



CHAPTER xcii.

An Act to confer further powers on the Great Northern Railway Company (Ireland). A.D. 1891.
[3rd July 1891.]

WHEREAS it is expedient that the Great Northern Railway Company (Ireland) (herein-after called "the Company") should be authorised—

To divert the public road leading from Dundalk to Jonesborough and Newry and to abolish the level crossing of their railway by that road ;

To acquire additional lands for the purposes of their undertaking ;

To raise additional capital for the purposes of this Act and for the general purposes of their undertaking ; and

To consolidate the various debenture preference and guaranteed stocks of the Company into a smaller number of stocks :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans and sections showing the line and levels of the road diversion authorised by this Act and the lands required or which may be taken for the purposes or under the powers of this Act and books 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 clerks of the peace for the counties of Louth Fermanagh Dublin and Monaghan and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

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Act, 1891.

A.D. 1891. Commons in this present Parliament assembled and by the authority
of the same as follows (that is to say):—

Short title. 1. This Act may be cited as the Great Northern Railway
(Ireland) Act 1891.

Incorporation of
general Acts. 2. The Lands Clauses Acts are (except where the same are
expressly varied by this Act) incorporated with and form part of
this Act.

Extending
certain pro-
visions of the
Companies
Clauses Con-
solidation
Acts. 3. Subject to the provisions of this Act 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 share-
holders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The making of dividends ;

The giving of notices ;

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

And Parts I. II. and III. of the Companies Clauses Act 1863
relating respectively to the cancellation and surrender of shares
to additional capital and to debenture stock ;

shall be applicable to the capital and moneys hereby authorised to
be raised by shares or stock or mortgage and to the proprietors
thereof.

Interpreta-
tion. 4. In this Act the several words and expressions to which
meanings are assigned by the Acts wholly or partly incorporated
herewith have the same respective meanings unless there be some-
thing in the subject or context repugnant to such construction.

Power to
divert road. 5. Subject to the provisions of this Act the Company may
wholly in the townlands of Faughart Upper and Faughart Lower in
the parish of Ballymascanlan in the county of Louth and in the
line and according to the levels shown on the deposited plans and
sections divert the public road leading from Dundalk to Jones-
borough and Newry such diversion to commence in and out of the

said road at a point about seventy yards north of the level crossing thereof by the said railway of the Company and terminating in the public road which crosses under the said railway at a point about one hundred and eighty yards (measured along the railway) southwest of the said level crossing and as soon as the said diversion is completed and opened to the public the Company may abolish the said level crossing and stop up and extinguish all rights of way over the said railway by the said first-mentioned public road and for the purposes aforesaid the Company may make such alterations in the levels of the roads and footpaths affected thereby as are shown upon the deposited plans and sections and may stop up such streets roads and footpaths as are shown on the deposited plans of the said diversion as intended to be stopped up and in addition to any other lands which they are by this Act authorised to acquire the Company may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes making compensation in accordance with the Lands Clauses Consolidation Act 1845 to all parties injuriously affected by the exercise of the powers contained in this section.

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6. 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 of water) 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 or privileges as aforesaid respectively.

Power to take easements &c. by agreement.

7. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railways stations and works and for the construction of new stations and other works buildings and sidings and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference and may stop up or divert such streets roads and footpaths as are shown on the deposited plans of the said lands as intended to be stopped up or diverted respectively and they may

Power to Company to purchase additional lands.

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A.D. 1891. hold such of the said lands as have already been purchased by or
— for them :—

INNISKEEN.—Lands in the townland of Tattyboy in the parish of Donaghmoyne and county of Monaghan situated on the south-west side of and adjoining the railway from Dundalk to Enniskillen and opposite the 10th mile post from Dundalk ;

ENNISKILLEN.—Lands in the townland of Tonystick in the parish of Enniskillen and county of Fermanagh situated on the northern side of and adjoining the railway opposite the station buildings and engine shed at Enniskillen ;

SKERRIES.—Land in the townland of Townparks in the parish of Holmpatrick and county of Dublin situated on the eastern side of the railway and near to the Skerries Station.

Period for compulsory purchase of lands.

8. The powers 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.

Restriction on taking houses of labouring class.

9. (1) The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

(2) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company 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 purpose 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 labouring class as were occupying the said houses at the date

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of their acquisition. Provided that if the said Local Government Board is 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.

10. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional capital not exceeding in the whole sixty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stocks shall form part of the general capital of the Company.

Company may apply their funds towards purposes of Act and may raise additional capital.

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

Shares or stock not to vest until fifth part paid up.

12. The Company may from time to time borrow on mortgage of their undertaking additional sums not exceeding in the whole twenty thousand pounds in respect of the additional capital of sixty thousand pounds by this Act authorised to be raised. Provided that in respect of each thirty thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole ten thousand pounds. But no part of either of the before-mentioned sums of ten thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued

Power to borrow on mortgage.

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and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

13. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

Receipt in case of persons not sui juris.

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

17. The directors of the Company may from time to time prepare a scheme or schemes for the consolidation of the guaranteed stocks and of the preferential stocks of any description or of any of such stocks respectively and for the conversion of those stocks into other stocks of such names and of such amounts and with such guaranteed preferential contingent or non-contingent dividends and such other privileges and conditions attached thereto as the scheme or schemes may define and in case of the withdrawal or rejection or partial rejection of any such scheme otherwise than by the disapproval of the proprietors of the Company they may prepare other or modified schemes in lieu thereof and the following provisions shall apply to any such scheme :—

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Providing
for consolida-
tion of
guaranteed
and pre-
ferential
stocks.

(1) The directors shall send a copy of the said scheme to all the proprietors of the stocks to which the scheme relates and the said scheme shall be accompanied with a notice that the same will be submitted to the consideration of a meeting of the proprietors of the said stocks :

Circulation
of scheme.

(2) Not sooner than one month nor later than two months after the circulation of such scheme the directors shall either convene one meeting of all such proprietors or separate meetings of the proprietors of the several stocks to which the scheme relates as the directors may deem most advisable and shall submit the said scheme to the said meeting or if there be separate meetings they shall submit to each of such meetings the portion or portions of the scheme relating to the stock represented thereat and at such meeting or meetings the votes of the proprietors of each class of stock shall be taken separately and if the proprietors present in person or by proxy at any such meeting and holding one fourth in value of any such class of stock shall object to the said scheme the same so far as it relates to such class of stock shall not be carried into effect but such objections shall not apply to or affect the adoption of the scheme so far as relates to any other stock comprised therein and the scheme shall be declared to be approved with respect to every class of stock the proprietors of which do not object to the scheme in manner aforesaid :

Meetings of
proprietors.

(3) The scheme so approved shall be submitted by the directors to an extraordinary general meeting of the Company specially convened with notice of the matter and if the scheme is approved by a majority of the votes of the proprietors present thereat in person or by proxy it shall be carried into effect by the directors but if the whole or any portion thereof is disapproved of by such majority the scheme or the portion or portions thereof so disapproved of shall not be proceeded with :

Concurrence
of Company.

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Providing
for execution
of scheme.

And for the purpose of carrying any such scheme into effect the directors shall have the following powers:—

- (a) They may create new stocks and attach to the same preferential dividends not exceeding in aggregate amount the maximum dividends now payable upon the stocks consolidated;
- (b) They may call in and cancel the certificates for the stocks so consolidated and issue fresh certificates for the new or substituted stock;
- (c) They may receive or pay as the case may be sums of money on account of any excess or deficiency in any aggregate amount of ten pounds or multiple of ten pounds.

Consolidated
stock to be
held on same
trusts.

18. The consolidated stock shall be held by the persons to whom the same is issued subject to the same trusts provisoes declarations agreements charges liabilities and incumbrances (if any) as at the time of the issue thereof affect the stock in substitution for which the consolidated stock is issued and every deed or other instrument and every testamentary or other disposition disposing of or affecting the same shall take effect with reference to the whole or a proportionate part as the case may be of the substituted stock.

Saving exist-
ing rights to
arrears of
dividend.

19. And whereas the dividends payable on certain of the stocks proposed to be consolidated by the said scheme are payable only out of the profits of each year and the dividends on other stocks of the Company proposed to be consolidated are not limited to the profits of each year Therefore nothing in any such scheme or in this Act shall enable the Company to consolidate any stocks the dividends on which are limited as aforesaid with stocks on which the dividends are not so limited or shall affect the rights of the holders of any such last-mentioned stocks or the holders of any stocks to be created instead thereof to be paid thereon out of the profits of any subsequent year the annual dividends attaching to such stocks which shall not have been paid in any previous year or shall increase the aggregate amount of dividend payable (if necessary) out of the profits of subsequent years.

New capital
may be com-
prised in the
scheme.

20. Any capital which the Company may have power to create in shares or stock by virtue of this Act or of any other Acts passed in the present session of Parliament may be comprised in any scheme for the consolidation of the said stocks.

Power to
consolidate
debenture
stocks.

21. At any time and from time to time after the passing of this Act the Company may with the consent of three fourths of the proprietors present in person or by proxy at a meeting or meetings duly convened with notice of the object resolve and determine that as from a day to be named in any such resolution the whole or

certain classes (to be named in the resolution) of their then existing debenture stocks shall be consolidated and thereupon as from the day so named all the then existing debenture stocks in the Company's undertaking or as the case may be the debenture stocks mentioned in the resolution shall by the authority of this Act be consolidated into debenture stock (herein-after referred to as "consolidated debenture stock") under such name as the resolution shall prescribe of one class and bearing such uniform rate of interest as shall be specified in the resolution not exceeding four per centum per annum :

Provided always that such consolidation shall not take effect unless the Company shall have previous to the said date created and registered in the name of each holder of the debenture stock included in the consolidation such a nominal amount of consolidated debenture stock as will yield an amount of interest thereon equal to the amount of interest yielded by the existing debenture stock in lieu of which the consolidated debenture stock is so issued and they may create and issue consolidated debenture stock accordingly :

Forthwith upon the consolidation taking effect the Company shall issue to every holder of the consolidated debenture stock free of charge for so doing a certificate for and representing such an amount of consolidated debenture stock as such holder is entitled to under the foregoing provision :

Provided always that until the issue of such new certificates the existing certificates of debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed but when such new certificates are issued the existing certificates shall be deemed to be cancelled :

Provided also that notwithstanding anything in this section contained no person shall become entitled under this section to any fractional part of a pound of consolidated debenture stock but in every case in which any such person would have become entitled to a fractional part of a pound of such stock the Company may pay to such person a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amount of consolidated debenture stock as they may find requisite for giving effect to the provisions of this section :

Provided also that the Company shall not be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or

A.D. 1891. destroyed and an indemnity is given against any claims in respect thereof:

Consolidated debenture stock shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances (if any) as at the time of the issue thereof affect the debenture stock in substitution for which the consolidated debenture stock is issued and every deed or other instrument and every testamentary or other disposition disposing of or affecting the same shall take effect with reference to the whole or a proportionate part as the case may be of the substituted debenture stock.

As to amount of interest on consolidated debenture stock.

22. The interest on debenture stock created and issued for the purposes of this Act shall not in any case exceed the amount of the interest on the debenture stock so consolidated.

Trustees &c. may accept consolidated debenture stock.

23. Trustees executors and administrators may accept any consolidated capital stock or (as the case may be) any consolidated debenture stock created and issued under the authority of this Act in substitution for any other capital stock or share or (as the case may be) debenture stock consolidated under the authority of this Act and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the capital stock or share or debenture stock for which such consolidated capital stock or consolidated debenture stock was substituted.

Interest not to be paid on calls paid up.

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

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

25. 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 railway or to execute any other work or undertaking.

Provision as to general railway Acts.

26. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general

Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels. A.D. 1891

27. 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. Costs of Act.

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