## CHAPTER ccxiii.

An Act to transfer to the Belfast and County Down Railway Company the Downpatrick Dundrum and Newcastle Railway and for other purposes. [22nd August, 1881.] A.D. 1881.

WHEREAS the undertaking of the Belfast and County Down Railway Company (herein-after referred to as "the Company") consists of a railway between Belfast and Downpatrick with branches therefrom:

And whereas by virtue of powers contained in the Downpatrick Dundrum and Newcastle Railway Act 1868 the Company work the undertaking of the Downpatrick Dundrum and Newcastle Railway Company (in this Act called "the Newcastle Company") which consists of a railway extending from the Company's railway at Downpatrick through Dundrum to Newcastle: 31 & 32 Vict. c. lxviii.

And whereas it is expedient that the undertaking of the Newcastle Company should be transferred to the Company upon the terms and conditions herein-after set forth:

And whereas the total amount which the Newcastle Company are authorised to borrow is twenty thousand pounds and that Company now owe on mortgages sixteen thousand one hundred and ninety-three pounds the particulars of which mortgages are set forth in Part I. of the First Schedule to this Act and there are rentcharges upon the undertaking of the Newcastle Company amounting to one hundred and ninety pounds eight shillings per annum by the creation of which their borrowing powers have been reduced by three thousand eight hundred and seven pounds and particulars of the said rentcharges are set forth in Part II. of the First Schedule to this Act:

And whereas for the purposes of such transfer and for other purposes of their undertaking it is expedient that the Company should be empowered to issue additional capital by shares and borrowing with the powers and subject to the provisions herein-after contained:

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39 & 40 Vict. c. ccvii.

And whereas by the Belfast and County Down Railway Act 1876 the Company are empowered to create and issue A preference stock not exceeding sixty-five thousand pounds and it is provided that the A preference stock or the proceeds thereof shall be applied to the purposes first secondly and thirdly specified in the said Act (which have been fulfilled) and afterwards in the repair and renewal of the Company's railways stations and works and of their rolling stock and engines and otherwise for the purposes of the Company and it was provided that the sum to be applied for those purposes should not exceed fifteen thousand pounds and that the said sum of fifteen thousand pounds preference stock should be redeemable as therein provided:

And whereas the Company have not found it necessary to apply any part of the said A preference stock to the last-mentioned purposes and it is expedient that the amount of A preference stock authorised by the said Act should be reduced accordingly:

And whereas it is expedient that the Company should be enabled to acquire for purposes connected with their undertaking certain land adjoining the Newcastle Railway and should be empowered to provide hotels at Newcastle and Donaghadee subject to the provisions in this Act contained:

And whereas plans of the said lands and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Down and are herein-after respectively referred to as the deposited plans and books of reference:

And whereas the objects 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 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):

Short title.

**1.** This Act may be cited as the Belfast and County Down Railway (Newcastle Transfer) Act 1881.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts are (except where the same are expressly varied or inconsistent with this Act) incorporated with and form part of this Act namely:—

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71.

The Lands Clauses Consolidation Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 as amended by the Railways Acts (Ireland) 1851 1860 and 1864 and the Railways

Traverse Act and Part V. of the Railways Clauses Act 1863 relating to amalgamation.

31 & 32 Vict. c. 70.
26 & 27 Vict. c. 92.

Extending certain provisions of the Companies Clauses Consolidation Act, 1845.
8 & 9 Vict. c. 16.

**3.** Subject to the provisions of this Act all the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

The provision to be made for affording access to the Special Act by all parties interested;

are (except where they are expressly varied by this Act or are inconsistent with anything contained in any existing special Act relating to the Company) incorporated with and form part of this Act and

26 & 27 Vict. c. 118.

Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock as amended by any subsequent Act

shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage and to the proprietors thereof.

Interpretation.

**4.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Newcastle Railway" means the undertaking and railway of that company including all the stations sidings approaches buildings fixed and other plant surplus and other lands property and effects of the Newcastle Company or belonging or appertaining to their undertaking or used for the purposes thereof except any old rails taken up and any new rails not laid down belonging to the

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Newcastle Company and being on the premises of that Company on the 30th day of June 1881.

Deposit of plans with clerks of unions. 8 & 9 Vict. c. 20.

**5.** With reference to this Act all the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions within "which such parishes are included in Ireland" or the words "clerks "of the unions" (as the case may be) had been used and inserted in such sections instead of the expression "the postmasters of the post-"towns in or nearest such parishes in Ireland" or instead of the word "postmasters" (as the case may be).

Transfer of Newcastle Railway.

**6.** When the Company shall have paid to the Newcastle Company the sum of twelve thousand pounds and shall have issued to them debentures for thirty-eight thousand pounds as herein-after provided or from the delivery of the notice and the issue and delivery of the balance of the debentures as in this Act provided (as the case may be) the Newcastle Railway shall be by virtue of this Act transferred to and vested in the Company together with all the estate right and interest of the Newcastle Company therein subject to the rentcharges specified in the First Schedule hereto but freed and discharged from all other debts and pecuniary liabilities of the Newcastle Company. And all the powers and provisions of the Newcastle Company's Acts passed in the years 1866 1868 and 1870 or such of those powers and provisions as remain in force with respect to the maintenance and management of the Newcastle Railway and the taking of tolls rates and charges thereon shall apply to and may be exercised by the Company after such transfer.

Consideration for transfer.

**7.** Within three months after the passing of this Act the Company shall pay to the Newcastle Company the said sum of twelve thousand pounds sterling with interest thereon at the rate of four pounds per centum per annum from the said 30th day of June 1881 until paid.

Debentures to be granted by County Down Company to Newcastle Company.

**8.** When and so soon as all the mortgages of the Newcastle Company amounting as aforesaid to the said sum of sixteen thousand one hundred and ninety-three pounds are paid off and delivered to the Company and the title-deeds maps and muniments of title of the Newcastle Company (as specified in a schedule of the same already agreed on and signed by the solicitors of both companies) are delivered to the Company and all outstanding Lloyd's bonds of the Newcastle Company are also paid off and delivered to the Company the Company shall issue and deliver to the Newcastle Company or as the Newcastle Company may direct debentures of the Company securing the said sum of thirty-eight thousand pounds

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which said debentures are hereby charged upon the undertaking of the Company including the Newcastle Railway and shall as regards the Newcastle Railway by virtue of this Act confer on the holders of such debentures a preferential charge or lien over the whole of the net revenues of the Newcastle Railway next in priority to the rentcharges specified in the second part of the First Schedule to this Act annexed and shall bear interest as follows that is to say (1) at the rate of three pounds per centum per annum for a period of five years from the 30th day of June 1881 (2) at the rate of three pounds ten shillings per centum per annum for a further period of five years from the 30th day of June 1886 and (3) at the rate of four pounds per centum per annum from the 30th day of June 1891 until paid off or redeemed pursuant to the provisions of this Act the said interest to be payable half-yearly on every 30th day of December and 30th day of June and the first payment thereof to be made on the 30th day of December 1881. Provided always that if at the expiration of four months from the passing of this Act any mortgages or Lloyd's bonds of the Newcastle Company shall not be paid off and delivered as aforesaid the Company may thereupon or at any time thereafter serve on the Newcastle Company (by the delivery of the same to the solicitor or secretary of the said Company) a notice in writing to the effect that the Newcastle Railway shall be transferred to and vest in the Company subject to any such mortgages or Lloyd's bonds as may not then have been paid off and delivered and the Company may retain out of the said debentures for thirty-eight thousand pounds an amount equivalent to any such mortgages or Lloyd's bonds not then paid off and delivered together with all interest then due or to accrue due thereon and shall issue and deliver to the Newcastle Company or as the Newcastle Company shall direct the balance only of the said debentures for thirty-eight thousand pounds and after such notice and the issue and delivery of the balance of the said debentures the Newcastle Railway shall be transferred to and vest in the Company but subject to any such mortgages or Lloyd's bonds. Provided always that the Company shall not be entitled to give such notice unless the said sum of twelve thousand pounds with interest thereon as herein-before mentioned shall have been paid by the Company to the Newcastle Company. Provided also that when and so soon as the Newcastle Company shall have paid over and delivered to the Company all or any portion of the remaining mortgages and Lloyd's bonds of that company the Company shall issue and deliver to the Newcastle Company the remainder or a proportionate part of the said balance of the said debentures for thirty-eight thousand pounds.

Transfer may be completed subject to certain charges.

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Transfer to be by deed stamped.

**9.** The transfer and vesting of the Newcastle Railway shall be evidenced by a deed of conveyance in which the consideration shall be fully and truly set forth and such deed shall be duly stamped with the proper ad valorem stamp duty. The Company shall within three months after the execution of such deed produce the same duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of such deed shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Redemption of debentures.

**10.** The Company may pay off and redeem the said debentures or such of them as they shall think proper on the 30th day of December 1881 or on the 30th day of December in any subsequent year on giving (in such latter case) six months notice in writing of their intention so to do to the registered holders of the said debentures and the holders of the said debentures or any of them may require payment of the said debentures on the 30th day of June 1883 or on the 30th day of June in any subsequent year on giving six months notice in writing to the Company (previous to any of the said days) of their intention to require such payment. Provided that if payment shall be made of the said debentures or any of them at any time before the 30th day of June 1891 the Company may deduct from the principal sums expressed therein to be payable a sum equivalent to one per cent. on the nominal value thereof for or in respect of every year then unexpired of the period intervening between the 30th June 1881 and the 30th June 1886 if any and also a sum equivalent to one half per cent. per annum on the nominal value thereof for or in respect of every year then unexpired of the period intervening between the 30th June 1886 and the 30th June 1891 with a proportionate deduction for any fraction of a year according as such fraction may occur in the first or in the second of the said periods of five years respectively and the provisions of this section shall be expressed in or endorsed upon every such debenture.

Application of consideration.

**11.** The Newcastle Company shall when and as received apply the said sum of twelve thousand pounds cash and the said debentures in paying and satisfying all their debts and liabilities save and except the said rentcharges and they shall divide and distribute the balance if any which may remain after such payment and satisfaction amongst the shareholders of the Newcastle Company in proportion to their respective interests in the capital thereof. The Company shall be entitled to all receipts and profits of the Newcastle Railway as from the first day of July 1881.

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Receipt of Newcastle directors a sufficient discharge.

**12.** A receipt or acknowledgment under the hands of any three of the directors of the Newcastle Company for any debentures delivered and money paid to that company shall be a good and sufficient discharge for the same and the Company shall not be bound to see to the application or accountable for the non-application of the said debentures or money or any part thereof.

Advertisement of winding up.

**13.** Within one month after the passing of this Act the Newcastle Company shall publish notice of their intention to wind up their affairs and distribute the said assets and such notice shall state that all persons having any charge lien or incumbrance affecting the Newcastle Railway or having any claim against the Newcastle Company shall send in particulars thereof in writing addressed to the secretary of that company at their office in Belfast in order that the same may be satisfied or discharged. And such notice shall be advertised by the Newcastle Company once in each of two successive weeks in a newspaper published in each of the following places:—Dublin Belfast and Downpatrick.

Undertaking transferred discharged from claims and liabilities.

**14.** As from the payment of the said sum of cash and the delivery of the said debentures by the Company in accordance with the provisions of this Act the Company shall not nor shall their undertaking or the Newcastle Railway except as regards the said rentcharges and the lien in favour of the holders of the said debentures to the amount of thirty-eight thousand pounds be or continue in any way subject or liable to any claims or demands whatsoever on the part of any of the creditors of the Newcastle Company or of any of the shareholders of the Newcastle Company or of any other person or persons in respect of any debts or liabilities of the Newcastle Company or of any shares in that company.

Advertisement of distribution.

**15.** In order to such distribution of the said assets of the Newcastle Company the directors of that company shall as soon as may be after the discharge of the said debts and liabilities give notice that they will on and after a day to be fixed in the notice make such distribution and the said notice shall be advertised once in the London and Dublin Gazettes and a circular letter shall be sent to the shareholders of that company according to their addresses as they appear on the register of shareholders and the said notices and circulars shall specify the places and times at which such distribution will be made.

Payment into court.

**16.** Provided that if the directors of the Newcastle Company are for twelve calendar months after the insertion of the said advertisements unable to ascertain the person to whom any part of the said moneys ought to be paid and who can give an effectual receipt for

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the same the directors of the Newcastle Company may at any time thereafter pay the same into the Chancery Division of the High Court of Justice in Ireland under any Act from time to time in force for the relief of trustees.

Conversion of assets into money.

**17.** The directors of the Newcastle Company may if they think fit sell and convert into money the said sum of thirty-eight thousand pounds debentures or any part thereof and the money arising from such sale and conversion shall be applied as assets of the Newcastle Company in accordance with the provisions herein-before contained.

Dissolution of Newcastle Company.

**18.** From and after the transfer of the Newcastle Railway the Newcastle Company shall be dissolved excepting for the purpose of regulating their internal affairs and winding up the same and of applying the said purchase money in accordance with the provisions of this Act.

Debenture holders may appoint receiver.

**19.** Any one or more of the holders of the debentures issued by the Company for the purpose of the Newcastle transfer under this Act holding not less than five thousand pounds of such debentures may enforce payment of arrears of interest or principal or principal and interest due on their debentures by the appointment of a receiver.

Agreement with William Nevin Wallace.

**20.** Whereas the accommodation and other works specified in the third article of the agreement dated 27th December 1867 a copy of which is set forth in the Second Schedule to this Act have not been completed by the Newcastle Company except so far as relates to the level crossing described in the said agreement as "No. 23 " in the said plans at the back of Mr. Butler's cattle houses." Therefore notwithstanding anything in this Act William Nevin Wallace in the said agreement mentioned shall be at liberty from time to time to construct and make all the accommodation and other works mentioned in the said agreement not already constructed or made or such part or parts thereof as he may consider requisite at his own expense under the superintendence of the engineer of the Company for the time being and any difference which may arise between the engineer of the said William Nevin Wallace and the engineer of the Company shall be referred to and settled by an engineer to be agreed upon by both engineers or failing agreement by an engineer to be named by the Board of Trade and the Company shall on being required by the said William Nevin Wallace exercise and put in force all or any powers which at the time of such request they may possess to enable the said William Nevin Wallace to construct and make the said accommodation and other works and the Company at their own expense shall maintain in a proper state and condition to the reasonable satisfaction of the said William Nevin Wallace all the accommodation and other works in the said agreement mentioned which are now made or which may be made in pursuance of the power and authority hereby conferred upon the said William Nevin Wallace.

Power to purchase additional land.

**21.** Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take for the purposes of their undertaking certain lands in the townland of Ardilea and parish of Loughinisland adjoining the railway of the Newcastle Company on the west side thereof.

Provision as to hotels and refreshment rooms.

**22.** The Company may in pursuance of any resolution passed at any special meeting of the Company or at any ordinary meeting convened with notice of the matter erect and provide hotels at or near the stations on their railway at Donaghadee and the Newcastle Railway at Newcastle respectively and may provide refreshment rooms at any stations on their railway or the Newcastle Railway and acquire lands for any of those purposes and may furnish stock hold and manage or let such hotels and refreshment rooms or any of them and may apply for those purposes any of their capital or funds. Provided that the Company shall not erect any hotel at Newcastle without the consent of the Right Honourable the Earl of Annesley or his sequels in estate.

Power to apply corporate funds to purposes of Act.

**23.** The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to raise additional capital.

**24.** The Company from time to time may for the purposes of this Act and for the general purposes of their undertaking raise by the creation and issue of shares or stock such sums of money as they shall think necessary not exceeding seventy-five thousand pounds exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament and the Company may create and issue such shares or stock either wholly or partly as ordinary or wholly or partly as preferential shares or stock as they may think fit but subject to the preferential charge or lien over the Newcastle Railway in favour of the debentures of thirty-eight thousand pounds to be issued under this Act to the Newcastle Company.

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Shares or stock not to be issued until one fifth part thereof shall have been paid up.

**25.** The Company shall not issue any share or stock created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Reducing preference stock under Act of 1876.

**26.** The amount of A preference stock which the Company may create and issue under the Belfast and County Down Railway Act 1876 shall not exceed fifty thousand pounds instead of sixty-five thousand pounds as by the said Act provided.

Company to create debentures as required for purposes of transfer.

**27.** For the purpose of the transfer of the Newcastle Railway the Company shall create and issue debentures as and when required in accordance with the preceding provisions of this Act not exceeding in the whole the amount of thirty-eight thousand pounds which shall rank as regards the undertaking of the Company other than the Newcastle Railway in priority to any other mortgages or debentures to be created or issued under this Act and as regards the Newcastle Railway as a first charge upon the net revenues thereof subject only to the rentcharges specified in the second part of the schedule to this Act.

Power to borrow on mortgage.

**28.** The Company may from time to time borrow on mortgage additional sums not exceeding in the whole twenty-five thousand pounds in respect of the additional capital of seventy-five thousand pounds by this Act authorised to be raised Provided that in respect of every twenty-five thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole eight thousand three hundred pounds. But no part of any of the before-mentioned sums of eight thousand three hundred pounds shall be borrowed until shares for so much of the portion of the additional capital in respect of which the borrowing powers are exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully

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paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Former mortgages and bonds to have priority.

**29.** The mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and bonds but subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages or debentures granted by virtue of this Act. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company or of the said debentures for thirty-eight thousand pounds as fixed by this Act.

Debenture stock.

**30.** The Company subject to the aforesaid preferential charge or lien over the Newcastle Railway may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal money secured by such mortgages.

Application of moneys.

**31.** All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company.

Receipt clause in case of persons not sui juris.

**32.** If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Interest not to be paid on calls paid up.

**33.** The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by

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him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

**34.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general railway Acts.

**35.** Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or 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 or of the rates for small parcels.

Costs of Act.

**36.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and in relation to the conveyance herein-before mentioned both of the Company and the Newcastle Company shall be paid by the Company.

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## FIRST SCHEDULE.

### PART I.

Debentures of the Newcastle Company.

| Date. | Amount. £ | s. | d. | Name of Holder. |
|---|---|---|---|---|
| 15th Dec. 1871 - | 400 | 0 | 0 | Wm. R. Stephens. |
| 1st Dec. 1872 - | 134 | 5 | 2 | James Combe and James Barbour. |
| 1st Dec. 1872 - | 399 | 6 | 0 | John M. Sinclair. |
| 1st Dec. 1877 - | 13,081 | 6 | 0 | James T. Bristow and Wm. Valentine. |
| 1st Dec. 1872 - | 129 | 17 | 6 | V. and D. Coates. |
| 1st Dec. 1872 - | 153 | 15 | 6 | Charles Murland. |
| 3rd July 1877 - | 1,086 | 5 | 0 | Wm. Valentine. |
| 15th Dec. 1878 - | 404 | 2 | 5 | Geo. A. Stephens. |
| 15th Dec. 1878 - | 404 | 2 | 5 | John Bailey. |

### PART II.

Rentcharges of the Newcastle Company.

| Amount. £ | s. | d. | | To whom payable. |
|---|---|---|---|---|
| 78 | 3 | 0 | per annum - - - | Lord Downshire. |
| 18 | 7 | 6 | „ - - - | D. A. Ker. |
| 31 | 12 | 6 | „ - - - | John Mulholland. |
| 6 | 14 | 0 | „ - - - | R. P. Maxwell. |
| 35 | 0 | 0 | „ - - - | W. Keown Boyd. |
| 10 | 0 | 0 | „ - - - | Earl Annesley. |
| 10 | 11 | 0 | „ - - - | Colonel Forde. |
| £190 | 8 | 0 | | |

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## SECOND SCHEDULE.

Memorandum of Agreement made this 27th day of December 1867 between William Nevin Wallace of Downpatrick on behalf of himself and the other parties interested in Ballydugan mills and farm (herein-after called the Vendors) of the one part and the Downpatrick Dundrum and Newcastle Railway Company (herein-after called the Company) of the other part. Whereas the Company require certain lands in the townland of Ballydugan for the purposes of their undertaking comprising 1 acre 1 rood 9 perches Nos. 14 15 18 16 as described in certain maps and plans prepared by the engineer of the Company and now in the hands of the said Wallace one of the Vendors whose share therein amounts to seven eighths the other party being entitled to one eighth. And whereas in addition to the arable lands required by the Company there is also required certain portion of the Ballydugan Lake and the ground and soil thereof being attached to the said Ballydugan mills and also the property of the said Vendors containing 1 acre 0 rood 8 perches and numbered on the said plans Nos. 28 28 28 in the townland of Holymount. And whereas the Company are desirous to enter into immediate possession of all the said lands and the Vendors have agreed to the Company taking such possession and proceeding with their works upon the following terms to which the Company hereby agree and binds itself under its Common Seal.

*First.* That the Company shall satisfy and pay into the hands of the said Wallace full compensation to the tenant in possession of said lands of Ballydugan Charles Johnston Esquire for all loss and injury he may sustain by reason of the making of the said railway through the lands now in his occupation and the disturbance of his possession said sum to be ascertained by a party to be nominated by Mr. Wallace on the one hand and another by the Company with power to both to appoint an umpire said payment to be made within a month from the present date.

*Second.* That Mr. Wallace agrees subject to his partner agreeing to take an annuity under the Lands Clauses Amendment Act 1860 for land and compensation for damages but if his partner be not agreeable the entire of the compensation to be paid in cash the amount of said annuity to be determined pursuant to said Act of Parliament in the event of the Vendors not being satisfied with Mr. Brassington's valuation and in the event of an annuity not being taken the compensation for land and damages to be ascertained as usual under the railway Acts in force for Ireland.

*Third.* It is now expressly agreed between the Company and the Vendors that no matter whether an agreement be come to or not respecting the compensation to be paid either by annuity or otherwise the following shall be the accommodation works for the Vendors as regards the lands of Ballydugan viz. :—A level crossing over the railway immediately where it enters the Vendors lands after crossing the stream between the lands of William Keown Esquire and those of the Vendors. A.D. 1881.

A bridge of sufficient width for carts and horses properly and sufficiently protected on both sides at any point between pegs Nos. 93 and 94 as shown upon said maps as Mr. Wallace may select.

Another level crossing over the railway in field marked No. 18 where the line leaves the land of the Vendors.

The Vendors to have a crossing secured to them over the roadway and railway marked No. 23 on the said plans at the back of Mr. Butler's cattle-houses as they now have it.

The fences along the entire of the railway through Ballydugan to be made sufficient to effectually protect sheep and cattle.

The culvert for the stream or mill-race marked No. 12 between Mr. Keown's land and the Vendors to give as free and sufficient passage to the water as now exists.

That as to the soil taken from Ballydugan Lake and the interference with the water of the said lake the question of compensation and damage is to be dealt with as herein-before provided in respect of the lands of Ballydugan and free access round the margin of the lake as it now exists must be secured in a proper and reasonable manner to the Vendors and right of access over the embankments or other works constructed on the soil of the said lake by the Company is to be secured to the Vendors.

That the Company are if required to carry out their plans of enlarging the lake by taking off the quantity marked as No. 28 in Holymount 1 rood and 7 perches and to preserve access to that portion of the lake any severances taken by the Company from Mr. Butler are to be given to the Vendors at same rate per acre as the land adjoining may be taken from Mr. Butler at.

In witness whereof the said William Nevin Wallace on behalf of himself and his partner has hereunto written his name and the corporate seal of the Company is hereunto attached the day and year first herein written.

Present when signed by the said William N. Wallace
SILAS EVANS
15 Waring Street
Belfast.
} WM. N. WALLACE.

Present when corporate seal of the Company attached.

M. R. ANKETELL.

Downpatrick, Dundrum and Newcastle Railway Company's Seal.

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