



CHAPTER ccxxxiii.

An Act to authorise the Belfast Street Tramways Company A.D. 1873.
to construct additional Street Tramways in the counties of
Antrim and Down ; and for other purposes.

[5th August 1873.]

WHEREAS by "The Belfast Street Tramways Act, 1872," (in 35 & 36 Vict.
c. exciii.
this Act called "the Act of 1872,") the Belfast Street Tram-
ways Company (in this Act called "the Company") were incorpo-
rated for the purpose of making and maintaining certain street
tramways :

And whereas the construction of the additional tramways by this
Act authorised would be of public advantage, and it is expedient
that the Company be authorised to construct the same, and to raise
further moneys for that purpose :

And whereas plans and sections, showing the lines and levels of
the works authorised by this Act, and also books of reference, con-
taining the names of the owners and lessees, or reputed owners and
lessees, and of the occupiers of the lands required or which may be
taken for the purposes or under the powers of this Act, were duly
deposited with the respective clerks of the peace for the counties of
Antrim and Down, and are herein-after respectively referred to as
the deposited plans, sections, and books of reference :

And whereas the purposes 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 :

1. This Act may be cited as "The Belfast Street Tramways Act, Short title.
1873."

2. "The Lands Clauses Consolidation Acts, 1845," (except the Provisions
of general
Acts herein
named incor-
porated.
provisions thereof with respect to the purchase and taking of lands
otherwise than by agreement, and with respect to the entry upon

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A.D. 1873. lands by the promoters of the undertaking,) "and 1860," and the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, with respect to the transfer or transmission of shares, with respect to the payment of subscriptions and the means of enforcing the payment of calls, with respect to the forfeiture of shares for nonpayment of calls, with respect to the remedies of creditors of the Company against the shareholders, with respect to the borrowing of money by the Company on mortgage or bond, with respect to the conversion of the borrowed money into capital, with respect to the consolidation of the shares into stock, with respect to the making of dividends, and with respect to the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression the corporation shall mean the mayor, aldermen, and burgesses of the borough of Belfast; the expression "the tramway" or "the tramways" shall mean the tramways hereby authorised or any part thereof; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute; and the word "contingencies" in "The Companies Clauses Consolidation Act, 1845," (section 122) shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company; and, subject to the provisions of this Act, this Act shall be read and construed as one Act with the Act of 1872, and be executed accordingly: Provided always, that where in section 97 of the Act of 1872 the expression "the Board of Trade" is used, that section shall be read and have effect as if the expression "the Commissioners" had been used instead of the expression "the Board of Trade."

Power to
make tram-
ways accord-

4. Subject to the provisions of this Act, the Company may form, lay down, work, use, and maintain the tramways herein-after

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described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are,—

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ing to de-
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plans.

A tramway (No. 1c) seven furlongs seven chains and two yards in length, consisting of a single line throughout, except at five passing-places, at which it will consist of a double line, commencing in the townland of Townparks in the parish of Shankill, otherwise Shankill, otherwise Belfast, in the county of Antrim, by a junction with the tramway (No. 1) authorised by the Act of 1872, in Victoria Street, at a point about one chain north of Ann Street, passing thence into and along Ann Street, over Queen's Bridge, and into and along Bridge End, Edwards Buildings, and Mount Pottinger Road, and into Albert Bridge Road, and terminating in the townland of Ballymacarrett in the parish of Knockbreda in the county of Down, at a point in Albert Bridge Road aforesaid about two chains east of its junction with Mount Pottinger Road :

A tramway (No. 3A) one mile two furlongs and seven chains in length, consisting of a single line throughout, except at six passing-places, at which it will consist of a double line, partly situate in the townland of Townparks aforesaid, and partly in the townland of Skegoncill in the parish of Shankill aforesaid, commencing by a junction with the double line of rails of tramway No. 3 authorised by the Act of 1872 in Carlisle Circus, at or near the south-east corner thereof, passing thence by a curved line in a north-westerly and afterwards in a northerly direction across that circus and into and along Antrim Road, otherwise Duncairn Street, and terminating in that road or street opposite Buttermilk Lane :

A tramway (No. 4c) (single line) six furlongs in length, consisting of a single line throughout, except at three passing-places, at which it will consist of a double line, wholly situate in the townland of Malone Lower, in the parish of Shankill, otherwise Shankill, otherwise Belfast, aforesaid, commencing by a junction with tramway No. 4 authorised by the Act 1872 in the Botanic Road, at a point about half a chain south of Bradbury Place, and passing thence southward along Botanic Road into and along New Malone and Lisburne Road, and

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terminating in the last-mentioned road opposite Windsor Avenue.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

5. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand two hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the tramway, has been deposited with the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of one thousand two hundred and fifty pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramway, either open the tramway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act and the Act of 1872 authorised to be raised by means of shares, and have expended for the purposes of this Act and the Act of 1872 a sum in equal amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit to compensation to parties injured.

6. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramway or any portion thereof, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all

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damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

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7. If any omission, mis-statement, or erroneous description shall have been made of any lands or of the owners, lessees, or occupiers of any lands described on the deposited plans or books of reference, it shall be lawful for the Company, after giving ten days notice to the owners of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county in which the lands affected thereby shall be situate, and shall also be deposited with the clerk of the union within which any parish is included in which the lands affected thereby shall be situate, and such certificate shall be kept by such clerk of the peace and clerks of unions respectively along with the other documents to which they relate, and thereupon the deposited plan or book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Company to make the works in accordance with such certificate.

Errors and omissions in plans to be corrected.

8. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramway is laid, the Company may and shall from time

Tramways to be kept on level of surface of road.

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Additional crossings, passing-places, &c. may be made where necessary.

9. The Company may from time to time hereafter, subject to the provisions of this Act, with the consent of the corporation, make all such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables or carriage sheds, or works of the Company.

In making the tramways Company not to prevent traffic passing along street.

10. The Company shall not in the construction of any of their tramways stop up or interfere with any street so as to prevent the passage of traffic along such street, except with the previous consent in writing of the corporation.

Power to apply existing funds.

11. The Company may from time to time apply towards any of the purposes of this Act any money which they have raised or may hereafter raise under the Act of 1872, and which may not be required for the purposes to which by that Act such moneys are made applicable.

Power to raise additional capital.

12. The Company may from time to time raise, by the creation and issue of new ordinary shares, or new ordinary stock, or (at the option of the Company) by either of those modes, any further sum or sums of money not exceeding in the whole fifty thousand pounds.

Power to borrow on mortgage.

13. The Company may from time to time borrow on mortgage, in addition to the sums which by the Act of 1872 they are authorised to borrow, any sum or sums not exceeding in the whole twelve thousand five hundred pounds, but no part of that sum shall be borrowed until the whole of the additional capital by this Act authorised is issued and accepted, and one half thereof 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 the whole of such additional capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or the whole of the stock in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators,

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successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

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14. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of the Act of 1872, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act.

Existing mortgages to have priority.

15. All moneys borrowed or to be borrowed on mortgage under this Act or any other Act empowering the Company to borrow money on mortgage, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred, or engagements entered into or to be entered into by them; but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any of the powers conferred upon the Company.

Moneys borrowed on mortgage to have priority.

16. The provisions of the sections of the Act of 1872 numbered 7 to 19 (both inclusive), 21, 22, 23, 41 to 75 (both inclusive), 77 to 84 (both inclusive), 87 to 100 (both inclusive), and 102, shall apply to the additional works by this Act authorised, and to the costs and expenses of and connected therewith, and the additional capital to be raised in respect thereof: Provided always, that section 41 of the Act of 1872 shall be read and construed as meaning that the distance between the two rails of the tramway, therein described as five feet and three inches from each other, may be altered, with the consent in writing of the corporation under their common seal, to such less distance as may be approved of by the corporation.

Certain sections of Act of 1872 to apply to additional works and capital.

17. The incorporation in the Act of 1872 of the Companies Clauses Consolidation Act, 1869, is hereby repealed.

Respecting incorporation of a certain Act in the Act of 1872.

18. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes only of this Act and of the Act of 1872.

Application of moneys.

19. The expression "rules and regulations" in section 100 of the Act of 1872 shall be deemed to include byelaws; and in addition

Extending provisions of section

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100 of Act
of 1872.

to the powers conferred upon the corporation by the said section 100, the corporation may from time to time make byelaws as to the following matters :

The rate of speed to be observed in travelling upon the tramways :
The distances at which carriages using the tramways shall be allowed to follow one after the other :

The stopping of carriages using the tramways :

The conduct of the traffic on the roads or streets upon which the tramways are laid, and all powers of enforcing byelaws, and otherwise in relation thereto, conferred upon the corporation by the Act of the 8th and 9th years of the reign of Her present Majesty, intituled "An Act for the improvement of the borough of Belfast," shall be deemed to apply to the byelaws by this section, and to the rules and regulations by the said section 100 of the Act of 1872, authorised to be made.

Providing
for altera-
tion of
tramway
over Queen's
Bridge.

20. Notwithstanding anything in the deposited plans and sections contained, the Company may and shall from time to time, at the request of the corporation under their corporate seal, alter the position of tramway No. 1c, to be laid upon Queen's Bridge and the approaches thereto, in such a manner as may appear to the corporation most conducive to the convenience of the traffic passing over the said bridge.

Purchase of
land by
agreement.

21. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole six acres in addition to the lands which they were by the Act of 1872 authorised to acquire.

Period for
completion
of works.

22. The tramways numbered respectively 1c and 4c shall be completed within two years, and the tramway numbered 3A within eighteen months from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed : Provided always, that, with the consent in writing of the corporation, the said periods respectively may be extended in respect of any part or parts of the tramways for the further period of six months.

Agreements
between
Company
and road
authorities,
&c.

23. The Company and any local authority, road authority, trustees, or other bodies corporate, or persons having respectively the duty of directing the repairs or the control or management of any streets, roads, or places along which any tramway of the Company is laid, may from time to time enter into and carry into

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effect contracts or agreements with respect to the laying down, maintaining, renewing, and repairing of the tramways by this Act authorised, or any of them, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of carriages and traffic over or along the same by means of animal power. A.D. 1873.

24. 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 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 Act, 1845." Interest not to be paid on calls paid up.

25. 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 tramway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

26. Nothing in this Act contained shall exempt the tramways from the provisions of any general Act relating to tramways, 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 tolls or charges authorised by this Act. Tramways not exempt from provisions of general Acts.

27. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

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