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VICTORIÆ REGINÆ.

Cap. ccxxxvi.

An Act to empower the *Irish North-western Railway Company* to extend their Railway along the Quays of *Dundalk*; and for other Purposes.

[28th July 1863.]

WHEREAS it is expedient that the *Irish North-western Railway Company* (herein-after called "the Company") should be enabled to construct a Railway to or near to the *Dundalk Steam Packet Company's Quay* at *Dundalk*, and the same would be of public and local Advantage: And whereas Plans and Sections of the intended Railway and Works showing the Lines and Levels thereof, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to be taken for the Purposes of this Act, have been deposited with the Clerk of the Peace for the County of *Louth*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained 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,

[*Local.*]

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and

Irish North-western Railway (Quay Extension) Act, 1863.

and 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 for all Purposes be cited as "*Irish North-western Railway (Quay Extension) Act, 1863.*"

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1860," (save so far as any of the Sections and Provisions of those Acts respectively are expressly excepted or varied by this Act) are incorporated with this Act.

Same Meanings to Words or in part incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to make Railway;

4. It shall be lawful for the Company to make and maintain the following Railway, with all proper Stations, Approaches, Works and Conveniences connected therewith; (that is to say,)

A Railway from the *Dundalk* Quay Extension Railway of the Company authorized by "The *Irish North-western* Railway Act, 1862," to or near to the *Dundalk* Steam Packet Company's Quay at *Dundalk*, all in the County of *Louth*.

and to form Part of Undertaking.

5. Subject to the Provisions of this Act, the Railway and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railway to be made according to deposited Plans and Sections.

6. Subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the said Railway shall be made in the Line and upon the Lands delineated on the deposited Plans and described in the deposited Books of Reference, and according to the Levels defined on the deposited Sections; and it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

As to Deposit of Plans with Clerks of Unions.

7. 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

Irish North-western Railway (Quay Extension) Act, 1863.

spection in manner therein mentioned: And whereas in compliance with the present Standing Orders of both Houses of Parliament the several Plans, Sections, 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 "Clerks of the Union" had been used and inserted in that Act throughout those Provisions.

8. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the Construction of the Railway, may deviate from the Line of any Arches 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 the Plans or Sections instead of a 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 contained 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.

9. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

11. If

Irish North-western Railway (Quay Extension) Act, 1863.

Penalty for Non-completion of Works within Time limited.

11. If the Railway by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provision herein-after contained) the Company shall forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railway shall remain unopened, which Amount shall be a Debt due from the Company to the Crown, and recoverable accordingly; provided always, that no such Penalty shall accrue or be payable for, or in respect of, any Time during which the Company may be prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control (but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company), of which Prevention, and the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence, and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificates accordingly.

Plans of Works affecting tidal Waters to be deposited at the Admiralty.

12. Previously to commencing any Work by this Act authorized in, over, or affecting any tidal Water, the Company shall deposit at the Office of the Board of Trade, Plans, Sections, and Working Drawings of the Works for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board, and the Work shall be constructed only in accordance with the Approval, and when any such Work shall have been commenced or constructed, the Company shall not at any Time alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Approval, and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, the Board of Trade may abate, alter, and remove the same, and 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, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Power to Board of Trade to order a local Survey at Expense of Company.

13. If at any Time or Times it shall be deemed expedient by the Board of Trade to order a local Survey and Examination of any Works by this Act authorized, in, over, or affecting any tidal or navigable Water or River, 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 the Crown from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

14. If

Irish North-western Railway (Quay Extension) Act, 1863.

14. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, the Board of Trade may abate and remove the same, or such Part or Parts thereof as they shall at any Time or Times deem fit and proper, and may 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 if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned, Board of Trade may remove same at Expense of Company.

15. 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 a Secretary or Assistant Secretary of the 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.

16. For the Purposes of Tolls, Rates, Fares, and other Charges, the Railway by this Act authorized shall be deemed and taken to be Part of the Quay Extension Railway as if the first-mentioned Railway had been authorized by the "*Irish North-western Railway Act, 1862.*"

Tolls.

17. Provided that the maximum Charges to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Railway by this Act authorized, or any Part thereof, and for Locomotive Engines or other Power, and for Carriages, Waggons, and Trucks, and

Maximum Tolls to be so taken.

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every

Irish North-western Railway (Quay Extension) Act, 1863.

every Expense incidental to the Conveyance of their Traffic thereon, shall not exceed the Sums in that Behalf limited by the Company's Acts.

Application
of Monies by
Company.

18. The Company may from Time to Time apply for any of the Purposes of this Act any Monies in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Act relating to the Company, and which may not be required for the Purposes (if any) for which they are by such Act made specially applicable.

Interest not
to be paid on
Calls
paid up.

19. The Company shall not out of any Money authorized to be raised by them by Shares or by borrowing pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him, provided that the Company may pay to any Shareholder such Interest or Money advanced by him beyond the Amount of the Calls actually made, as is in accordance with "The Companies Clauses Consolidation Act, 1845."

Deposit for
future Bills
not to be
paid out of
Capital.

20. The Company shall not out of any Money authorized to be raised by them by Shares or by borrowing pay or deposit any Sum of Money which by any Standing Order of either House of Parliament from Time to Time in force is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any Railway or execute any other Work or Undertaking.

Saving
Rights of
the Crown.

21. Nothing contained in this Act or in any of the Acts incorporated therewith shall authorize the Company to take, use, or in any Manner interfere with any Foreshore 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 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.

Railway not
exempt from
Provisions of
present and
future Ge-
neral Acts.

22. Nothing in this Act contained shall exempt the Railway to which this Act relates from the Provisions of any General Act relating to Railways, or to the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by any of the Acts relating to the Railway authorized, or of the Rates for small Parcels thereby respectively authorized.

23. All

Irish North-western Railway (Quay Extension) Act, 1863.

23. All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company. Expenses of Act.

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