



CHAP. cxi.

An Act to enable the Downpatrick, Dundrum, and Newcastle Railway Company to grant a lease of their undertaking, and for other purposes. A.D. 1870.
[4th July 1870.]

WHEREAS the Downpatrick, Dundrum, and Newcastle Railway Company (who are herein-after called "the Newcastle Railway Company") were incorporated by an Act passed in the year 1866 to authorise the construction of a railway from the Belfast and County Down Railway at Downpatrick through Dundrum to Newcastle in the county of Down, and they were by the said Act authorised to raise a capital of seventy-five thousand pounds in shares and to borrow twenty-five thousand pounds on mortgage; and by an Act passed in the year 1868 the said share capital was reduced to sixty thousand pounds, and the power to borrow was reduced to twenty thousand pounds: 29 & 30 Vict. c. cccxii. 31 & 32 Vict. c. lxxviii.

And whereas in pursuance of powers contained in the said Act of 1868 (section 6) the Belfast and County Down Railway Company have subscribed towards the undertaking a sum of ten thousand pounds:

And whereas the railway authorised by the Act of 1866 was opened for public traffic in the month of March 1869, and by virtue of further powers contained in the said Act of 1868 (section 9) the same is worked by the Belfast and County Down Railway Company under an arrangement between the two Companies:

And whereas it is expedient that the Newcastle Railway Company should be empowered to lease their undertaking, and that the Belfast and County Down Railway Company should be empowered to take such lease:

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

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

[Ch. cxi.] *The Downpatrick, Dundrum, and [33 & 34 VICT.]
Newcastle Railway (Lease) Act, 1870.*

A.D. 1870. 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 be cited for any purpose as "The Downpatrick,
Dundrum, and Newcastle Railway (Lease) Act, 1870."

Leasing
powers to
Newcastle
Railway
Company. 2. The Newcastle Railway Company from time to time may lease
their undertaking, railways, lands, property, and effects for such
term and in consideration of such rents or reservations, with such
powers and privileges, and under and subject to such covenants,
conditions, provisions, regulations, and restrictions as the parties
to such lease shall think proper.

Effects
of lease. 3. The lease may comprise the use or exercise by the lessees,
their directors, officers, agents, and servants, of all or any of the
powers, privileges, rights, or authorities granted to or which at the
time of making of such lease might be used or exercised by the
lessors, their directors, officers, agents, or servants, whether with
reference to their own undertaking or the undertaking of any other
Company, but subject to the same restrictions, obligations, and
regulations as those to which the lessors, their directors, officers,
agents, and servants respectively, would be liable in the exercise of
such powers, privileges, and authorities if such lease were not made,
and all contracts and agreements entered into by the Newcastle
Railway Company with any other company or person with respect
to the working and use of the Newcastle Railway shall be as binding
and obligatory on the lessee as if the name of the lessee had been
inserted in such contract or agreement and he had been party
thereto instead of the Newcastle Railway Company.

Application
of rents from
lease. 4. The Newcastle Railway Company shall stand possessed of the
rents or reservations coming to their hands from any lease made
under this Act, upon trust to pay and apply the same in like manner
as the income arising from their undertaking would be applicable
if they were in possession thereof.

Clauses as to
leases in
8 & 9 Vict.
c. 20. incor-
porated. 5. Sections 112 and 113 of "The Railways Clauses Consolidation
Act, 1845," with respect to leasing the railway shall be incorporated
with and form part of this Act.

For recovery
of rents. 6. A receipt in writing under the hands of any two of the direc-
tors for the time being, or under the common seal of the Newcastle
Railway Company, for any moneys payable to that Company in
respect of any such lease, shall be an effectual discharge to the
lessee for the money therein expressed to be received and from all
liabilities, claims, and demands in respect thereof.

7. No such lease shall be of any effect unless previously to the making thereof the same shall have been sanctioned by three fourths at least of the votes of the shareholders of the Newcastle Railway Company present, either personally or by proxy, at an extraordinary meeting of the said Company convened with notice that such lease will be submitted for the sanction of such meeting, and the seal of the Company affixed to any such lease shall, as between the parties thereto, be conclusive, and as between both or either of them and any other person be *prima facie* evidence that the required sanction of the shareholders of the Company has been duly given.

A.D. 1870.

Receipt to be sufficient discharge.

8. It shall be lawful for the Belfast and County Down Railway Company, with such sanction of their shareholders as aforesaid, to accept a lease of the Newcastle Railway, and to enter into the necessary covenants for the payment and recovery of rent and for the maintenance and working of the said railway, and the seal of the same Company to any such lease shall be evidence in the same manner and to the same extent as aforesaid that the sanction of the shareholders of the same Company has been given to the lease.

Belfast and County Down Railway Company may accept lease.

9. 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 or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the tolls for small parcels, authorised by this or the said Acts.

Railway not exempt from provisions of present and future general Acts.

10. The expenses, costs, and charges of preparing and passing this Act and incidental thereto shall be paid by the Newcastle Railway Company.

Expenses of Act.

