



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. lxi.

An Act to authorize the *Newry, Warrenpoint, and Rostrevor* Railway Company to extend their Railway at *Newry* and at *Warrenpoint*, and to enter into Arrangements with the *Newry and Enniskillen* Railway Company. [27th July 1857.]

**W**HEREAS by the "*Newry, Warrenpoint, and Rostrevor* Railway Act, 1846," the *Newry, Warrenpoint, and Rostrevor* Railway Company were incorporated and authorized to make a Railway from the *Newry and Enniskillen* Railway in *Newry* in the County of *Armagh* to *Rostrevor* in the County of *Down*, with a Branch to *Warrenpoint* in the same County: And whereas the said Company have constructed and opened to the Public so much of the Undertaking authorized by the said Act as extends from *Newry* to *Warrenpoint*, but the Execution of so much of their Railway as was intended to be made across the *Newry* River and Canal has been deferred because the *Newry and Enniskillen* Railway has not been carried down to the Landing Quay at *Newry*, where the Point of Junction between the Two Railways was fixed: And whereas it is expedient that the proposed Junction between the Two Railways

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9 & 10 Vict.  
c. cexlv.

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

should, with certain Modifications, be effected, and that certain Restrictions upon such Crossing contained in the said Act should be varied or repealed: And whereas it is expedient that the *Warrenpoint* Branch should be extended so as to be brought in more direct Communication with the Dock or Basin at *Warrenpoint*: And whereas the said Company are willing to make the said Extensions and other Works, and have caused Plans and Sections showing the Lines and Levels thereof, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Land which may be required for the Purposes of the said Extension and Works, to be deposited with the Clerks of the Peace for the Counties of *Down* and *Armagh* in *November* last: And whereas it is expedient that the Company should be empowered to enter into working Arrangements with the *Newry and Enniskillen* Railway Company, and that some of the Provisions of the recited Act should be altered and enlarged; but the Objects aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.  
cc. 18. & 20.,  
14 & 15 Vict.  
c. 70., and  
19 & 20 Vict.  
c. 72. incor-  
porated.

I. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," and "The Railways Act (*Ireland*), 1856," shall be incorporated with and form Part of this Act.

Interpreta-  
tion of Terms.

II. The Words "the Company" shall mean "the *Newry, Warrenpoint, and Rostrevor* Railway Company."

Power to  
construct  
Works ac-  
cording to  
deposited  
Plans.

III. The Company may make and maintain the Railway and other Works herein-after particularly described (with all proper Stations, Approaches, and Conveniences connected therewith) in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, subject nevertheless to the Provision herein-after contained as to a Deviation in the Parish of *Newry*, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes: Provided, that nothing herein contained shall enable the Company to take otherwise than by Agreement the Lands numbered severally 14, 15, 16, 17, 17<sup>a</sup>, 18, and 19 upon the said Plans, in the Parish of *Warrenpoint* in the County of *Down*.

IV. The

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

IV. The said Railway and other Works are the following:

1. A Railway commencing by a Junction with their existing Line of Rails near the Passenger Station thereof in the Townland of *Ballynacraig* in the Parish of *Newry* and County of *Down*, crossing the *Newry Canal and River*, and terminating by a Junction with the *Newry and Enniskillen Railway* in the Townland of *Ballinlare* in the Parish of *Newry* in the County of *Armagh*.
2. The Enlargement of the Company's Station at *Warrenpoint*.

Describing the new Lines of Railway and other Works.

V. And whereas it has been found that the Method of forming the Junction between the *Newry, Warrenpoint, and Rostrevor Railway* and the *Newry and Enniskillen Railway* in the Parish of *Newry*, as shown upon the Plans deposited as aforesaid in the Month of *November* last, would not be so convenient to the Company of Proprietors of the *Newry Navigation* as another Line which has been agreed upon between them and the Company, and Plans and Sections of the said Line so agreed on, together with Books of Reference to the said Plans, were deposited in the Month of *April* last with the Clerks of the Peace for the Counties of *Down* and *Armagh*: Be it enacted, That the Junction between the Two Railways shall be made and maintained upon the Lands and in the Line shown on the last-mentioned deposited Plans, instead of being made upon the Lands and in the Line shown upon the Plans so deposited in the Month of *November* last.

Alteration of Line effecting Junction between Railway and Newry and Enniskillen Railway.

VI. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and upon the Level of the public Roads in the Townland of *Ballinlare* in the Parish of *Newry*, numbered 1 and 6 on the Plan deposited in *April* last.

Certain Roads may be crossed on the Levels.

VII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for any such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such

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

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge instead of level Crossing.

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

Railways, &c. to form Part of Undertaking.

IX. The said Railway and Works shall form Part of the *Newry, Warrenpoint, and Rostrevor* Railway.

As to Communications with Newry and Enniskillen Railway.

X. The Communications between the Railway hereby authorized to be made and the *Newry and Enniskillen* Railway, and all such Openings in the Ledges or Flanches of that Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Newry and Enniskillen* Railway Company; and in the event of any Difference arising as to the Mode of effecting such Communications, then the same shall be determined by a Referee to be appointed by the Board of Trade on the Application of either Company.

Not to take Lands, &c. of Newry and Enniskillen Railway Company without Consent.

XI. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Newry and Enniskillen* Railway Company, or to alter, vary, or interfere with the *Newry and Enniskillen* Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction of and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the *Newry and Enniskillen* Railway Company in every Instance for that Purpose first had and obtained.

Saving Rights of Company.

XII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Newry and Enniskillen* Railway Company otherwise than is herein expressly provided.

XIII. The

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

XIII. The said Railway shall be carried across the *Newry Canal* by a Swing Bridge, with a clear Opening of Thirty Feet, and the said Railway shall cross the *Newry River* by a Swing Bridge, with a clear Opening of Thirty-six Feet Span, and with Two other clear Openings of not less than Thirty Feet Span each; and the Company shall, whenever required by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, enlarge, alter, or wholly reconstruct the said Bridges, or either of them, in such Manner as may at any Time or Times hereafter be required and approved of by the said Lord High Admiral or the said Commissioners, by Writing under the Hand of the Secretary of the Admiralty.

Newry Canal and Newry River to be crossed by Swing Bridges.

XIV. During the Construction of each of the Crossings over the *Newry River* and Canal and Works respectively connected therewith the Company shall cause to be hung out or exhibited at each of such Crossings every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of each of the said Crossings the Company shall cause to be hung out or exhibited upon or near to the Centre of each of the said Crossings every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep any of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Light to be exhibited during Construction of Crossings over River and Canal.

XV. It shall not be lawful for the Company to construct any Work in, over, or affecting tidal Water without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval, and if any such Work shall be commenced or completed, or be altered or

Works affecting Navigation not to be constructed without Consent of Admiralty.

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*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, 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.

Navigation not to be impeded during Construction of Bridges.

XVI. During the Construction of the said Bridges and Works connected therewith the Company shall not in any Manner impede the Navigation upon the said River or Canal, and if they shall so impede the same they shall forfeit Twenty Pounds to the Company of Proprietors of the *Newry* Navigation for every Day during which such Obstruction shall continue, beside Payment of Damages to any Person for Loss sustained by him by reason of the Obstruction.

Penalty on Company detaining Vessels longer than necessary in passing Swing Bridges.

XVII. It shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the *Newry* River or *Newry* Canal for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridges to cross the said *Newry* River and Canal, and for opening the said Bridges to admit such Vessel, Barge, or Boat to pass; and the Company shall, at their own Expense, employ a sufficient Number of Persons to be at all Times in attendance to open the said Bridges, and the same shall always remain open from the Time when the last Train shall have passed over the same in the Evening until the First Train shall be due in the following Morning; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, through the said Bridges, or either of them, the Company or every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Company to obey Regulations of Board of Trade.

XVIII. Provided always, That for the Purpose of ensuring the free and unobstructed Use and Navigation of the *Newry* River and *Newry* Canal, the Company shall obey the Regulations which from Time to Time the Board of Trade shall prescribe in Writing, under the Seal of the said Board, with respect to the Use of the said Bridges for the Purpose of the Railway, and with respect to the opening and closing thereof; and it shall be lawful for the said Board from Time to Time, on the Application of the Company of Proprietors of the

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*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

*Newry* Navigation, and after such Inquiry as the Board shall think fit, to make such Regulations, and to enforce the same by Penalties to be prescribed in the same Regulations.

XIX. The Company shall at their own Expense immediately remove any Obstruction to the free Current of the said River which may occur during the Execution of their Works, and which in the Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may have been caused by any of the Works hereby authorized to be made.

Company to remove Obstructions caused by the Works.

XX. Before the said Bridges over the said River and Canal or any Works connected therewith shall be commenced by the Company they shall deposit with the Secretary of the Admiralty a Plan showing the precise Line of the said Railway, and also Working Drawings of the said Railway and Works connected therewith; and previously to the Commencement of the said Railway or any of such Works, the Approval of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, shall be obtained by the said Company.

Plan of Bridges to be submitted to the Admiralty before Works commence.

XXI. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal 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 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.

Power to Admiralty to make local Survey at Expense of Company.

XXII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or 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, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, 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

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Repealing  
Restriction  
on Number  
of Trains.

XXIII. The Thirty-seventh Section of the first-recited Act is hereby repealed, the said Section being in the following Words :  
“ And be it enacted, that no greater Number than Four Trains each  
“ Way shall be allowed in any One Day to pass over Bridges to be  
“ erected over the *Newry* River and Canal without the Consent in  
“ Writing of the *Newry* Navigation Company previously had and  
“ obtained: Provided always, that if the said *Newry* Navigation  
“ Company shall at any Time on Request refuse such Consent as  
“ aforesaid, it shall be lawful for the Railway Department of the  
“ Board of Trade, upon Application in reference to them made by the  
“ *Newry, Warrenpoint, and Rostrevor* Railway Company, to make such  
“ Orders and Directions herein as to them may seem expedient for  
“ the Passage of any greater Number of Trains in any One Day  
“ than herein-before provided for.”

Company not  
to erect or  
use any Sta-  
tion North  
of Dublin  
Bridge for  
certain  
Traffic.

XXIV. The said Company shall not construct or use any Station to the North of the *Dublin Bridge* for the ordinary Passenger Traffic between the Town of *Newry* and *Warrenpoint* and *Rostrevor* without the Consent in Writing of the said *Newry* Navigation Company.

Company  
authorized to  
purchase cer-  
tain Lands of  
R. Hall, and  
to construct  
Railways, &c.  
thereon.

XXV. It shall be lawful for the Company to purchase or take by Agreement of *Roger Hall* the Lands numbered respectively 14 and 17, in the Parish of *Warrenpoint*, in the Plans deposited by the Company as aforesaid, or to purchase or take by Agreement from other the Owner for the Time being of the same the said Lands numbered 14 and 17 respectively, or any Part of or Interest in the same, and to make and maintain thereon such Railways or Tramways for extending the *Warrenpoint* Branch, and bringing it into more direct Communication with the Dock or Basin at *Warrenpoint*, and such other Works as they and the said *Roger Hall* or other the Owner and Occupier as aforesaid may agree on.

Agreement  
between the  
Company  
and R. Hall  
confirmed.

XXVI. An Agreement already made between the Company and the said *Roger Hall*, bearing Date the Eighth Day of *June* One thousand eight hundred and fifty-seven, with reference to such Purchase or taking by Agreement is hereby confirmed.

Locomotive  
Engines not  
to be used on  
new Railway  
at Warren-  
point.

XXVII. The Company shall not run or use any Locomotive Engine upon or over any Part of such new Railway or Tramway at *Warrenpoint*, and shall not use on such Railway or Tramway Carriages propelled



*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

propelled by Steam or by atmospheric Pressure, or drawn by Ropes in connexion with a stationary Steam Engine, and shall, so far as the reasonable Requirements of their Traffic will permit, so work and use the said Railway or Tramway as not to obstruct or hinder the Use of the North-western Pier of the said Dock or Basin for Shipping Purposes, or the Thoroughfares leading thereto.

XXVIII. Subject to the Provisions of the last Section, and so far as they are respectively applicable, all the Sections of "The Railways Clauses Consolidation Act, 1845," from 86 to 113 both inclusive, and from 117 to 161 both inclusive, shall apply to such Railway or Tramway at *Warrenpoint*, and the same shall to that Extent be considered as forming Part of the *Newry, Warrenpoint, and Rostrevor Railway*.

Certain Clauses of 8 & 9 Vict. c. 20. to apply to such Railway, &c.

XXIX. Provided always, That excepting in so far as the same Rights, Powers, and Privileges are by this Act expressly affected, nothing in this Act or in the said Agreement shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities lawfully belonging to the said *Roger Hall*, his Heirs, Executors, Administrators, and Assigns, with relation to the Control, Management, and Regulation of the Harbour of *Warrenpoint*, and the said Dock or Basin, Pier, Quays, and Wharfs, or to the Tolls, Rates, and Dues in respect of the Use thereof respectively, or otherwise howsoever in relation thereto; and that the Company shall obey, conform to, and be bound by all reasonable Requirements of the Harbour-master of the said Harbour, Dock, and Basin, with respect to the Removal of any Obstruction or Hindrance caused by them to the free Use of the North-western Pier for Shipping or other Purposes connected with the said Harbour, Dock, or Basin; and that if the Company shall not with all reasonable Dispatch, after being required by the Harbour-master so to do, remove any such Obstruction or Hindrance, then, unless the same shall have been originally caused and be at the Time of such Request continued by them necessarily and properly in the Carriage, loading, or unloading of Traffic, they shall for every such Offence be liable to a Penalty not exceeding One Pound for every Hour after such Demand during which such Obstruction or Hindrance shall continue, which Penalties shall and may be recovered by the Harbour-master in the Manner provided by "The Railways Clauses Consolidation Act, 1845," and by him applied to the general Purposes of the said Dock or Basin.

Saving Rights of R. Hall.

XXX. It shall be lawful for the Company on the one hand, and the *Newry and Enniskillen Railway Company* on the other hand, from Time to Time to enter into and make Contracts and Agreements

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Power to enter into Working Agreements with Newry

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

and Ennis-  
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for and with reference to the working, Maintenance, Management, and Use of their respective Railways, or any Part thereof, and the Conduct of the Traffic thereon, and also with reference to the Rates, Tolls, and Charges to be charged by or between the said Companies for and in respect of any Traffic common to them, and also as to the Collection, Division, and Apportionment of such Rates, Tolls, and Charges, and from Time to Time to appoint joint Committees for the Purposes aforesaid, and to give to the said Committees with respect to the Matters aforesaid whatever Powers the Directors of the Two Companies might legally exercise over their respective Undertakings; and such Contracts and Agreements may be from Time to Time altered and varied as Occasion may require.

Contract, &c.  
not to alter  
Tolls, or to  
prevent  
Lines being  
used by other  
Companies.

XXXI. Provided always, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said Companies shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the Railways to which such Contract or Agreement may extend, upon the same Terms and Conditions and on Payment of the same Tolls as they would have been in case no such Contract or Agreement had been entered into: Provided also, that any such Contract or Agreement shall not be of longer Duration than Ten Years, and shall not be made until the same has been duly assented to by not less than Three Fifths of the Votes of the Shareholders of the respective Companies present in Special Meeting convened for the Purpose, and until the same has been approved by the Board of Trade.

During  
Agreement  
Railways  
to be con-  
sidered as  
One.

XXXII. In estimating the Tolls or Charges to be paid in respect of Articles or Persons conveyed partly upon the *Newry, Warrenpoint, and Rostrevor* Railway, and partly upon the *Newry and Enniskillen* Railway, during the Continuance in force of any such Contract or Agreement as aforesaid, the Distance traversed shall be reckoned continuously on both Railways as if they were One Railway.

Land for ex-  
traordinary  
Purposes.

XXXIII. The Company may purchase by Agreement any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Three Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Period for  
Completion  
of Works.

XXXIV. The Works hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*

such Period the Powers by this Act granted to the Company for constructing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

XXXV. In case the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

If Railway not completed, &c. within a limited Period, Payment of Dividends on ordinary Shares to be suspended.

XXXVI. It shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are already authorized to raise, any further Sum of Money, not exceeding in the whole the Sum of Twenty thousand Pounds.

Company may raise additional Capital by new Shares.

XXXVII. The Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company, subject to the Restriction herein-after contained, from Time to Time to fix as they shall think fit.

New Shares to be considered as original Shares.

XXXVIII. Provided always, That One Fourth of a Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Three-Fourths of the Amount of any Share shall be called in any One Year.

Limiting Calls.

XXXIX. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the Company.

As to Votes of Proprietors of new Shares.

XL. After the whole of the Sums which the Company are by this Act authorized to raise by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the

Power to borrow on Mortgage.

Company

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Six thousand six hundred Pounds in addition to the Sums which they are already authorized to borrow.

Extending certain Powers of 8 & 9 Vict. c. 16. to Money authorized to be borrowed.

XLII. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money and the Conversion of borrowed Money into Capital, shall extend to the Money by this Act authorized to be borrowed.

Moneys raised under this Act to be applied only to Purposes thereof.

XLII. All and every Part of the Moneys by this Act authorized to be raised by Shares or Mortgage shall be applied only in carrying into execution the Objects and Purposes of this Act.

Former Mortgages, &c. to have Priority.

XLIII. Provided always, That all Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance of such Mortgages or Bonds, have Priority over any Mortgage or Bond to be created under the Powers of this Act.

Tolls upon new Railways.

XLIV. The Company may demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway thereby authorized.

Maximum Tolls.

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

Tolls for small Parcels.

XLVI. Provided always, That with respect to small Packages, notwithstanding the Rate of Tolls prescribed by the recited Act, the Company shall not demand greater Tolls than the following; (that is to say,)

For the Carriage on their Railways, or any Part thereof, of any Parcel not exceeding Fourteen Pounds in Weight, Fourpence :

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sixpence :

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Tenpence :

And

*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

And for the Carriage of any Parcel exceeding Fifty-six Pounds in Weight, and not exceeding Five hundred and sixty Pounds in Weight, if booked by a Passenger Train, the Company may demand any Sum which they think fit.

XLVII. Every Passenger travelling upon the said Railways 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.

XLVIII. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Moneys which they are already authorized to raise, and which are not and will not be required for the Purposes of the said recited Act. Application  
of Moneys.

XLIX. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session. Subscription  
Contract to  
be valid.

L. It shall not be lawful for the Company, out of any Capital Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking. Deposits for  
future Bills  
not to be paid  
out of Com-  
pany's  
Capital.

LI. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, to pay Interest or Dividend to any Shareholder on account of the 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 that Behalf contained in "The Companies Clauses Consolidation Act, 1845." Interest not  
to be paid on  
Calls paid up.

[Local.]

10 L

LII. Nothing

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*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act,  
1857.*

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Railways not  
exempt from  
Provisions of  
present and  
future Gene-  
ral Acts.

LII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Act, and of the Rates for small Parcels.

Expenses of  
Act.

LIII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Short Title.

LIV. In citing this Act for any Purpose it shall be sufficient to describe it as "*The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857.*"

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