



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. ccxxxiii.

An Act for making a Railway from the *Irish North-western* Railway at *Dundalk* to *Greenore* in the County of *Louth*; and for other Purposes.

[28th July 1863.]

WHEREAS the Construction of a Railway from the *Irish North-western* Railway at the Town of *Dundalk* to *Greenore*, on the Shore of *Carlingford Lough* in the County of *Louth*, would be of great public and local Advantage: And whereas Plans and Sections of the intended Railway and Works showing the Line and Levels thereof, with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through or upon which the same are intended to be made, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Louth*: And whereas the Persons herein-after named, together with other Persons, are willing to carry the said Undertaking into execution if authorized by Parliament so to do, and are desirous of being incorporated into a Company for that Purpose: And whereas the several 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

[*Local.*]

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Queen's

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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; (that is to say,)

8 & 9 Vict.
cc. 16., 18.,
& 20.,
14 & 15 Vict.
c. 70., and
23 & 24 Vict.
cc. 97. & 106.
incorporated.

1. "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (*Ireland*), 1851," and the Act Twenty-first and Twenty-second *Victoria*, Chapter Thirty-four, to continue "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1860," (save as to such Parts thereof respectively as are expressly varied or excepted by this Act,) shall be incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

2. In construing this Act and the incorporated Acts in connexion with this Act, the Term "Superior Courts," and the Term "Courts of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common simple Contract Debt, and not a Debt or Demand created by Statute; and in this Act the Expression "the Undertaking" includes the Railway by this Act authorized, and the Works connected therewith, and also the Lands reclaimed by the Works of the Company, unless there be in the Subject or Context hereof anything repugnant to or inconsistent with such Construction.

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Short Title.

4. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Dundalk and Greenore Railway Act, 1863.*"

Subscribers
incorporated.

5. The Persons following, (that is to say,) the Right Honourable the Earl of *Erne*, the Honourable *Charles Clements*, *John Bramley Moore*, *John Abraham Tinne*, *Richard Allen Minnett*, *Richard Mayne*, *Edward Tipping*, *Andre Murray Ker*, *Samuel Bradford*, and *William Forster*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works connected therewith hereby authorized, and for carrying into effect the Objects and Purposes of the Act, and such Company shall be incorporated by the Name of "The *Dundalk and Greenore Railway Company*," and by that Name shall be a Body Corporate with perpetual Succession,

and

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and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained.

6. The Capital of the Company shall be One hundred and ten thousand Pounds. Capital.

7. The Number of Shares into which the Capital shall be divided shall be Four thousand four hundred, and the Amount of each Share shall be Twenty-five Pounds. Shares.

8. The greatest Amount of any One Call which the Company may make on the Shareholders shall be Five Pounds for each Share, and Three Months at the least shall be the Interval between successive Calls, and Three Fourth Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share. Calls.

9. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Thirty-six thousand six hundred Pounds; but no Money shall be so borrowed under the Powers of this Act until the whole of the Capital of One hundred and ten thousand Pounds is subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital is subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given, the Certificate of such Justice under that Section shall be sufficient Evidence; and all Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied in carrying into execution the Objects and Purposes of this Act and (to any Extent not exceeding Twenty thousand Pounds) in carrying into execution the Objects and Purposes of "The Newry and Greenore Railway Act, 1863," with regard to so much of the Railway, Pier, and Works by that Act authorized as are to be vested in the Company and the *Newry and Greenore Railway Company* jointly. Power to borrow on Mortgage.

Application of Capital.

10. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees, by whom Application for such Receiver shall be made, shall be not less than Ten thousand Pounds in the whole. Arrears may be enforced by Appointment of a Receiver.

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First and
other Meet-
ings.

11. The First General Meeting of the Company shall be held within Six Months next after the passing of this Act.

Number and
Qualification
of Directors.

12. The Number of the Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

First Di-
rectors.

13. The Right Honourable the Earl of *Erne*, the Honourable *Charles Clements*, *John Bramley Moore*, *John Abraham Tinne*, *Richard Allen Minnett*, *Edward Tipping*, *Samuel Bradford*, and *William Forster* shall be the First Directors of the Company.

Election of
Directors.

14. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Quorum.

15. A Quorum of a Meeting of Directors shall be Three.

Power to
increase
Number of
Directors.

16. It shall be lawful for the Company to increase the Number of such Directors to any Extent not exceeding Ten in the whole.

Power to
construct
Railway.

17. Subject to the Provisions in this Act and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway by this Act authorized, with all proper Works, Stations, Approaches, Embankments, Works, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference relating to such Railway, and according to the Levels described on those Sections, and to enter upon, take, and use such of those Lands as shall be necessary for such Purposes.

As to De-
posit of
Plans with
Clerks of
Unions.

18. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby shall be situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament shall also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections,

and

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and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Unions instead of such Postmasters: Therefore, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid shall be read and construed as if instead of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," and as if instead of the Word "Postmasters" the Words "Clerk of the Union" had been used and inserted in that Act throughout those Provisions.

19. The Works by this Act authorized comprise the following; (that is to say,) Description of Works.

The making and maintaining of a Railway (No. 1.) commencing in the Parish of *Dundalk* and County of *Louth* by a Junction with the the *Dundalk Quay Extension* Railway of the *Irish North-western* Railway authorized by "The *Irish North-western* Railway Act, 1862," near to the *Butter Crane Yard* at *Dundalk* and terminating in the Townland of *Mullatee* or *Greenore*, or the extra-parochial Place of *Carlingford Lough* in the County of *Louth*, by a Junction with a Railway proposed to be authorized by a Bill now pending in Parliament for making a Railway from *Newry* to *Greenore*.

20. Whereas a Bill has been introduced and is now pending in Parliament for making a Line of Railway from the *Newry and Armagh* Railway to *Carlingford Lough*, together with a Pier and other Works on the Shores of *Carlingford Lough*, and for incorporating a Company for those Purposes by the Name of "The *Newry and Greenore* Railway Company: And whereas a Portion of that Line of Railway near to its Terminus at *Greenore* is laid down to run near to a Part of the proposed Railway of the Company, and both of such Railways were intended to terminate near the same Point at *Greenore*, and it is therefore expedient that the proposed Railways should be executed so as to form a Junction near *Greenore*, and that the Line between such Point of Junction and *Greenore* Point, together with the Railway, Pier, and Works to be executed under the Powers of the said Bill between such Junction and *Greenore* Point, should belong equally to such Companies, and Provisions are accordingly made in the said Bill: Therefore the Railway by this Act authorized shall be laid out and constructed so as to form a convenient Junction and Intercommunication with the *Newry and Greenore* Railway in such Manner, and upon such of the Lands which the Company and the *Newry and Greenore* Railway Company, or either of them, are authorized respectively to acquire, as shall be agreed upon between the respective Engineers for the Time being of the Two Companies: Provided always, that if for a Period of Three Months after either of those

Line near Greenore to be laid out so as to join the Newry and Greenore Railway.

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Engineers shall have sent to the other of them Plans and Sections showing the Mode in which and the Lands on which he proposes that the said Junction of the Railway for which he is Engineer shall be constructed the said Engineers fail to agree, then the Matter in Difference between them shall be settled and determined by an Arbitrator to be appointed by the Board of Trade on the Application of either Company.

Certain Works near Greenore to be the joint Property of the Company and the Newry and Greenore Company.

21. The Railways, Junctions, Pier, and Works authorized to be made under the Powers of the said *Newry and Greenore Railway Bill*, between such Point of Junction and *Greenore Point* and in the said *Carlingford Lough*, shall respectively be executed at the joint Costs of and be vested in both of the said Companies equally, and the same shall be constructed and managed and used by them in such Manner and under such Superintendence and Control as is provided in and by the said *Newry and Greenore Railway Bill*.

As to Junction with Irish North-western Railway.

22. The Junction of the Railway by this Act authorized, with the *Irish North-western Railway*, shall be effected by means of Junction Rails and Points of the Construction most approved, and laid in the Manner most approved, and to the Satisfaction of the Engineer of that Company.

Works at such Junction to be done to the Satisfaction of Engineer.

23. The Expense of such Junction, and of all requisite Works for effecting that Junction, and of all Repairs thereof, shall be paid by the Company, and those Works shall, on every Occasion, be done in such Manner as not to injure the *Irish North-western Railway*, and to the Satisfaction of the Engineer of the *Irish North-western Railway Company*.

As to Expense of Signals, Watchmen, &c. at Point of Junction with Irish North-western Railway.

24. The *Irish North-western Railway Company* may from Time to Time erect such Signals and Conveniences incident to such Junction, and appoint and remove such Watchmen, Switchmen, or other Persons, as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Junction, and the working and Management of such Signals and Conveniences shall be under the exclusive Management and Regulation of that Company, and all the Expense of erecting and maintaining such Signals and Conveniences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incident and current Expenses, shall, at the End of every Half Year, be repaid by the Company, and, in default of such Repayment, the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

Mode of crossing Rivers.

25. The Crossings of the *Castletown* and *Ballymascanlan* Rivers shall be upon open Pilework; and the Crossing of the *Ballymascanlan* River shall be by a Bridge with Spans of such Dimensions as to Headway and
Waterway

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Waterway as the Board of Trade shall approve (such Approval to be signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board), and, if so required by the Board, with an opening Span of not less than Thirty-four Feet in Width.

26. All existing Landing Places interfered with or cut off by the Railway shall be compensated for by the Company making at their Expense such other Landing Places in lieu thereof, and in such Manner as the Board of Trade shall at any Time or Times require, such Requirement to be signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board.

Provision for substituted Landing Places.

27. Where the Railway cuts off or will cut off Access between the Land and Water, the Company shall, during the Formation of the Line of Railway, and from Time to Time thereafter, make and for ever maintain and allow to be used by all Persons and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Board of Trade shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the said Board: Provided that the Company shall not be required to make the Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have received Compensation, in Land or Works, or otherwise, for the Severance of the Lands from the Shores: Provided also, that the Expense of making and maintaining the Footways or Carriageways shall be defrayed by the Body or Persons interested in the Shore for whose Benefit or Convenience the Crossing is required; and if any such Carriageway be made across the Railway on the Level, then the Manner of watching the level Crossing shall be subject to the Approval of the Board of Trade, and all Expenses attending the watching of the level Crossing shall in like Manner be paid by the Body or Persons interested in the Shore for whose Benefit or Convenience the level Crossing is made.

For preserving Access between the Land and Water.

28. Previously to commencing the Construction of any Part of the Railway, or of any Works below High-water Mark, the Company shall deposit at the Board of Trade Plans, Sections, and Working Drawings thereof for their Approval, such Approval to be signified in Writing under the Hand of a Secretary or Assistant Secretary of such Board, and such Part of the Railway and Works shall be constructed only in accordance with such Approval; and when any Part of such Railway or Works shall have been commenced or constructed below High-water Mark, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such

Working Plans to be submitted to Board of Trade.

Alteration

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Alteration or Extension, the like Consent or Approval; and if any such Part of the Railway or Works shall be commenced or completed, or be altered or constructed, contrary to the Provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Board of Trade may have Survey at the Expense of the Company.

29. If at any Time or Times the Board of Trade shall deem it expedient to order a local Survey and Examination of any Works of the Company below High-water Mark, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Board of Trade may abate disused Works.

30. If any Work to be constructed by the Company below High-water Mark, or if any Portion of any Work affecting any tidal Waters or the Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Board of Trade to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs.

For Protection of Lighthouse at Greenore.

31. The Company shall not deviate the Line of Railway into, or in any Manner or for any Purpose take, use, or interfere with, certain Lands at *Greenore* belonging or reputed to belong to the Port of *Dublin* Corporation, situate in the Townland of *Greenore* and Parish of *Carlingford*, numbered respectively 16, 17, 18, 19, 20, 21, 22, 23, and 24 on the deposited Plans of the said Railway, without the previous Consent in Writing of the said Corporation under their Seal, nor stop up, obstruct, take, or in any Manner interfere with the Road (No. 2.) on the Plans of the Railway, without providing to the Satisfaction of the said Corporation an equally good and sufficient Substitute for the said Road, nor erect any Buildings, or execute or do any other Work, Matter, or Thing, so as to obstruct or interfere with the Light of the said Lighthouse at *Greenore*.

Land for extraordinary Purposes.

32. The Quantity of Land to be purchased by the Company for extraordinary Purposes, as mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Twenty Acres.

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33. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

34. The Railway and other Works connected therewith shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the said Railway and Works, or otherwise in relation thereto, shall cease to be exercised except as to so much of the said Railway and Works as shall then be completed. Period for Completion of Works.

35. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the Construction of the Railway, may deviate from the Line or Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections, instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon: Provided that every such Substitution be authorized by a Certificate of the Board of Trade, and the said Board is hereby empowered to grant such Certificates, provided it shall appear to them, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845." Power to alter Engineering Works.

36. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Twelve thousand Pounds, being equal to Eight *per Centum* upon the Amount of the Estimate of the Expense of the intended Railways comprised in this Act as introduced into Parliament, has been deposited with the Court of Chancery in *Ireland* in respect to the Application to Parliament for this Act: And whereas during the Progress of this Act through Parliament certain Lines of Railway originally comprised therein have been omitted therefrom: And whereas the Expense of the Railway and Works by this Act authorized is estimated at the Sum of One hundred and ten thousand Pounds, and Eight *per Cent.* upon that Sum amounts to Eight thousand eight hundred Pounds: Therefore, notwithstanding anything contained in the said recited Act, the Sum of Eight thousand eight hundred Pounds, being Part of the said

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Sum of Twelve thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Eight thousand eight hundred Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the Company shall, previously to the Expiration of the Period by this Act limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Eight thousand eight hundred Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that, at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Eight thousand eight hundred Pounds shall have been executed by the Company, with One or more Surety or Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eight thousand eight hundred Pounds, if the Company shall not, within the Period by this Act limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Eight thousand eight hundred Pounds, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall

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be dealt with in like Manner as the said Sum of Eight thousand eight hundred Pounds, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid, and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

37. On the Application of the Persons, or the Majority of the Persons, named in the Warrant or Order by which the Payment of the said Sum of Twelve thousand Pounds was directed to be made, or of the Survivors or Survivor of those Persons, or of the Executors or Administrators of the last Survivor, by Petition in a summary Way, at any Time after the passing of this Act, the High Court of Chancery in *Ireland* may and shall order that the Sum of Three thousand two hundred Pounds (the Balance of the said Sum of Twelve thousand Pounds), and the Interest or Dividends thereof, shall be paid or transferred to the Person or Persons so applying, or to any other Person or Persons whom they or he may appoint in that Behalf.

Release of
Balance of
Money de-
posited.

38. It shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tolls :

In respect of the Tonnage on all Articles conveyed upon the Railway, or any Part thereof, as follows :

Tonnage on
Articles of
Merchan-
dise :

For all Dung, Compost, and all Sorts of Manure, Coals, Cinders, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Coke, Culm, and Charcoal, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Cottons and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton*

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Ton *per* Mile not exceeding Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence ; and a Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for
Passengers
and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows :

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence *per* Mile ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage *per* Mile not exceeding One Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Halfpenny.

Tolls for
propelling
Power.

39. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations
as to the
Tolls.

40. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Rates of Charge by this Act authorized ; (that is to say,)

For Articles, Animals, or Persons conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls as for Four Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise and Animals for such Fraction in proportion to the Numbers of Quarters of a Mile contained therein ; and if there be a Fraction of
a Quarter

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a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond Four Miles or any greater Number of Miles shall be deemed a Mile:

For a Fraction of a Ton, the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

41. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand Tolls not exceeding the following; (that is to say,)

Tolls for small Parcels and single Articles of great Weight.

For small Parcels not exceeding in Weight Seven Pounds, Threepence:

Exceeding Seven and not exceeding Fourteen Pounds, Fivepence:

Exceeding Fourteen and not exceeding Twenty-eight Pounds, Sevenpence:

Exceeding Twenty-eight and not exceeding Fifty-six Pounds, Ninepence:

Exceeding Fifty-six and not exceeding Five hundred Pounds, such Sum as the Company think proper:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they may think fit.

42. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers Luggage.

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Maximum Rates of Charges for Passengers, Cattle, Goods, &c.

43. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway (including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance) shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile :

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile :

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company,) shall not exceed the following Sums :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence *per* Mile :

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Twopence *per* Mile :

For every Calf or Pig, or other small Animal, Three Farthings *per* Mile :

For every Carriage, the Sum of Sevenpence *per* Mile :

For Manure and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per* Ton *per* Mile :

For Coke, Culm, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile :

For Sugar and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile :

For Cotton and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per* Ton *per* Mile.

Restriction as to Charges not to apply to Special Trains.

44. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the said Railway, but shall apply only to the Ordinary Trains appointed or to be appointed from Time to Time by the said Company for Conveyance of Passengers and Goods upon the said Railway.

As to Stations to be considered

45. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat

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thereat direct from the Consignor of such Goods, or are not directed to be delivered thereat to the Consignee. Terminal Stations.

46. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges by this Act limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto. Company may take increased Charges by Agreement.

47. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained. Interest not to be paid on Calls paid up.

48. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect to 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. Deposit for future Bills not to be paid out of Company's Capital.

49. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act to be taken upon the Railway, or of the Rates for small Parcels conveyed thereon. Railway not exempt from Provisions of present and future General Acts.

50. Nothing contained in this Act, or in any of the Acts incorporated herewith, shall authorize the Company to take, use, or in any Manner interfere with any Slob, or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right Saving Rights of the Crown.
of

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of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained, divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs, or Successors.

Expenses of
Act.

51. All the Costs, Charges, and Expenses of and attending the passing of this Act, or preparatory or incident thereto, shall be paid by the Company.

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