



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xviii.

An Act to enable the *Belfast and County Down*
Railway Company to extend their Railway in the
County of *Down*. [25th May 1855.]

WHEREAS by "The *Belfast and County Down* Railway 9 & 10 Vict.
Act, 1846," a Company was incorporated by the Name of c. lxxxvii.
"The *Belfast and County Down* Railway Company," for
the Purpose of making a Railway from *Belfast* to *Downpatrick*, with
Branches to the Towns of *Holywood*, *Newtownards*, *Bangor*, and
Donaghadee, all in the County of *Down*: And whereas the said
Company have completed so much of their Main Line of Railway as
extends between *Belfast* and *Comber*, and also the Branches to
Holywood and *Newtownards*, all which are now open to the Public,
but the Portion of the intended Main Line of Railway between
Comber and *Downpatrick* and the Branches to *Bangor* and
Donaghadee have not been made, and the Powers of the said
Company with respect to the Purchase of the Land requisite for the
same and for the Execution of such Works have expired: And
whereas it is expedient that the Company should be authorized to
continue their Main Line of Railway from *Comber* to *Downpatrick*,
and also to construct Railways to *Donaghadee*, to *Bangor*, and to
Ballynahinch, and they are willing at their own Expense to make
[Local.] 3 E the

The Belfast and County Down Railway Act, 1855.

the said Railways according to the Plans and Sections herein-after next mentioned: And whereas Plans and Sections of the proposed Railways and Works showing the Lines and Levels thereof respectively, and also Books of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through which the same were intended to pass, were in the Month of *November* last deposited with the Clerk of the Peace for the County of *Down*: And whereas the estimated Expense of the said Railways and Works is Two hundred and twenty thousand Pounds: And whereas by the recited Act the Company were authorized to raise a Capital of Five hundred thousand Pounds, divided into Ten thousand Shares of Fifty Pounds each, and they have in fact issued Seven thousand eight hundred and fifty Shares, whereof Two thousand nine hundred and ninety-six (on which Twenty thousand Pounds had been paid) have been forfeited for Nonpayment of Calls; and they have expended on their Undertaking a Sum exceeding Two hundred and sixty-six thousand Pounds: And whereas the Company were also authorized by the said Act to borrow on Mortgage the Sum of One hundred and sixty-six thousand six hundred and sixty-six Pounds, but they have not exercised that Power or borrowed any Money on Mortgage or Bond or otherwise, nor are there any Shares in the Capital of the Company entitled to any guaranteed Interest or to any Preference or Priority of Dividend or other special Privilege: And whereas it is expedient that the Arrangements herein-after contained should be made with respect to the existing Capital of the Company, and that for the Purpose of the Works hereby authorized the Company should be enabled to issue new Shares instead of the Shares heretofore unissued by them or so forfeited as aforesaid on the Terms and Conditions herein-after mentioned: And whereas it is convenient that the before-mentioned Act should be repealed, and that the Provisions herein-after contained should be enacted in the Stead thereof: But inasmuch as these Purposes 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,

Repeal of
recited Act
repealed, but
not to affect
Purchases,
&c.

I. The "*Belfast and County Down Railway Act, 1846*," is hereby repealed, and the Company thereby incorporated is dissolved: Provided always, that the repealing of the said Act shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Security, Act, Matter, Agreement, Proceeding, or Thing whatsoever, heretofore made, done, committed, pending, or executed under or by virtue or in pursuance of the said repealed Act,

The Belfast and County Down Railway Act, 1855.

Act, but all such Purchases, Sales, Conveyances, Grants, Contracts, Securities, Acts, Matters, Agreements, and Things shall be and the same are hereby declared to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said Act had not been repealed.

II. From and immediately after the passing of this Act the several Persons who at that Time were Shareholders in the *Belfast and County Down* Railway Company, and all other Persons who have already subscribed or shall in pursuance of the Provisions of this Act hereafter subscribe to the Undertaking, and the Executors, Administrators, and Assigns of the said Persons respectively, shall be and they are hereby united into One Company and Body Corporate by the Name of "*The Belfast and County Down* Railway Company," for the Purpose of maintaining and working the Railways and Works herein-before described between *Belfast* and *Comber*, with the Branches to *Holywood* and *Newtownards*, and for the Purpose of making, maintaining, and working the Railways and Works hereinafter authorized to be constructed; and by that Name the said Company shall have perpetual Succession, and may purchase and hold, and may sell and convey, Lands for the Purposes of this Act, and within the Restrictions herein contained.

Incorporation of new Company.

Style of Company.

III. From and immediately after the passing of this Act all Lands, Railways, Buildings, Works, Machinery, Apparatus, Plant, Chattels, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and all other Personal Estate and Effects of or to which the dissolved Company was at the Time of the passing of this Act, or immediately previously thereto, seised, possessed, or entitled at Law or in Equity, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit; and all Persons and Corporations who at the Time of the passing of this Act, or immediately previously thereto, shall owe any Sum of Money to the said dissolved Company, or to any Person on its Behalf, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the Company hereby incorporated; and all Monies which at the Time of the passing of this Act, or immediately previously thereto, shall be due and owing by or recoverable from the said dissolved Company, or for the Payment of which the same Company was or but for the passing of this Act would have been liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by or be recoverable from the Company hereby incorporated; and the Company hereby incorporated shall be subject to all Liabilities, Obligations, Contracts, Claims, Demands, and Penalties to which the dissolved Company was or might have been at the Time of the passing of this Act, or immediately previously thereto, or at any Time thereafter, subject, in like

Effects, &c. of dissolved Company vested in the new Company.

The Belfast and County Down Railway Act, 1855.

like Manner as the dissolved Company would have been subject to the same if this Act had not been passed.

Contracts
and Agree-
ments to
remain in
force.

IV. All Conveyances, Bonds, Contracts, Agreements, Covenants, and Securities, Rights, Powers, and Liabilities, existing or made or entered into or pending upon or before the passing of this Act, to, with, or in favour of, or by or for the dissolved Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of or against and with reference to the Company hereby incorporated as they were in favour of or against and with reference to the dissolved Company.

Contracts to
be completed.

V. In all Cases in which the dissolved Company shall have upon or previously to the passing of this Act entered into any Contract or Agreement for the Purchase or Sale of or in relation to any Lands or Works, Powers, Rights, or Privileges, which, upon or before the passing of this Act, shall not have been effectually conveyed or transferred to or by the same Company, or the Purchase Money in respect whereof shall not have been duly paid, then and in every such Case such Contract or Agreement, provided the same shall be valid and subsisting on the said Day, shall be completed by or in favour of, and such Lands, Works, Powers, Rights, and Privileges shall be conveyed and transferred to or by the Company hereby incorporated, as the Case may require; and all the Clauses and Provisions of the Act under which such Contract or Agreement may have been entered into, or such Lands or Works, Powers, Rights, or Privileges, purchased, sold, or taken with reference to such Contract, Agreement, Sale, or Purchase, or with reference to the Payment and Application of the Purchase Money, shall be read and construed as though the Company hereby incorporated had been named or referred to therein in lieu of the dissolved Company.

Rights and
Penalties
saved and
Evidence
continued.

VI. All Rights and Remedies which upon the Day of the passing of this Act shall be vested in any Person under the said Act hereby repealed shall continue, and the same shall be enforced against the Company hereby incorporated; and all Penalties and Forfeitures to which any Person on the said Day shall be liable under the said Act hereby repealed shall continue, and the same shall be enforced as if the said Act had not been repealed; and all Matters by the said Act made Evidence of any other Matter or Thing shall continue Evidence of such Matter or Thing, as if the said Act had not been repealed.

Suits that
might have
been brought
by or against

VII. Except where otherwise provided by this Act, the Company hereby incorporated shall be and remain responsible and liable at Law and Equity for all Acts, Matters, or Things done or omitted to be

The Belfast and County Down Railway Act, 1855.

be done by the Company hereby dissolved, or otherwise howsoever, in the same Manner and to the same Extent as the Company hereby dissolved would have been liable in respect of the same; and all Suits, Actions, and Proceedings which in any Court, or before any Magistrate, but for the passing of this Act might have been brought in the Name of the said dissolved Company, may be brought or prosecuted in the Name of the Company hereby incorporated; and all Suits, Actions, and Proceedings in any Court or before any Magistrate, which but for the passing of this Act might have been brought or prosecuted against the said dissolved Company, may be brought or prosecuted against the Company hereby incorporated, and the like Judgment and Remedy may be had and obtained for or against the Company hereby incorporated that might have been had and obtained for or against the dissolved Company if this Act had not been passed.

dissolved
Company
may be
brought by
or against
the Company.

VIII. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on by or against the dissolved Company previously to the Day of the passing of this Act, or which but for the passing of this Act might have been so commenced, shall abate or be discontinued or be prejudicially affected by this Act, but the same may be commenced, and shall continue and take effect, both in favour of and against the Company hereby incorporated, in the same Manner in all respects as if the said Action and Prosecution or Proceeding had originally been commenced by or against the Company hereby incorporated.

Actions, &c.
not to abate.

IX. All Officers and Persons appointed under the recited Act shall hold their respective Offices and Employments according to the Terms of their Appointments, until Appointments of other Officers and Persons shall be made under this Act, or until they shall be removed by the Directors of the Company hereby incorporated; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act.

Officers
under re-
cited Act to
continue
until re-
moved.

X. All Officers or Persons who, upon or after the Day of the passing of this Act, shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects, under or by virtue of any of the Provisions of the recited Act, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner and subject to the same Process, Pains, and Penalties for Refusal or Neglect as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents,

Officers
under recited
Act to ac-
count.

[Local.]

3 F

Documents,

The Belfast and County Down Railway Act, 1855.

Documents, Papers, Writings, or other Effects under the Provisions of this Act; and all Bonds, Guarantees, or Suretyships by any Person or Persons for the faithful Execution by any such Officer or Person of his Office or Employment already made and executed to the said dissolved Company, shall still continue and remain in force to the Company hereby incorporated, and be recoverable upon by such last-mentioned Company as if actually made thereto.

8 & 9 Vict.
cc.16.18.&20.
incorporated.

XI. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," excepting where the same are modified or altered by "The Railways Act (*Ireland*), 1851," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall, so far as the same are not expressly varied by this Act, be incorporated with this Act.

Short Title.

XII. In citing this Act it shall be sufficient to use the Expression "*The Belfast and County Down Railway Act, 1855.*"

As to Direc-
tors of the
Company.

XIII. The Number of Directors of the Company shall be Eight, and it shall be lawful for the Company from Time to Time to vary the said Number, provided the same do not exceed Twelve and be not less than Eight: Provided always, that the Persons who, at the Time of the passing of this Act, were the Directors of the dissolved Company shall be the First Directors of the Company hereby incorporated.

Newspapers
for Adver-
tisements.

XIV. The Newspapers in which the Advertisements relating to the Affairs of the Company are to be inserted shall be One Newspaper published or circulated in the City of *Dublin* and One Newspaper published or circulated in the Counties of *Down* and *Antrim* respectively.

Power to
issue new
Shares.

XV. The Capital of the Company shall be Five hundred thousand Pounds, and it shall be lawful for the Company to create and issue new Shares, and also to issue Shares in the Stead of those so forfeited as aforesaid, but so that the whole nominal Amount of the Capital of the Company in Shares shall not exceed Five hundred thousand Pounds; and the Shares so to be created and issued shall be entitled to a fixed annual Dividend at the Rate of Five *per Centum per Annum* upon the Sums for the Time being paid up thereon, provided there be no Arrear of Calls upon such Shares, such Dividend being from Time to Time paid in preference to the Payment of Dividends on the existing Shares of the Company.

New Shares
to be con-
sidered as

XVI. The Shares so to be issued and created shall be of such Amount as will conveniently allow the same to be apportioned among the Shareholders

The Belfast and County Down Railway Act, 1855.

Shareholders of the Company, and shall be considered as Part of the original Shares.
general Capital of the Company.

XVII. The Shares so to be created or issued shall in the first instance be offered to the Persons who have already subscribed for the same and paid the Deposit thereon, and any Shares not so disposed of shall be offered to the existing Shareholders of the Company, other than those who have so subscribed, in proportion to the Number of Shares held by such existing Shareholders; and such Offer shall be made by Letter under the Hand of the Secretary, given to each such Shareholder, or sent by Post, addressed to him according to his Address in the Shareholders Address Book, or left at his usual Place of Abode; and if any such Shareholder fail for One Month after such Offer to accept the said Shares, and to pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of the same Shares in the Manner they shall deem most advantageous for the Company.

How Shares to be issued.

XVIII. Five Pounds shall be the greatest Amount of any One Call which shall be made in respect of any such new Share, and Three Months at the least shall be the Interval between successive Calls, and not more than One Half of the Amount of any Share shall be called in any One Year.

Limiting Calls.

XIX. 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 entitle them to if they had been possessed of original Shares in the Company.

As to Votes of Proprietors of new Shares.

XX. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and sixty-six thousand six hundred and sixty-six Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Five hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

XXI. All and every Part of the Monies 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 and the recited Act.

Application of Monies raised under this Act.

XXII. It shall be lawful for the Company, subject to the Provisions and Powers in this Act and the Acts incorporated herewith contained, to make and maintain the following Railways, with all proper Stations, Approaches, and Works connected therewith, in the Line,

Power to make and maintain Railways herein named.

The Belfast and County Down Railway Act, 1855.

Line, upon the Lands, and according to the Levels shown upon the Plans and Sections deposited as aforesaid; that is to say,

1. A Railway commencing by a Junction with the *Belfast and County Down* Railway at the Bridge over the public Road near to and at the South Side of the Station of the said Railway, in or near the Town of *Comber* in the Townland of *Townparks* in the Parish of *Comber*, and terminating in a Field now or lately in the Occupation of *Thomas Morrison*, adjoining the *Fair Green*, in the Townland of *Demesne of Down* in the Borough of *Downpatrick* and Parish of *Down*;
2. Also a Railway commencing by a Junction with the *Newtownards* Branch of the *Belfast and County Down* Railway at the Bridge carrying the said Branch Railway over the old Road from *Belfast* to *Newtownards*, in the Townland of *Ballycullen* in the Parish of *Newtownards*, and terminating at or near the Newel of the Parapet of the Pier, and contiguous to the Board of Works or Government Store Yard in the Town of *Donaghadee* in the Townland of *Townparks of Donaghadee*;
3. Also a Railway commencing by a Junction with the intended Railway last described in or near a Field now or lately in the Occupation of *Patrick Quinn*, adjoining the Road from *Conlig* to *Ballygrainey*, and terminating on the Quay contiguous to the Hotel in the Townland of *Corporation* and in the Town of *Bangor*;
4. Also a Railway commencing by a Junction with the intended Railway herein-before first described, in or near a Field in the Townland of *Leggygowan* now or lately in the Occupation of *Alexander Dunlop*, and terminating in a Field adjoining the *Fair Green* in the Townland of *Ballynahinch* now or lately in the Occupation of *Samuel Davis*;

All which Places are in the County of *Down*.

As to Works
at Donagha-
dee and
Bangor.

XXIII. The Terminations of the Railways at *Donaghadee* and *Bangor* respectively shall in nowise interfere with the Quays or Approaches thereto, or any of them, at those Places, 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 in accordance with the Terms of such Consent.

As to Deposit
of Plans with
Clerks of
Unions.

XXIV. Whereas by the "Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to, should be deposited with the Postmasters of the
Post

The Belfast and County Down Railway Act, 1855.

Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate; and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with Clerks of the Poor Law Unions instead of such Postmasters: Therefore, with reference to this Act, in all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmaster," shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

XXV. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railways by this Act authorized to be made, to carry the same across and on the Level of the several public Roads or Highways numbered on the Plans deposited as herein-before mentioned; (that is to say,)

Power to cross Highways on a Level.

No. on Plan.	Parish.	Townland.
25	Comber - - - - -	Comber.
4	Killinchy - - - - -	Ballygowan.
31	Saintfield - - - - -	Glasdrumman.
55	Donaghadee - - - - -	Townparks of Donaghadee.
100	Bangor - - - - -	Corporation.

Provided always, that it shall not be lawful for the Company or for any Persons using their Railway to cross the Two last-mentioned Roads with Locomotive Engines.

XXVI. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the several Points where the Railway crosses the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing

Company to erect a Station or Lodge at the Points of crossing, and to abide by Rules, &c.

[Local.]

3 G

The Belfast and County Down Railway Act, 1855.

of Board of
Trade.

crossing respectively 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 said Company shall fail to erect and at all Times to maintain any such Station or Lodge, or 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 every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of
Trade may
require a
Bridge to be
erected in
lieu of level
Crossing.

XXVII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railways by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch in lieu 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 any such level Crossing.

Saving
Rights of
Commission-
ers of Don-
aghadee
Harbour.

1 G. 4. c. 113.

XXVIII. Provided always (anything in this Act or in the Acts referred to or incorporated herewith or any of them contained to the contrary), that it shall not be lawful for the said Company in any Manner to interfere with the Rights, Powers, and Authorities vested in the Commissioners acting in execution of an Act passed in the First Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for granting a certain Sum of Money towards improving the Harbour of Donaghadee in Ireland, and rendering it a more fit Situation for His Majesty's Packets*, nor shall it be lawful for the said Company to carry the said Railway or any Works appertaining thereto along or under the Shores, Roads, or Ways of the said Harbour, or any of the Approaches thereto, over which the Public have now a Right of Way, or over which the said Commissioners have now Control or Jurisdiction, or on or along any Part of the Ground or Hereditaments, Tramways, or other Property theretofore acquired for the Purposes of the said Harbour, or to make any Excavations, Tunnels, Bridges, or other Works in, under, over, or along any Part of the said Shores, Roads, Ways, and Approaches, or in any Manner to interfere with the Works or injuriously affect the Property of the said Commissioners connected with the said Harbour, or with the said Harbour, except and upon such Terms or Conditions, and under such Restrictions, and according to such Plans, Elevations, and Sections

The Belfast and County Down Railway Act, 1855.

Sections as shall be approved of and so signified by the said Commissioners in Writing under their Hands for that Purpose.

XXIX. Previously to commencing the Viaduct across the River *Quoile* or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Viaduct and Works connected therewith for the Approval 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, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Viaduct and the Materials and Plan thereof, and the Headway and Waterway of the same, and such other Works, shall be only in accordance with such Approval.

Before commencing Works, Plan of Works across River Quoile to be deposited with Admiralty.

XXX. It shall not be lawful for the Company to construct the Viaduct across the River *Quoile*, or any Work in, over, under, through, or across any tidal Water or navigable River, 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 in such Position and Direction as far as the Limits of Deviation will permit, 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 Viaduct or 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 Viaduct or Work shall be commenced or completed, or be altered or 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.

Works not to be constructed across River Quoile, &c., or altered without Consent of Admiralty.

XXXI. 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, across, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall

Admiralty may order local Survey at Expense of Company.

The Belfast and County Down Railway Act, 1855.

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.

If Works abandoned, &c. the same may be removed at Expense of Company.

XXXII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, 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 to the Crown, and be recoverable accordingly with Costs of Suit.

Lands for extraordinary Purposes.

XXXIII. It shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Twenty Acres, in addition to the Lands which the Company have already acquired for such Purposes.

Company to purchase Land for a double Line.

XXXIV. The Company shall and they are hereby required, previously to the Completion of the Railways and the opening of the same for public Traffic, to purchase and take such a Quantity of Land as shall be sufficient for the Purpose of laying down a double Line of Rails thereon, and shall plant and construct the Hedges and Fences of the Railways at such Distances from each other as will leave sufficient Width between the same Hedges and Fences for the Purpose of laying down a double Line of Rails, and shall construct the Bridges and Tunnels of such Dimensions as will admit of a double Line of Rails being placed on the said Railways, and being used for the Purposes of the same.

Board of Trade may require a double Line of Rails to be laid down.

XXXV. In case the Railways by this Act authorized to be made shall be constructed with a single Line of Rails only, it shall be lawful for the Board of Trade, at any Time after the Completion and opening of the Railways, to require that another Line of Rails shall be laid down, and to certify the Works necessary and proper to be executed by the Company, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate to be appointed by the Board.

Penalty for not laying down double

XXXVI. If the Company shall fail to lay down another Line of Rails when required so to do by the Board of Trade, and to execute and

The Belfast and County Down Railway Act, 1855.

and complete the necessary Works as aforesaid within the Period appointed for that Purpose in such Certificate, they shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion, and such Penalty may be recovered in any of Her Majesty's Courts of Record.

Line of Rails
when re-
quired.

XXXVII. The Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
compulsory
Purchase of
Lands
limited.

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

Period for
Completion
of Works.

XXXIX. In case the Railways shall not be completed and opened for public Traffic within the Period of Five 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 Railways shall have been completed and opened for public Traffic.

If Railways
not com-
pleted, &c.
within a
limited Pe-
riod, Pay-
ment of
Dividends to
be suspended

XL. It shall be lawful for the Company to demand any Tolls for the Use of the Railways not exceeding the following; that is to say,

Power to
take Tolls.

1. In respect of the Tonnage of all Articles conveyed upon the Railways or Branches, or any Part thereof, as follows:

Tonnage on
Articles of
Merchan-
dise.

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence

[Local.]

3 H

Halfpenny;

The Belfast and County Down Railway Act, 1855.

Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Cotton and other Wools, Drugs (excepting Vitriol), manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, *per Mile* not exceeding Sixpence; and a like Sum of Twopence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage so conveyed may weigh :

Tolls for
Passengers
and Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railways and Branches as follows :

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

For every Horse conveyed in or upon any Carriage belonging to the Company not exceeding Fivepence *per Mile* :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any such Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny :

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny.

Tolls for
propelling
Power.

XLI. The Toll which the Company may demand for the Use of the Engines for propelling Carriages on the Railways and Branches shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Maximum
Rates of
Charges for
Passengers,
Cattle,
Goods, &c.

XLII. Provided always, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways and Branches, including the Tolls for the Use of Railway and of Carriages, and for Locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence Halfpenny *per Mile* :

For

The Belfast and County Down Railway Act, 1855.

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Halfpenny *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum Three Farthings *per Mile* :

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway and Waggon or Trucks and Locomotive Power, and every Expense incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company), shall not exceed the following Sums :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fivepence *per Head per Mile* :

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Twopence *per Head per Mile* :

For every Calf or Pig, One Penny each *per Mile* :

For every Sheep or Lamb or other small Animal, Three Farthings each *per Mile* :

For every Carriage unaccompanied by Passengers, the Sum of Sixpence *per Mile* :

For Manure, and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per Ton per Mile* :

For Coals, and other Articles herein-before classed therewith, the Sum of Twopence *per Ton per Mile* :

For Sugar, and other Articles herein-before classed therewith, the Sum of Threepence *per Ton per Mile* :

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per Ton per Mile*.

XLIII. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the said Railways or Branches, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for Conveyance of Passengers and Goods upon the said Railways and Branches. Restriction as to Charges not to apply to Special Trains.

XLIV. The following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,) Regulations as to Tolls.

For Articles or Persons conveyed on the Railways or Branches for a less Distance than Four Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of stopping, loading, and unloading :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein ; and if there be a Fraction of

The Belfast and County Down Railway Act, 1855.

of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile :

For the Fraction of a Ton the Company may demand Toll according to the Numbers of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Par-
cels and
Articles of
great Weight.

XLV. Provided always, That it shall not be lawful for the Company to demand or receive, for the Carriage of small Parcels or for single Articles of great Weight upon the Railways by the said recited Act and this Act authorized, any larger Sums than the following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence :

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence :

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings :

For any Parcel exceeding Fifty-six and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up as separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Six Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, or Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Six Tons, the Company may demand such Sum as they think fit.

Restraining
Company
from carry-

XLVI. And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the Formation of*

The Belfast and County Down Railway Act, 1855.

of a new Cut or Channel, and for otherwise more effectually improving the Port and Harbour of Belfast, it was amongst other things enacted, that certain Tonnage Dues should be payable by the Master, Owner or Owners, Consignee or Consignees of every Ship or Vessel coming into the said Harbour of *Belfast*, at the Office of the Corporation for preserving and improving the said Port and Harbour of *Belfast*, or to such Person or Persons as the said Corporation should appoint to receive the same; and also, that certain Rates and certain Duties should in like Manner be payable on all Goods, Wares, Merchandise, and Commodities imported or exported in any Ship or Vessel entering and using the said Harbour, which said Duties, Rates, and Dues were by the said Act directed to be applied by the said Corporation for the Maintenance and Improvement of the said Port and Harbour, and for Payment of the Interest on the Monies borrowed or to be borrowed by virtue of the said Act: And whereas it was by the said Act provided, that nothing therein contained should be construed or taken to charge, or make liable to any of the said Charges, Tonnage Dues or Rates, any Vessel shipping or discharging any Goods or Merchandise on any Part of the Shores of *Belfast* or *Carrick Fergus Lough*, between the *Blackhead* in the Island *Magee* and the *Whitehouse*, in the County of *Antrim* Side of the Lough, and between the *Copeland Islands* and the West Point of the *Kinnegar*, on the County *Down* Side thereof, provided such Vessel or Vessels should not discharge or load in certain Places, or make use of certain Moorings or other Matters and Things therein specified: And whereas it was not the Intention of the said last-mentioned Exemption that Goods, Wares, or Merchandise landed on the Portion of the Shore of the said exempted Limits next herein-after described should be carried to the Town and Neighbourhood of *Belfast*, or that Goods, Wares, or Merchandise should be carried from the said Town and Neighbourhood to the said exempted Portion of the Shore for Export, to the Evasion of the Dues payable by Vessels trading to and from the Port of *Belfast*, and of the Rates and Duties on Goods imported and exported therefrom, but such Evasion might take place by reason of the Formation of the said Railway: For Remedy whereof, be it enacted, That it shall not be lawful for the said Railway Company to carry or permit to be carried on or along the said Railway to the Town of *Belfast*, or any Place nearer thereto than One Mile from the Municipal Boundary of the Borough, any Goods, Wares, or Merchandises which shall have been landed on any Part of the Shore of the said Lough between the Port and Harbour of *Bangor* and the West Point of the *Kinnegar* aforesaid, or carry or permit to be carried as aforesaid from the said Town of *Belfast*, or from any Place within the Distance of One Mile from it as aforesaid, any Goods, Wares, or

ing Goods
on Railway
nearer than
One Mile to
the Borough
of Belfast
which have
been landed
on the Shore
of the Lough.
7 W. 4. &
1 Vict.
c. lxxvi.

[Local.]

3 I

Merchandise

The Belfast and County Down Railway Act, 1855.

Merchandise subject on Export from the Port of *Belfast* to the Payment of any Rates or Duties to the said Corporation, for the Purpose of being shipped or embarked at any Part of the said Shore between the said Port and Harbour of *Bangor*, and the West Point of the *Kinnegar* aforesaid; and that the said Railway Company, in the event of their carrying or permitting to be carried on or along the said Railway any Goods, Wares, or Merchandise contrary to the Provisions herein-before contained, shall in each and every such Case forfeit and pay to the said Corporation the Sum of Twenty Pounds, to be recovered by Action of Debt in any of Her Majesty's Courts of Record in *Ireland*: Provided always, that nothing herein contained shall extend to prevent the said Railway Company from carrying on the said Railway, to or from any Point on the said Line, all such Quantities of Coal, Coke, and other Goods or Merchandise, from Time to Time, as shall require to be used and shall be *bonâ fide* used for the Purposes of the Engines or Works of the said Company.

Further Provision as to Passengers Luggage.

XLVII. Every Passenger travelling upon any Railway by this Act or the recited Act authorized may take with him his ordinary Luggage, not exceeding for each First-class Passenger One hundred and twelve Pounds in Weight, for each Second-class Passenger One hundred Pounds in Weight, and for each Third-class Passenger Sixty Pounds in Weight, without any Charge being made for the Carriage thereof.

Interest not to be paid on Calls paid up.

XLVIII. 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 "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

XLIX. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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.

L. Nothing

The Belfast and County Down Railway Act, 1855.

L. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made or the Company from the Provisions of any General Act relating to such Act, or 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 this Act.

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

LI. All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the *Belfast and County Down Railway Company*.

Expenses of Act.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.

