



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act to amend the *Downpatrick, Dundrum, and Newcastle Railway Act, 1866.* [25th June 1868.]

WHEREAS by an Act passed in the Year 1866 “the *Downpatrick, Dundrum, and Newcastle Railway Company*” 29 & 30 Vict. c. cclxii.
(who are herein-after referred to as “the Company”) were incorporated for the making of a Railway in the *County Down* in *Ireland* from the *Belfast and County Down Railway* at *Downpatrick* through *Dundrum* to *Newcastle*, and they were authorized to raise a Capital of Seventy-five thousand Pounds in Shares of Ten Pounds each, and to borrow on Mortgage of their Undertaking Twenty-five thousand Pounds: And whereas of the said Capital of Seventy-five thousand Pounds the Sum of Twenty-three thousand six hundred and seventy Pounds has been already issued in Shares, and Two further Sums, the one of Four thousand Pounds and the other of Five thousand Pounds, have likewise been subscribed, to be payable when the said Railway shall be opened to *Dundrum* and to *Newcastle* respectively, and no Sum has yet been borrowed upon Mortgage of the Undertaking; and inasmuch as it has been ascertained that the Cost of the Undertaking will be less than the Amount at which that Cost was estimated, it is expedient that the Capital of the Company in Shares should be diminished, and that the Power of the Company to borrow should be proportionately diminished: And
[*Local.*] 10 E whereas

The Downpatrick, Dundrum, and Newcastle Railway Act, 1868.

whereas the proposed *Downpatrick, Dundrum, and Newcastle* Railway will form an Extension Southward from the *Belfast and County Down* Railway, and will tend largely to increase the Traffic upon the said Railway, and it is expedient, therefore, and it hath been agreed between the Two Companies (subject to the Authority of Parliament); that the *Belfast and County Down* Railway Company shall contribute towards the Capital of the Company, and shall work the proposed Undertaking according to the Provisions herein-after contained, and it is also expedient that Powers should be given to the Company with respect to the Use of the Station of the *Belfast and County Down* Railway Company at *Downpatrick*, and that Facilities should be afforded by that Company for the Conveyance of Traffic coming from or destined for the Undertaking of the Company: And whereas it is expedient to increase the Number of Directors of the Company, and in other respects to amend the said Act of 1866: But inasmuch as the Purposes aforesaid cannot be effected without the Authority of Parliament, may it 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:

Short Title.

1. This Act may be cited for all Purposes as "The *Downpatrick, Dundrum, and Newcastle* Railway Act, 1868."

Part III. of 26 & 27 Vict. c. 92. incorporated.

2. Part III. of "The Railways Clauses Act, 1863," with respect to Working Agreements, is (except where expressly varied by this Act) incorporated with and forms Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Company" means the *Downpatrick, Dundrum, and Newcastle* Railway Company;

The Expression "the *Newcastle* Railway" means the Railway and Undertaking of the Company;

And the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, 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.

Reduction of Capital.

4. The Capital of the Company shall be reduced from Seventy-five thousand Pounds to Sixty thousand Pounds, and it shall not be lawful

The Downpatrick, Dundrum, and Newcastle Railway Act, 1868.

lawful for the Company to issue any greater Number of Shares than Six thousand.

5. It shall not be lawful for the Company to borrow on Mortgage any Sums exceeding in the whole Twenty thousand Pounds; and the recited Act of 1866 shall be read as though Twenty thousand Pounds had been originally inserted in the 9th Section thereof instead of Twenty-five thousand Pounds.

Reducing
borrowing
Power.

6. It shall be lawful for the *Belfast and County Down* Railway Company, and they are hereby required, to subscribe towards the *Newcastle* Railway the Sum of Ten thousand Pounds, and to apply in Payment of their said Subscription any Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking; and the said Company shall, in respect of the Sums to be subscribed and the corresponding Shares in the Company to be held by them, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings which shall be as herein-after provided), and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company: Provided always, that the *Belfast and County Down* Railway Company shall not sell, dispose of, or transfer any of the Shares in the Company for which they may subscribe.

Power to
Belfast and
County
Down Rail-
way Com-
pany to sub-
scribe, and
to apply
Funds for
that Purpose.

7. The Subscription of the *Belfast and County Down* Railway Company shall be paid in Two several Sums of Five thousand Pounds each, the one of such Sums being paid when the Undertaking of the Company shall be opened for public Traffic to *Dundrum*, and the other thereof being paid when the said Undertaking shall be opened to *Newcastle*.

As to Form
of Subscrip-
tion.

8. The *Belfast and County Down* Railway Company whilst Shareholders of the Company may, by Writing under their Common Seal, from Time to Time appoint some Person to attend any Meeting of the Company, and such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may (excepting with respect to the Election of Directors) vote thereat in respect of the Capital held by the *Belfast and County Down* Railway Company.

Votes of
Company at
General
Meetings.

9. It shall be lawful for the *Belfast and County Down* Railway Company from Time to Time to enter into Contracts or Arrangements with the Company with respect to the following Purposes, or any of them; (that is to say,)

Traffic Ar-
rangements
with Belfast
and County
Down Rail-
way Com-
pany.

The Management, Use, working, and Maintenance of the *Newcastle* Railway, or of any Part or Parts thereof:

The

The Downpatrick, Dundrum, and Newcastle Railway Act, 1868.

The Supply of any Rolling or Working Stock and of Officers and Servants for the Conduct of the Traffic on the said Railway :

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid :

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic :

And the Company shall, upon the Demand of the *Belfast and County Down* Railway Company, enter into such Contracts : Provided that if the Terms of such Contracts cannot be settled by the Directors of the Two Companies, they shall be referred from Time to Time to Arbitration in conformity with "The Railway Companies Arbitration Act, 1859."

Tolls on Traffic conveyed partly on the Railway, and partly on the Railway of the Belfast and County Down Railway Company.

10. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by the *Belfast and County Down* Railway Company, the Railways of the Company and of the *Belfast and County Down* Railway Company shall for the Purposes of Tolls and Charges be considered as One Railway ; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the *Newcastle* Railway and partly on the Railway of the *Belfast and County Down* Railway Company for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles ; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Four Miles, Tolls and Charges as for One Mile only ; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles, Tolls and Charges as for a Quarter of a Mile only ; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the *Newcastle* Railway and partly on the Railway of the *Belfast and County Down* Railway Company.

Power to use Downpatrick Station.

11. The Company and all Persons and Corporations lawfully using their Railway may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all kinds, the *Downpatrick* Station of the *Belfast and County Down* Railway Company, including the Use of the Sidings, Watering Places, Signals, Signal Posts, and other Machinery, Booking and other Offices, Buildings, Approaches, Works, and Conveniences belonging to or connected with the said Station, and including also so much of the *Belfast and County Down* Railway as intervenes between the Junction therewith of the *Newcastle* Railway and the said Station, and

The Downpatrick, Dundrum, and Newcastle Railway Act, 1868.

and the *Belfast and County Down* Railway Company shall make all requisite Arrangements for that Purpose.

12. The Terms, Conditions, and Regulations to which the Company and such other Persons and Corporations as aforesaid shall be subject in respect of the said Use, and the Tolls or other Consideration to be paid by them for the same, shall, if not agreed upon between them and the *Belfast and County Down* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitrator shall be defrayed as the Arbitrator shall direct; and either of the said Companies, or such other Persons or Corporations as aforesaid, who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises, shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Terms of
such Use.

13. The *Belfast and County Down* Railway Company shall perform at the said Station at *Downpatrick* all such Services and Duties as may be necessary or reasonable for the convenient Conduct of the Traffic of the Company, upon Payment of such Charges for the same as may be agreed upon between the Two Companies; and if any Difference shall arise between the Companies as to the Amount of such Payments, or as to the Nature, Extent, or Sufficiency of the Services and Duties so to be performed, such Difference shall from Time to Time be settled by an Arbitrator to be appointed at the Request of either Party by the Board of Trade, and the Arbitrator to whom the Matter may be referred may determine the Amount of such Payments, and prescribe what Duties and Services shall be so performed; and if he shall be of opinion that it is needful for the Protection of the due working or Development of the Traffic of the Company, he may prescribe that the said Company may employ at the Station aforesaid such Clerks, Agents, and Servants as he may by his Award define, and he may likewise prescribe the Accommodation that shall be given at such Station to the said Clerks, Agents, and Servants, and may lay down Rules for their Conduct, and may prescribe the Payments to be made for the Accommodation so afforded; and the Awards made from Time to Time by the Arbitrator shall be binding upon the Companies, and shall be obeyed by them respectively: Provided always, that the Right to use the said Station shall not be suspended during such Arbitration.

As to Ser-
vices at
Station.

[Local.]

10 F

14. The

The Downpatrick, Dundrum, and Newcastle Railway Act, 1868.

Byelaws to
be observed.

14. The Company in using the said Station and Conveniences in accordance with the Provisions herein-before mentioned shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company.

Increase and
Qualification
of Directors.

15. The Number of Directors of the Company may be increased to Six, and the Qualification of a Director shall be the Possession in his own Right of not less than Fifty Shares, instead of One hundred Shares as provided by the recited Act of 1866.

As to Nomi-
nation of
Belfast and
County
Down Di-
rector.

16. The *Belfast and County Down* Railway Company may by Writing under their Common Seal from Time to Time appoint One of their Directors to be One of the Six Directors of the Company, and may from Time to Time in like Manner remove any Director so appointed by them, and it shall not be necessary that the Director so nominated should hold Shares in the Company.

Railway not
exempt from
Provisions
of present
and future
General
Acts.

17. Nothing herein contained shall be deemed or construed to exempt the *Newcastle* Railway 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by the recited Act.

Expenses of
Act.

18. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.