if for the word "preferred" therein appearing the word "preference" had been substituted.

Further amending section 16 of Act of 1900.

37. Section 16 (Application of net receipts) of the Act of 1900 shall be read and construed as if there had been inserted as fifthly in that section the following (that is to say) "Fifthly

A.D. 1909.

"in payment of the dividend on the ordinary capital (if any) of "the Company" and as if the purposes in that section described as "fifthly" had been described as "sixthly" and section 16 of the Act of 1900 as so amended shall for the purposes of Article 11 of the said agreement contained in the Second Schedule to the Act of 1905 and for all purposes of the Acts of the Company be deemed to be section 16 of the Act of 1900.

Power to issue stock for capital authorised by Act of 1900.

38. The Company may on such terms and conditions as the Company think fit issue respectively as preference stock or guaranteed stock all or any part of the preferred shares or guaranteed shares which they are authorised to issue by the Act of 1900 and such preference stock and guaranteed stock shall be deemed to be preference shares and guaranteed shares respectively for the purposes of the Acts of the Company.

Company may apply corporate funds.

39. The Company may apply towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which has been already raised or is authorised to be raised by or paid to the Company under the Acts of the Company and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to raise additional capital.

40. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand pounds by the issue at their option of ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person 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.

New shares or stock to be subject to same incidents as other shares or stock.

41. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital which the Company were authorised to raise by the Act of 1900 of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Company.

42. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

43. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

New and existing shares or stock may be of same class.

44. Subject to the provisions of the Act of 1900 and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by that and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Application of moneys.

45. All moneys raised under this Act whether by shares or stock shall be applied only to the purposes of this Act and to the general purposes of the undertaking being in every case purposes to which capital is properly applicable.

Altering rate of interest payable out of capital during construction of works.

46. Notwithstanding anything contained in the Act of 1900 the Company may out of any moneys raised or received by the Company pay interest at such rate not exceeding four per centum per annum as the directors of the Company may determine to any shareholder on the amount from time to time paid up on the shares held by him in the share capital of the Company from the respective times of such payments until the expiration of the period by this Act granted for the completion of the works by this Act authorised or such less period as the directors may determine and the aggregate amount by the Act of 1900 authorised to be paid for interest shall be increased but not so as to exceed twenty thousand pounds and the Act of 1900 shall be read and have effect accordingly.

Amendment of agreement with Lord Lieutenant of Ireland.

47. Article 5 of the recited agreement between His Excellency the Lord Lieutenant of Ireland the Commissioners of Public Works in Ireland and the Company contained in the Second Schedule to the Act of 1905 shall be read and construed as if after the words "shall not" therein appearing the words "except "with the consent of the Lord Lieutenant and the Board of "Works" had been inserted therein.

Amendment of agreement with Clogher

48. Sub-clause (B) of Article 11 of the agreement made the seventh day of March one thousand nine hundred and seven

A.D. 1909.

Valley Railway Company.

between the Newry Keady and Tynan Light Railway Company of the one part and the Clogher Valley Railway Company of the other part shall be read and construed as follows:—

(1) As if there had been inserted as paragraph (iv) of the said sub-clause the following:—

Ou ordinary capital to the nominal value of fifty thousand pounds after the rate of six pounds per centum per annum;

(2) And as if the original paragraph (iv) of the said sub-clause had not been inserted therein and there had been inserted therein the following paragraph as (v) namely The balance if any shall be divided between the Newry Company and the Clogher Company equally and the moiety accruing to the Clogher Company shall be applied in the first instance to the formation of a rail renewal fund except when such fund amounts to the sum of two thousand pounds in addition to whatever sum may be to the credit of the Clogher Valley Company's existing renewal fund and then as the Clogher Company shall think fit and such rail renewal fund shall be used for the renewal of the permanent way of the Clogher Valley Railway and the moiety accruing to the Newry Company shall be applied in the first instance to the formation of the reserve fund mentioned in section 16 of the Act of 1900 and so soon as that fund shall amount to the sum of six thousand pounds shall thereafter be paid by the Newry Company to the Commissioners of Public Works in Ireland in terms of Article 11 of the agreement set out in the Second Schedule to the Act of 1905.

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

49. 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.

50. Nothing in this Act contained shall exempt the Company or the railways 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 passing 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 to be taken by the Company.

Costs of Act.

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

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The SCHEDULE referred to in the foregoing Act.

Describing Properties of which Portions only may be taken.

Townland.	Parish.	Nos. on Deposited Plans.
Ballinlare - -	Newry - -	10 11 12 13 14 15 16 22 44 61 62 63 69 and 71.
Lisdrumliska -	Newry - -	4.

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