



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. vi.

An Act to enable the *Banbridge, Lisburn, and Belfast* Railway Company to make Deviations in their authorized Railways; and to enable the *Ulster* Railway Company to acquire and hold Shares in the Undertaking of the *Banbridge, Lisburn, and Belfast* Railway Company; and for other Purposes. [3d April 1860.]

WHEREAS by "The *Banbridge, Lisburn, and Belfast* Railway Act, 1858," the *Banbridge, Lisburn, and Belfast* Railway Company (herein called the Company) were incorporated, and authorized to make a Railway from the Town of *Banbridge* to join the *Ulster* Railway at or near *Lisburn*, and also a short Line of Railway at *Banbridge* for the Purpose of effecting a Junction with the Line of the *Banbridge Junction* Railway there: And whereas it is expedient that the Company should be enabled to make the Deviations herein-after described from the Lines of the Railways authorized by the said Act: And whereas it has been agreed between the Company and the *Ulster* Railway Company (herein called the *Ulster* Company) that the *Ulster* Company should subscribe towards and acquire Shares in the Undertaking of the Company to the Extent of Twenty-five thousand Pounds, and
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21 & 22 Vict.
c. xlvi.

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that the Shares in such Undertaking acquired by the *Ulster* Company should be entitled to Interest at the Rate of Four Pounds *per Centum per Annum*, payable in preference to the Interest or Dividend on any other Shares in the Undertaking of the Company; And whereas it has been further agreed between the said Companies that the *Ulster* Company should have the Right of appointing Two Persons to be Directors of the Company; and it is expedient that the said Companies should be enabled to carry the aforesaid Arrangements into effect: And whereas by the recited Act the Company were authorized to create Fifteen thousand Shares of Ten Pounds each: And whereas the Company are not authorized to create and have not created any Preference Shares: And whereas Four thousand Shares and upwards of the Capital of the Company have not been subscribed for or issued; and it is expedient that the Company should be enabled to issue not exceeding One thousand five hundred of those unissued Shares as Preference Shares, in addition to the Shares to be acquired by the *Ulster* Company as aforesaid: 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, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.
cc. 18. &
20., and
14 & 15 Vict.
c. 70., &c.
incorporated.

I. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," and the Act of the Twenty-first and Twenty-second of *Victoria*, Chapter Thirty-four, intituled *An Act to continue the Railways Act (Ireland), 1851*, shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Banbridge, Lisburn, and Belfast and Ulster Railway Act, 1860.*"

Power to
make Devia-
tions as
herein
named.

III. It shall be lawful for the Company to make and maintain the following Lines of Railway in lieu and in substitution for Portions of the Railways authorized to be made by "*The Banbridge, Lisburn, and Belfast Railway Act, 1858*;" that is to say,

1. A Railway in substitution for a Portion of the Railway firstly described in the Twenty-first Section of "*The Banbridge, Lisburn, and Belfast Railway Act, 1858*," commencing in or near the Property numbered on the Plans referred to in the said Act 7 in the Townland of *Ballyvally* in the Parish of *Seapatrick*, and terminating in the Property numbered on the said Plans 9 in the Townland of *Ballymoney* in the said Parish of *Seapatrick*;
2. And a Railway in substitution for the short Siding or Junction Line of Railway secondly described in the Twenty-first Section of "*The Banbridge,*

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Banbridge, Lisburn, and Belfast Railway Act, 1858," commencing in or near the Enclosure numbered on the Plans referred to in the said Act 55 in the Townland of *Edenderry* in the Parish of *Seapattrick*, and terminating by a Junction with the *Banbridge Junction Railway* at or near the Passenger Station of that Railway at *Banbridge*.

IV. Whereas Plans and Sections of the deviated Lines of Railway by this Act authorized, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Down*: Therefore, subject to the several Powers and Provisions herein and in the incorporated Acts contained, it shall be lawful for the Company to construct the said deviated Railways in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such deviated Lines of Railway and the Works connected therewith.

Power to make Railways according to deposited Plans.

V. The Company shall abandon the Formation of so much of the Railway firstly described in the Twenty-first Section of "*The Banbridge, Lisburn, and Belfast Railway Act, 1858,*" as shall be rendered unnecessary in consequence of the Construction of the said first-mentioned deviated Line of Railway; and the Company shall also abandon the Formation of the short Siding or Junction Line of Railway secondly described in the Twenty-first Section of the said Act.

Company to abandon Parts of Line for which Deviations are substituted.

VI. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portions of Railway so authorized to be abandoned as aforesaid the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for the Injury or Damage (if any) sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed, pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "*The Lands Clauses Consolidation Act, 1845,*" for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portions of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned

Compensation to be made where Contracts have been entered into or Notices given.

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occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Deviations
to form Part
of Under-
taking.

VII. The deviated Railways by this Act authorized shall be and be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, (except as regards the Periods for the Purchase of Lands and Completion of the Railways,) Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof, and the Capital of the Company shall be applicable to the Construction thereof, and the Clauses and Provisions of "*The Banbridge, Lisburn, and Belfast Railway Act, 1858,*" shall be read and construed accordingly.

Powers for
compulsory
Purchases
limited.

VIII. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for the
Completion
of Works.

IX. The Railways by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same shall cease.

The Ulster
Company to
acquire
Shares in
Under-
taking
of the Com-
pany.

X. The *Ulster* Company may and shall acquire, take, and hold Shares in the Undertaking of the Company to the Extent of Twenty-five thousand Pounds; and it shall be lawful for the *Ulster* Company to raise for that Purpose such Sums as they shall deem expedient, not exceeding in the whole the Sum of Twenty-five thousand Pounds, or to appropriate and apply to that Purpose any Sums of Money which they are authorized to raise, or which shall have been raised by them under the Provisions of the Acts relating to the *Ulster* Company, or any of them, and which may not be required for the Purposes to which they are by any such Act made specially applicable: Provided always, that it shall not be lawful for the *Ulster* Company to assign or transfer any Shares which they may acquire in the Undertaking of the Company under the Authority of this Act; provided also, that all Sums raised by the *Ulster* Company under the Powers of this Act shall be applied only to the taking and holding and paying Calls upon Shares acquired by that Company in the Undertaking of the Company.

Shares of
Ulster Com-
pany to be
called "First
Four per
Centum
Preference

XI. So soon as the *Ulster* Company shall have subscribed towards the Undertaking of the Company to the Extent of Twenty-five thousand Pounds, they shall be placed on the Register of the Shareholders of the Company as the Holders of Shares to that Extent, and those Shares shall be called "*First Four per Centum Preference Shares,*" and those Shares shall

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shall entitle the *Ulster* Company to a Dividend at the Rate of Four Pounds *per Centum per Annum* on the Amount from Time to Time paid on such Shares, and that annual Dividend shall be payable in preference to the Interest or Dividend on any other Shares or Stock in the Company, whether the same may be ordinary, or Preference, or Guaranteed Shares or Stock: Provided always, that if and whenever the Profits of the Company are sufficient for the Payment of the preferential or guaranteed Dividends on the Preference or Guaranteed Shares of the Company from Time to Time existing, and also for the Payment of a Dividend at a higher Rate than Four Pounds *per Centum* on the whole of the ordinary or unguaranteed Capital of the Company, the *Ulster* Company shall be entitled to participate in such Dividends as shall be declared on such ordinary or unguaranteed Capital at such higher Rate rateably with the ordinary Shareholders of the Company, and in proportion to the Amount paid on such First Four *per Centum* Preference Shares; provided also, that whenever the Dividend paid for the First Half of any Year on the First Four *per Centum* Preference Shares shall be at a Rate exceeding Two Pounds *per Centum* for such Half Year, but the Profits of the whole of the same Year ending on the Thirty-first Day of *December* shall eventually not be sufficient for the Payment of Dividend for the whole Year at a higher Rate than Four Pounds *per Centum* on the whole of the ordinary or unguaranteed Capital of the Company, after Payment of the preferential or guaranteed Dividends on the Preference or Guaranteed Shares of the Company from Time to Time existing, the Amount of Dividend paid on such First Four *per Centum* Shares in excess of Two Pounds *per Centum* for the First Half Year shall be deducted from the Amount of Dividend to which the *Ulster* Company are preferentially entitled for the Second Half of the same Year.

Shares," and to be entitled to a First Preference at the Rate of Four per Cent.

XII. The *Ulster* Company or their Directors may, so soon as the *Ulster* Company have become Subscribers to the Undertaking of the Company, appoint some Person (whether a Proprietor of Shares in that Undertaking or not) to vote on their Behalf at any Meeting of the Company, and may from Time to Time revoke any such Appointment, and appoint another Person in that Behalf, and the Person so for the Time being appointed shall, during his Appointment, have (except as hereinafter mentioned) the same Right of voting at any such Meeting as he would have had if the Shares in the Undertaking for the Time being held by the *Ulster* Company were held by such Person in his own Right: Provided always, that every such Appointment or Revocation shall be in Writing, and under the Seal of the *Ulster* Company, or under the Hand of the Chairman for the Time being of the Directors of that Company; provided also, that the Person appointed by the *Ulster* Company to vote on their Behalf shall not by virtue of such Appointment be entitled to vote upon any Question touching the Election of a Director or Directors of the Company.

Power for *Ulster* Company to appoint Person to vote on their Behalf.

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XIII. So

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Power to
Ulster
Company
to appoint
Directors.

XIII. So soon as the *Ulster* Company have become Subscribers to the Undertaking to the Extent of Twenty-five thousand Pounds, Two of the Directors of the Company shall go out of Office, and the Selection of the Persons so to retire from Office shall be made by Ballot among the then existing Directors, unless those Directors shall otherwise agree; and the Places of the Persons so retiring from Office shall be supplied by Persons to be appointed by the Directors of the *Ulster* Company out of their own Body; and every Director so appointed by those Directors shall continue in Office until he shall die, resign, become incapable of acting, or be removed from Office, as herein-after mentioned, or become disqualified by ceasing to be a Director of the *Ulster* Company; and every Director so appointed shall have the same Powers as the Directors appointed by the Shareholders of the Company; and the Directors of the *Ulster* Company may from Time to Time remove from Office any Director appointed by them, and may appoint another Person out of their own Body in the Stead of any Director who shall be so removed, or who shall die, resign, or become disqualified as aforesaid, or incapable of acting.

A Certifi-
cate of the
Appoint-
ment, &c. of
any such
Director to
be sufficient
Evidence of
such Ap-
pointment,
&c.

XIV. A Certificate in Writing of the Appointment, Removal, Resignation, Incapacity, or Disqualification of any Director of the Company appointed on behalf of the *Ulster* Company, under the Common Seal of that Company, or under the Hand of the Chairman for the Time being of the Directors of that Company, shall, as soon as conveniently may be after the Event therein certified shall have occurred, be deposited at the principal Office of the Company, and shall be sufficient Evidence of the Fact thereby certified: Provided always, that if the Directors of the *Ulster* Company shall at any Time fail or omit to appoint a Director or Directors of the Company, under the Powers in that Behalf herein contained, the Powers of the remaining Directors of the Company shall be in nowise affected by such Failure or Omission.

Certain Pro-
visions of
8 & 9 Vict.
c. 16. not to
apply to any
Director
appointed by
the *Ulster*
Company.

XV. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," incorporated with "The *Banbridge, Lisburn, and Belfast* Railway Act, 1858," with respect to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not apply to any Director of the Company appointed by the *Ulster* Company under the Provisions of this Act; and from and after the First Appointment by the *Ulster* Company of Directors of the Company the Number of Directors appointed by the Shareholders of the Company who shall retire from Office in each Year shall be the Number of such Directors who would have gone out of Office in each Year, under the Provisions of the Eighty-eighth Section of "The Companies Clauses Consolidation Act, 1845," if the whole Number of Directors of the Company had been Seven.

XVI. For

The Banbridge, Lisburn, and Belfast and Ulster Railway Act, 1860.

XVI. For the Purpose of raising the Sums by this Act authorized to be raised by them, the *Ulster* Company, with the Consent of Three Fifths of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting of the *Ulster* Company specially convened for the Purpose, may create and issue new Shares or Stock in their Undertaking, of such Amount, and to be appropriated and disposed of in such Manner, and to such Persons, as shall be determined by such Meeting; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer and Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Consolidation of Shares into Stock, shall be applicable to the raising of such Sums by the *Ulster* Company, and to the Shares and Stock by this Act authorized to be created, and to the Holders or Proprietors of such Shares or Stock: Provided always, that the *Ulster* Company shall not, under the Powers of this Act, create or issue any Preference or Guaranteed Shares.

Power to the *Ulster* Company to create new Shares.

XVII: Subject to the Provisions of this Act with respect to the Dividend payable on the Shares to be acquired by the *Ulster* Company, it shall be lawful for the Company, with the Authority of the Proprietors present, in Person or by Proxy, at a General Meeting of the Company specially convened for the Purpose, and holding at least Three Fourths of so much of the paid-up Capital of the Company as shall be represented at such Meeting, to issue as Preference Shares (in addition to the Shares issued to the *Ulster* Company), with a Right to a preferential Dividend at any Rate not exceeding Five Pounds *per Centum per Annum* attached thereto, any Number not exceeding One thousand five hundred of the Shares which the Company are authorized to create by "The *Banbridge, Lisburn, and Belfast* Railway Act, 1858," but which shall not at the Time of the holding such Meeting have been issued or subscribed for: Provided always, that all and every Part of the Money to be raised under the Powers of this Act shall be applied only to the Purposes of the recited Act and this Act.

Power to the Company to issue 1,500 Shares as Preference Shares.

XVIII. Any Shares created or issued by the Company under the Powers of this Act shall be entitled to the fixed or preferential Dividends assigned to them out of the Profits of each Year; but if in any Year ending on the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of fixed or preferential Dividends for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Shares entitled to fixed or preferential Dividends to be entitled to such Dividends only out of Profits of each Year.

XIX. The

The Banbridge, Lisburn, and Belfast and Ulster Railway Act, 1860.

Interest on
Calls not to
be paid out
of Capital.

XIX. The said Companies shall not, out of any Money by this Act or any other Act relating to the said Companies authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the said Companies may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

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

XX. The said Companies shall not, out of any Money by this Act or by any other Act relating to the said Companies authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may require to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Companies or either of them to construct any other Railway or execute any other Work or Undertaking.

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

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

Expenses of
Act.

XXII. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company and by the *Ulster* Company, as follows; (that is to say,) so much of such Costs, Charges, and Expenses as may be fairly attributable to the Provisions of this Act, which confer Powers on the *Ulster* Company, shall be paid by the Company and the *Ulster* Company in Moieties, and the Remainder of such Costs, Charges, and Expenses shall be paid by the Company; and if any Dispute shall arise between the said Companies as to the Amount which is fairly attributable as aforesaid such Dispute shall be settled by the Taxing Officer of the House of Commons, whose Decision shall be final and binding on both Companies.

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