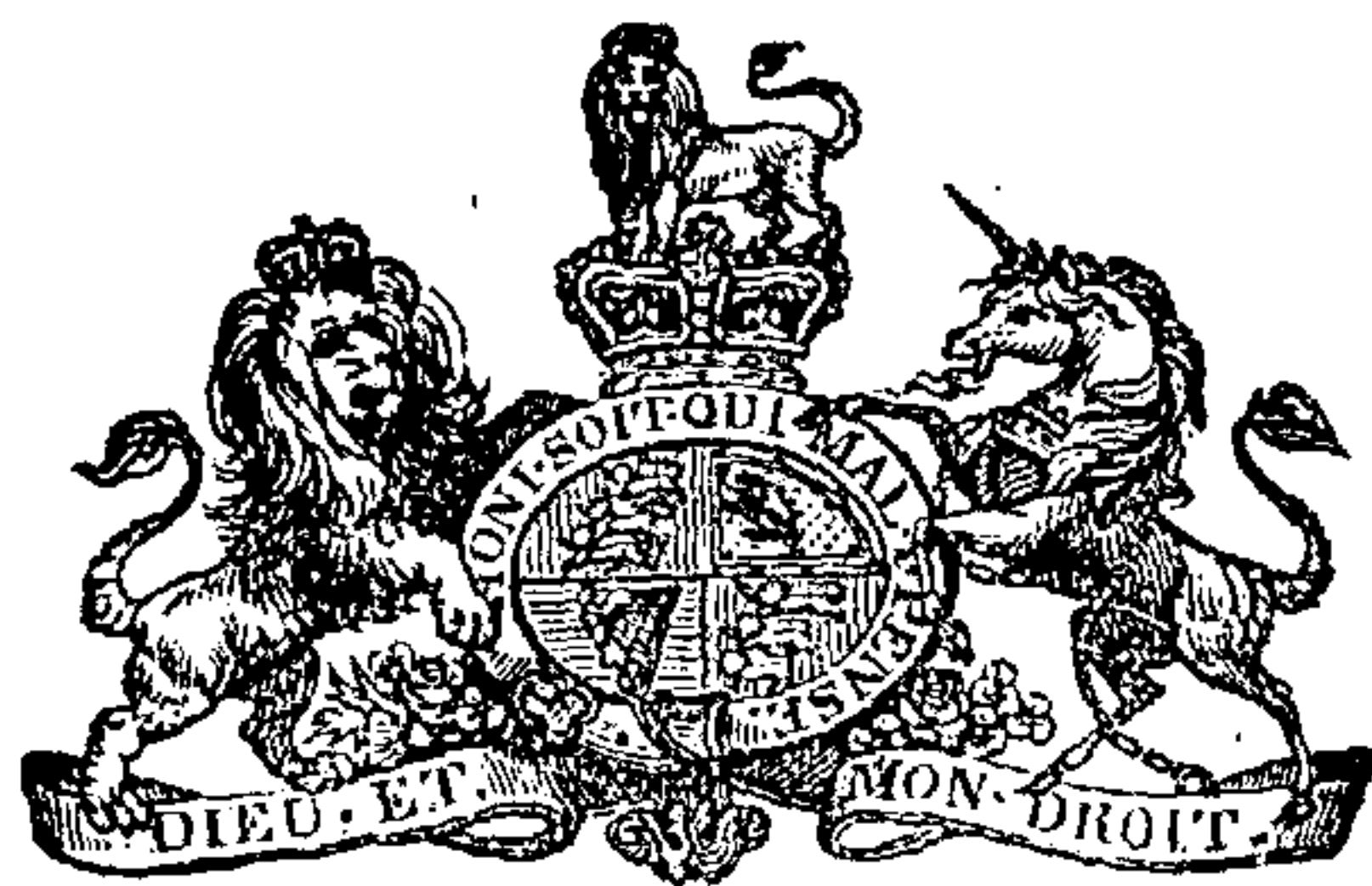




CHAPTER cxcv.

An Act to authorise the construction of a Railway in the County of Antrim from Ballymoney to Ballycastle; and for other purposes. A.D. 1878.
[22d July 1878.]

WHEREAS the construction of a railway in the county of Antrim from Ballycastle to Ballymoney would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing, at their own expense, to construct the said railway, and it is expedient that they should be incorporated into a company, and that the powers herein-after contained should be conferred on them for that purpose:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also a book of reference containing 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 clerk of the peace for the county of Antrim, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the undertaking will bring the town of Ballycastle and the barony of Carey into direct communication with the Belfast and Northern Counties Railway, and will be of great advantage to the said barony, and it is therefore expedient that part of the capital of the Company should be guaranteed out of the rates levied off so much of that barony as is comprised within the poor law union of Ballycastle:

And whereas it is expedient that the Belfast and Northern Counties Railway Company (herein-after called "the Belfast Company") be authorised to subscribe to the undertaking as provided by this Act:

And whereas a copy of the Bill for this Act has been submitted to and approved by the grand jury of the county of Antrim, the presentment sessions for the barony of Carey, and the poor law guardians of the union of Ballycastle:

A.D. 1878. — 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:

Short title. 1. This Act may be cited as the Ballycastle Railway Act, 1878.

Incorporation of general Acts. 2. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (as amended by the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act), the Railways Clauses Consolidation Act, 1845, and (so far as applicable) Part I. of the Railways Clauses Act, 1863, relating to construction of a railway, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the rateable district" means so much of the barony of Carey as is comprised within the poor law union of Ballycastle; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

As to deposit of plans with clerks of unions. 4. With reference to this Act, all the provisions of sections seven, eight, and nine of the Railways Clauses Consolidation Act, 1845, shall be read and construed as if the expression "clerks of unions" "the unions within which such parishes are included in Ireland," or the words "clerks of the union" (as the case may be), had been used and inserted in such sections instead of the expression "the postmasters of the post towns in or nearest such parishes in Ireland," or instead of the word "postmasters" (as the case may be).

Company incorporated. 5. The Reverend Sir Frederick Boyd, Baronet, John McGil-downey, John Casement, James Moore Knox, Richard Maginnis Douglas, Leopold George Plantagenet Filgate, Daniel Taylor, Alexander McNeill, Robert Woodside, William Woodside, Thomas McElderry, and William Hamilton, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and

maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Ballycastle Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Ballycastle Railway." A.D. 1878.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, 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 book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is in the county of Antrim, and is— Power to make railway according to deposited plans.

A railway, sixteen miles one furlong and eight chains, or thereabouts, in length, commencing in the townland of Townparks (of Ballymoney) and parish of Ballymoney, at the Ballymoney Station of the Belfast and Northern Counties Railway Company, and terminating on the south side of the Quay Road in the townland of Townparks (of Ballycastle).

7. Notwithstanding anything contained in an Act passed in the ninth and tenth years of Her present Majesty, chapter fifty-seven, intituled "An Act for regulating the Gauge of Railways," the Company may make and maintain the railway on the gauge of three feet. Gauge of railway.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

9. Subject to the provisions herein-after contained, it shall be lawful for any limited owner of any lands required by the Company for the purposes of their undertaking to agree with the Company that the consideration to be paid for the same, and the compensation (if any) to be paid for any permanent damage or injury to any such lands, shall be wholly or in part the allotment to such Power to pay compensation for land in shares.

A.D. 1878. — limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company :

8 & 9 Vict.
c. 18.

(1.) For the purposes of this section the expression "limited owner" includes any person or persons empowered under the seventh section of the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, or any estate or interest therein, to the promoters of the undertaking :

(2.) All shares issued pursuant to this section shall be deemed to be fully paid-up shares in the capital of the Company, and the names of the holders thereof shall be inserted as such in the register of shareholders :

(3.) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts, and for the same purposes, and in the same manner as the lands in consideration for which such shares are issued stood settled immediately before the conveyance of such lands to the Company :

(4.) The Company shall make an entry in their register of shareholders of the uses, trusts, and purposes aforesaid, and subject to the uses, trusts, and purposes affecting such shares such limited owner in respect thereof shall have all the other rights and powers of a shareholder of the Company :

(5.) The Company shall not be bound to see to the application of any dividend payable to a limited owner, or be in any way responsible with respect to the application thereof :

(6.) No such payment by shares shall be made to any limited owner until a certificate in writing approving thereof shall have been made and signed by some person appointed for that purpose by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such limited owner, to make such appointment, and the costs of and incidental to such appointment and certificate shall be paid by the Company as the said Commissioners shall direct, and for the purposes of the ninth section of the Lands Clauses Consolidation Act, 1845, such certificate shall render unnecessary the valuation of the two surveyors referred to in that section.

8 & 9 Vict.
c. 18.

Inclination
of roads.

10. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any

[41 & 42 VICT.] *Ballycastle Railway Act, 1878.* [Ch. cxcv.]

inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,) A.D. 1878.

Number on deposited Plan.	Parish.	Townland.	Description of Road.	Intended Inclination.
2	Armoy -	Mullaghduff -	Public road -	1 in 16.
3	Ramoan -	Broommore -	Public road -	1 in 17.

11. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,) Height and span of bridges.

Number on deposited Plan.	Parish.	Townland.	Description of Road.	Height.	Span.
11 } 2 }	Derrykeighan Armoy -	Mullaghduff - Mullaghduff, Little.	Public road Public road	15 feet 15 feet	21 feet. 21 feet.
8 18	Ramoan - Ramoan -	Broommore - Townparks of Ballycastle.	Public road Public road	15 feet 15 feet	21 feet. 21 feet.

12. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Widths of certain roadways.

Number on deposited Plan.	Parish.	Townland.	Description of Roadway.	Width of Roadway.
20	Ballymoney -	Dunaverny -	Public road -	21 feet.
22	Derrykeighan -	Carneullagh, Upper	Public road -	21 feet.
16 } 1 }	Derrykeighan - Derrykeighan -	Mostragee - Ballynateigh -	Public road - Public road -	21 feet. 21 feet.
8	Derrykeighan -	Ballynateigh -	Public road -	21 feet.
6	Derrykeighan -	Gracehill -	Public road -	21 feet.
12	Armoy -	Park -	Public road -	21 feet.
33	Armoy -	Aghrunniaght -	Public road -	21 feet.

13. For the protection of the public roads and highways under the control of the grand jury of the county of Antrim the following provisions shall, notwithstanding anything shown on the deposited For protection of public roads.

A.D. 1878. plans and sections, be respectively observed and carried into full effect by the Company; (that is to say,)

(1.) In altering for the purposes of this Act the public road numbered 2 on the deposited plans, in the parish of Armoy and townland of Mullaghduff, the Company may make the arch of the bridge carrying the railway over such road of any height not less than thirteen feet instead of not less than fifteen feet, as shown on the said sections :

(2.) In carrying the road numbered on the deposited plans 33, in the parish of Armoy and townland of Aghrunniaght, over the railway by a bridge, the Company shall not make the inclination of the altered roadway on either side steeper than one in thirty :

(3.) The Company shall not make any alteration in the width, level, or direction of the roads next herein-after mentioned except with the consent of the surveyor for the time being of the county of Antrim :

Number on deposited Plan.	Parish.	Townland.
26	Ballymoney	Townparks.
26	Ballymoney	New Hill.
28b	Derrykeighan	Dervock.
8	Armoy	Ballyny.
5	Ramoan	Cape Castle.

(4.) The Company shall not, except with the like consent, make any alteration in the width or direction of the roads next herein-after mentioned; that is to say,

Number on deposited Plan.	Parish.	Townland.
12	Armoy	Park.
33	Armoy	Aghrunniaght.

and they shall not in altering the said last-mentioned road (No. 33) make the inclination steeper than one in thirty :

(5.) In altering the road numbered on the said plan 16, in the townland of Mostragee and parish of Derrykeighan, the Company shall not make the inclination thereof steeper than one in twenty on one side and one in thirty on the other :

(6.) In every case in which the Company shall, under the authority of this Act, divert or alter any public road or highway under the control of the said grand jury, they shall reinstate such road to the reasonable satisfaction of the surveyor for the time being of the county of Antrim in a condition of construction and repair as good as that in which such road or highway was before the commencement of any works affecting it: A.D. 1878.

(7.) In all cases in which the Company shall, under the powers of this Act, carry any public road over the railway by a bridge, the Company shall construct on each side of the immediate approaches of such bridge a substantial stone and sod fence similar to the fences ordinarily constructed on the side of the new public roads in the county of Antrim:

(8.) Any difference which may from time to time arise between the said surveyor and the engineer for the time being of the Company as to any matters mentioned in this enactment shall be referred to the arbitration of an engineer to be agreed upon between the said surveyor and the engineer for the time being of the Company, or, in default of agreement, to be appointed by the Board of Trade on the application of either party, and the costs of such arbitration shall be borne as the arbitrator may direct; and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to settlement of disputes by arbitration, shall, so far as applicable, apply to every such arbitration. 8 & 9 Vict. c. 20.

14. The capital of the Company shall be ninety thousand pounds, in nine thousand shares of ten pounds each. Capital.

15. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to issue until one-fifth part paid up.

16. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

17. At any time after the Company shall have created and issued at the least three thousand shares, and that portion of their As to issue of guaranteed shares.

A.D. 1878. capital shall have been fully paid up, the Company may from time to time create and issue as "guaranteed shares" any sum not exceeding in the whole ten thousand pounds, part of the capital of ninety thousand pounds by this Act authorised.

So long as and whenever there shall not be net receipts arising from the undertaking sufficient, after payment of the management and working expenses and of the payments due in respect of any mortgage debt of the Company, to enable them to make upon so much of their entire capital as shall then be paid up dividend in any half year at the rate of five per centum per annum, the rateable district shall contribute, in manner herein-after specified, money to enable the Company to make a dividend upon the guaranteed shares at the rate of five per centum per annum for such half year: Provided that nothing in this Act contained shall authorise the contribution in any one year for the purposes of this Act of a sum exceeding that which would be equal to a rate of threepence in the pound on the rateable value of property in the rateable district.

Arbitrators
to ascertain
total amount
to be paid by
the rateable
district.

(1.) For the purpose of ascertaining what sums of money (if any) the rateable district is to contribute for the purposes aforesaid, the Board of Trade and the grand jury for the county of Antrim shall, upon the request of the Company from time to time, each appoint by writing (as regards the said grand jury under the hand of their secretary for the time being) one person to act as arbitrator, and shall respectively supply the place of any such arbitrator dying, resigning, or refusing, or failing, or becoming incapacitated to act:

Duties of
arbitrators.

(2.) Such arbitrators shall from time to time ascertain and determine for each half year the amount of the net receipts (if any) arising from the undertaking applicable to the payment of dividend upon so much of the ordinary capital of the Company as shall then be paid up; and if and whenever after the issue of the guaranteed shares there are not in any half year commencing on the thirtieth day of June net receipts arising from the undertaking sufficient to enable the Company to make a dividend upon their ordinary capital then paid up at the rate of five per centum per annum, the said arbitrators shall determine the total amount required to be contributed by the rateable district in order to enable the Company to make a dividend upon the guaranteed shares at the said rate; and the amount required for that purpose, determined as aforesaid, shall be set forth in a certificate

in writing, of which two copies shall be signed by such arbitrators : A.D. 1878.

- (3.) In case the said arbitrators shall be unable to agree with respect to the matters aforesaid, such certificate shall be settled and signed by an umpire to be appointed by such arbitrators, or by the Board of Trade, on the application of either of them or of the Company : Appointment of umpire.
- (4.) As soon as conveniently may be after the making of such certificate, the said arbitrators or umpire (as the case may be) shall cause one copy thereof to be delivered to the Company, and the Company shall thereafter pay to such arbitrators or umpire their costs and expenses, and any remuneration for their trouble in regard thereto as the Board of Trade shall order and direct. They shall also cause one copy thereof to be delivered to the secretary of the grand jury for the county of Antrim, and every such certificate immediately after the delivery thereof to such secretary shall be in all respects final and binding ; and, subject to the provisions of this Act, all lands and hereditaments or premises, and all other property liable to grand jury cess within the rateable district shall be and the same are hereby charged and made chargeable, according to their rateable value for the time being, with the payment of the sums specified and set forth in such certificate : Delivery and effect of certificates.
- (5.) If the grand jury fail to appoint an arbitrator at the assizes next after such request of the Company made in writing under the hand of their secretary, ten days at least previous to the first day of such assizes, the Board of Trade, upon the request of the Company, shall appoint one person to act as such arbitrator on behalf of the grand jury, and the Board of Trade shall have the like powers as to any remuneration for the trouble of such person in all respects as if he had been appointed by the grand jury : Board of Trade may appoint arbitrator if grand juries fail to do so.
- (6.) The Company shall from time to time, not later than the first day of May and the first day of November in every year after the opening of the railway for traffic, make out and render to the arbitrators a full, true, and distinct account of all the receipts in the nature of revenue arising in any manner from the undertaking, and of the expenditure in connexion therewith chargeable to revenue, for the then preceding half year ending the thirty-first day of December or the thirtieth day of June, as the case may Accounts to be rendered by the Company.

A.D. 1878.

be, which account the said arbitrators or umpire shall and they are hereby authorised and empowered to examine with the documents and vouchers relating to the same, and all books, papers, and accounts in the custody and control of the Company relating to the business of the Company, and all such accounts, documents, vouchers, books, and papers shall be kept by the Company, who shall, upon the request of the said arbitrators or umpire from time to time, produce the same to such arbitrators or umpire for examination, and such arbitrators or umpire may (if they or he think fit) employ an actuary or accountant to assist them or him in such examination from time to time, at the costs and expenses of the Company; and the Company shall at all times after the opening of the railway or any part thereof keep proper and correct books of account to show the receipts and profits on the railway and the expenditure thereof, and the arbitrators or umpire, so long as any liability on the rateable district by virtue of this Act continues, shall at all reasonable times have access to such books of account, and may take extracts therefrom, and the Company shall, during the liability of the rateable district to contribute, send duplicate returns to the said arbitrators or umpire of any accounts which they are bound by any Act of Parliament now in force or that may hereafter be in force to send to clerks of the peace; and the said arbitrators or umpire shall adjust and balance the said accounts, and as to all matters relating to the said accounts, or what shall be considered as gross receipts or net receipts from traffic, their decision or the decision of the umpire to be appointed, as aforesaid shall in all respects be final and conclusive:

Treasurers
to pay over
contribu-
tions.

- (7.) The secretary of the grand jury shall lay the certificate delivered to him as aforesaid, or a copy thereof, before the said grand jury at the assizes next after he shall have received the same, and the grand jury are hereby empowered and required from time to time, and without application to presentment sessions, to present the sum mentioned in such certificate to be raised and levied off the rateable district, and the same sum shall be apportioned and raised and levied from and off the rateable district in like manner as any presentment made under the authority of an Act passed in the sixth and seventh years of the reign of His late Majesty King William IV., chapter one hundred and sixteen, and the Acts amending the

same, and together with and as part of the presentments made at such assizes; and the treasurer of the said county shall, out of the first moneys collected and remaining in his hands, after repayment of Government advances, gaol expenses, and salaries of public officers payable by him, pay the sum so presented by the grand jury to the secretary of the Company, or in such other manner as the Company shall direct, and if the grand jury shall fail to present the sum specified in the certificate so laid before them, or any part of such sum, the treasurer of the said county shall and he is hereby required to insert such sum, or such portion thereof as may be omitted, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly presented by the grand jury to be raised in manner herein-before mentioned, and the amount so inserted shall be apportioned, raised, and levied on and off the rateable district as if the same had been duly presented, and the said treasurer shall pay over the amounts so raised and levied to the Company, or in such other manner as the Company shall direct :

A.D. 1878.

- (8.) All moneys paid to or on behalf of the Company under this section shall be applicable and applied only to the payment of dividend upon the guaranteed shares : Application of contributions.
- (9.) At any assizes after the passing of this Act it shall be lawful for the said grand jury (if they think proper so to do) to nominate and appoint by presentment one person, who need not be a shareholder of the Company, to be a director of the Company, and the said grand jury may (if they think fit) at all times thereafter, during the liability of the rateable district to contribute, nominate and appoint any other person to be a director in the place of any director appointed by them who may die or resign or become disqualified or incompetent to act as a director, or cease to be a director from any other cause whatever : Grand jury may appoint directors.
- (10.) If and when a banking company shall, under the provisions of the Act thirty and thirty-one Victoria, chapter forty-six, become treasurer of the said county, the provisions of this section relating to the treasurer of the said county shall be applicable to the secretary of the said grand jury : Provision in case of determination of office of treasurer.
- (11.) If and whenever in any half year there shall remain any surplus after making out of the net receipts dividend at the rate of five per centum per annum upon the capital Repayment by Company of money contributed.

A.D. 1878.

by the rate-
able district.

of the Company by this Act authorised and at the time paid up, and any money shall have been contributed by the rateable district to the Company under this Act, such surplus shall be paid over by the Company to the treasurer of the said county until all moneys paid to the said Company from the rateable district shall have been repaid to such treasurer :

Evidence of
repayment
by Company.

(12.) When and so soon as all moneys contributed from time to time by the rateable district have been repaid to the treasurer of the said county, a certificate that such moneys have been so repaid shall be made in duplicate, and shall be signed by the secretary of the said grand jury, and one copy of such certificate shall be retained by the secretary at the office of the said grand jury, and one copy shall be deposited with and retained by the secretary or other officer of the Company, and the production of either copy shall be conclusive evidence that all moneys contributed by the rateable district pursuant to this Act up to the date of such certificate have been repaid by the Company :

As to actions
by treasurers.

(13.) In all cases where any moneys are under the provisions of this Act made payable by the Company to the treasurer for the time being of the said county, such treasurer, in default of payment thereof by the Company, may recover the same, with full costs of suit, by action in any court of competent jurisdiction, and in any such action such treasurer for the time being shall be the nominal plaintiff, and as such entitled to sue on behalf of the county, and no such action shall abate or be discontinued by reason of the death, removal, or resignation of any such treasurer, and all moneys received or recovered by such treasurer from the Company under the provisions of this Act shall be carried by him to the credit of the rateable district, and shall be applied by him in reduction of the grand jury cess next thereafter payable by the rateable district ; and where any moneys shall have been paid to such treasurer pursuant to this Act, the receipt of such treasurer for the time being shall be a sufficient discharge to the Company, who shall not be bound to see that such moneys are properly credited to the rateable district, or be in any way responsible for the application, misapplication, or non-application thereof :

Cessation of
guarantee.

(14.) Upon the expiration of twenty-five years from the termination of the period limited by this Act for the completion

of the railway, or from the previous opening of the railway for public traffic, the liability of the rateable district to contribute any money for the purposes of this Act shall cease and determine. A.D. 1878.

18. The rateable district shall not be liable to contribute any money for the purposes of this Act until the Company have created and issued at least three thousand shares in their capital, and that portion of their capital has been fully paid up, and the certificate of a justice that the said sum has been issued and paid up shall be sufficient evidence thereof, and upon production to any justice of the books of the company, and of such other evidence as he shall think sufficient, such justice shall grant such certificate accordingly. Portion of capital to be paid up before liability of rateable district commences.

19. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

20. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty-five thousand pounds, provided that in respect of each thirty thousand pounds of such capital issued and accepted, and one half whereof shall have been paid, the Company may borrow a sum or sums not exceeding fifteen thousand pounds; but no part of any of the before-mentioned sums of fifteen thousand pounds shall be borrowed until 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 the portion of capital in respect of which the borrowing powers are sought to be exercised has been issued and accepted, and that one half of such portion has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, 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. Power to borrow on mortgage.
8 & 9 Vict. c. 16.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the As to appointment of a receiver.

A.D. 1878. — amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.
26 & 27 Vict.
c. 118.

22. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Power to
Belfast Com-
pany to
subscribe to
undertaking.

23. The Belfast Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit, not exceeding eighteen thousand pounds, towards the undertaking, and the said Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise; and the said Company shall, with respect to the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company.

Application
of moneys.

24. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

First or-
dinary meet-
ing.

25. The first ordinary meeting of the Company shall be held within four months after the passing of this Act.

Quorum of
meetings of
Company.

26. The quorum of meetings of the Company shall be seven shareholders present in person or by proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of
directors.

27. The number of directors, other than the director or directors (if any) named by the grand jury of the county of Antrim and the Belfast Company, shall be six, but the Company may from time to time reduce that number, provided that it be not less than three.

Qualification
of directors.

28. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

29. The quorum of a meeting of directors shall be three so long as their number is five or more, and two when it is reduced to or below four. A.D. 1878.
Quorum of directors.

30. The Reverend Sir Frederick Boyd, Baronet, John McGil-downey, John Casement, James Moore Knox, Richard Maginnis Douglas, and Leopold George Plantagenet Filgate shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, re-eligible; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.

Election of directors.

8 & 9 Vict. c. 16.

31. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed five acres. Lands for extraordinary purposes.
8 & 9 Vict. c. 20.

32. The powers of the Company for the compulsory purchase of lands for the purposes of the railway shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

33. 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 four thousand two hundred and eighty-four pounds eight shillings and sevenpence three pounds per centum consolidated bank annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the "deposit fund:" Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund 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, Deposit money not to be repaid except so far as railway is opened.

A.D. 1878.

which persons, survivors, or survivor are or is in this Act referred to as "the depositors," unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the railway or portion of railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of railway so opened bears to the entire length of the railway, the said Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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.

34. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in Ireland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, 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 Chancery Division 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 Chancery Division, 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: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors. A.D. 1878.

35. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of railway.

36. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls.

In respect of passengers and animals conveyed upon the railway or any part thereof, as follows:

For every person, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile: For passengers.

Class 1. For every horse, mule, or other beast of draught or burden, fourpence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile: For animals.

Class 2. For every ox, cow, bull, or head of neat cattle, threepence per head per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 3. For every calf or pig, twopence, and for every sheep, lamb, or other small animal, one penny halfpenny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile.

In respect of goods and other articles conveyed on the railway or any part thereof: For goods.

Class 4. For all bricks, tiles, slates, all undressed materials for the repair of public roads or highways, coal, coke, culm, cannel, ironstone, iron ore, and for wrought iron not otherwise specifically classed herein, and for heavy

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iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, salt, sand, fire-clay, cinders, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all lime, limestone, sand, oreweed, dung, compost, manure, building stone, freestone, granite, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

Class 7. For grain, corn, flour, meal, potatoes, hay, straw, seeds, cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things of whatever character not hereinbefore specifically classed, per ton per mile fourpence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

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), conveyed on a truck or platform belonging to the Company, sixpence per mile, and a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for
propelling
power.

37. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

38. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

Short dis-
tances.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional
parts of a
mile.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and

charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction 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: A.D. 1878.

For a fraction of a ton the Company may demand tolls 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: Fractional parts of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight: General 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. Weight of stone and timber.

39. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,) Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway, or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

And for any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence:

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence:

For any parcel exceeding two hundred and fifty pounds but 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 of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

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For the carriage of single articles of great weight as follows :

For any 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 eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton :

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum
rates for
passengers.

40. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile :

For every passenger conveyed in a third-class carriage the sum of one penny halfpenny per mile.

Maximum
rates for
animals and
goods.

41. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

For every animal in Class 3, one penny halfpenny per mile ;

For everything in Class 4, one penny halfpenny per ton per mile ;

For everything in Class 5, twopence per ton per mile ;

For everything in Class 6, threepence per ton per mile ;

For everything in Class 7, fourpence per ton per mile ;

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 on a truck or platform, per mile sixpence, and for every quarter of a ton beyond one ton one halfpenny.

42. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

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Passengers
luggage.

43. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Terminal
station.

44. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Restrictions
as to charges
not to apply
to special
trains.

45. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company
may take
increased
charges by
agreement.

46. The Belfast Company may, from time to time, raise for the purposes of their subscription to the capital of the Company any capital not exceeding in nominal amount eighteen thousand pounds by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively, and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

Power to
Belfast Com-
pany to raise
money by
the creation
of shares or
stock.

8 & 9 Vict.
c. 16.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

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

The making of dividends;

A.D. 1878.

The giving of notices; and

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

26 & 27 Vict.
c. 118.

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, shall extend and apply to the Belfast Company, and to the additional capital which they are by this Act authorised to raise.

Shares of
Belfast Com-
pany not to
issue until
one-fifth part
paid up.

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

Application
of moneys
raised by
Belfast Com-
pany.

48. All moneys which the Belfast Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

As to ap-
pointment of
directors by
the Belfast
Company.

49. When and so soon as the Belfast Company shall have subscribed and paid the said sum of eighteen thousand pounds to the capital of the Company, the directors of that company may appoint two directors of the Company, and no other qualification than being a director of the Belfast Company shall be requisite, and the Belfast Company may at pleasure revoke any such appointment, and the persons so from time to time appointed by them shall accordingly be directors of the Company, and be entitled to vote at meetings of the Company on all questions not relating to the election of directors, and in all other respects the directors so appointed shall have the same powers and be subject to the same regulations and provisions, except as to retiring from office by rotation, as the other directors of the Company: Provided always, that all such appointments and revocations shall be testified in writing under the hand of the secretary of the said Company, which shall be delivered to the directors of the Company and shall be kept with their records, and an entry of every such appointment or revocation shall be made in the minutes of their proceedings.

Votes of
Belfast Com-
pany.

50. The Belfast Company whilst shareholders of the Company may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the Belfast Company.

Interest not
to be paid on
calls paid up.

51. 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 Consolidation Act, 1845. A.D. 1878.
—
8 & 9 Vict.
c. 16.

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

53. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act. Railway not
exempt from
provisions of
present and
future
general Rail-
way Acts.

54. 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.

