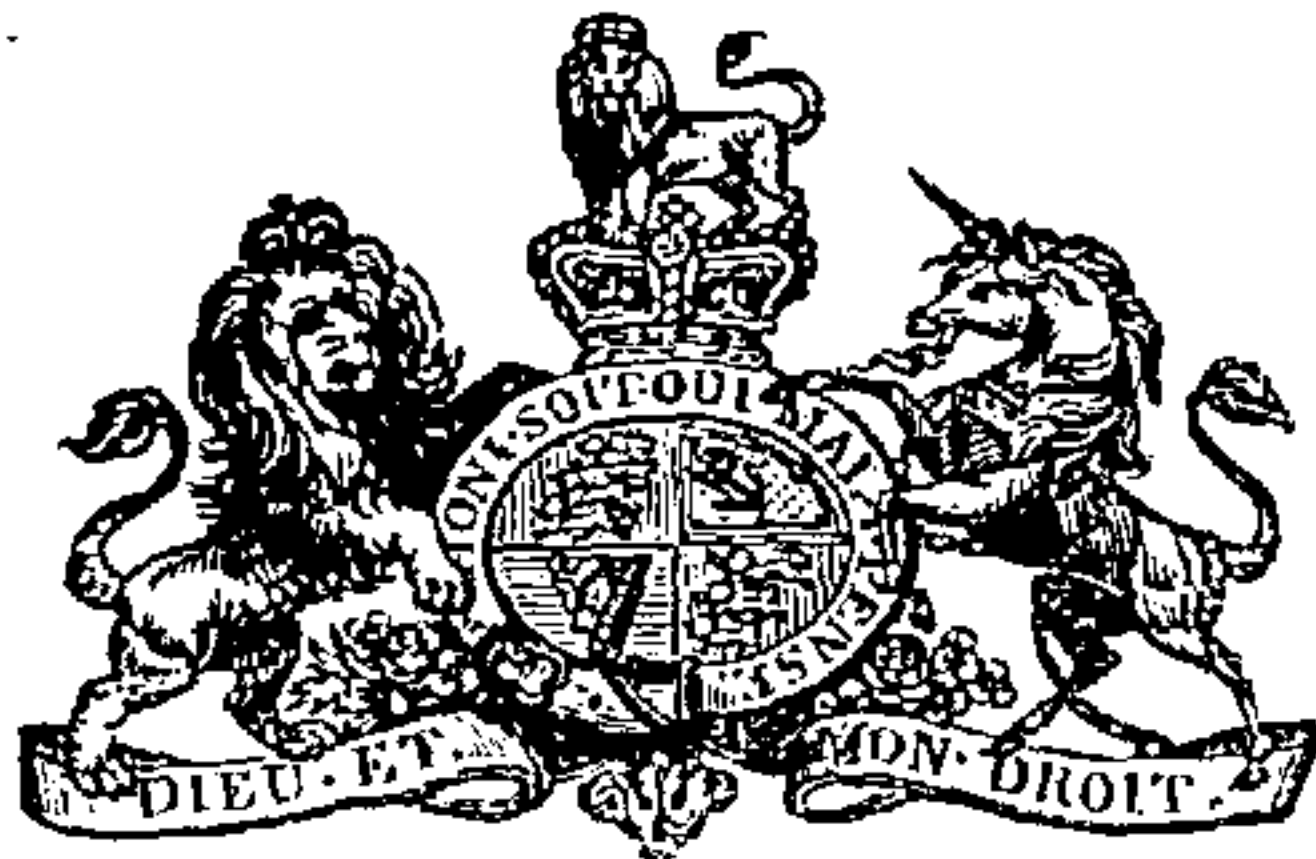


[41 & 42 VICT.] *Ballymena and Larne Railway* [Ch. ccxxvii.]  
*Extension Act, 1878.*



CHAPTER ccxxvii.

An Act to authorise the extension of the Ballymena and Larne Railway, in the county of Antrim; and to confer further powers in relation to that undertaking. A.D. 1878.

[8th August 1878.]

WHEREAS by virtue of the Larne and Ballyclare Railway Act, 1873, and the Ballymena and Larne Railway Act, 1874, herein-after respectively referred to as the Acts of 1873 and 1874, the Ballymena and Larne Railway Company, in this Act called "the Company," are authorised to construct a railway between the town of Ballymena and the port of Larne, and the Company have completed the greater part of their undertaking and are constructing the remainder: 36 & 37 Vict.  
c. ccxl.  
37 & 38 Vict.  
c. cc.

And whereas the new railways and works herein-after described will be of public advantage, and it is expedient that the Company should be empowered to execute the same:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act, and the lands in or through which the same are to be made and maintained, 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, have been deposited with the clerk of the peace for the county of Antrim (as regards the railways herein-after firstly and secondly described in the month of November 1877, and as regards the railway herein-after thirdly described in the month of May 1878), and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the railway of the Company will form a continuous line between the railway of the Ballymena, Cushendall, and Redbay Railway Company (in this Act called "the Cushendall Company") at Ballymena and the port of Larne, and was designed in great measure to afford a short route for traffic between the said port and the undertaking of the Cushendall Company: And

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*Extension Act, 1878.*

A.D. 1878. — whereas it is expedient that provision should be made for securing the interchange of traffic between the Company and the Cushendall Company :

And whereas the railway herein-after thirdly described is designed to provide a connexion between the railways of the Company and of the Cushendall Company more convenient than Railway No. 2 authorised by the Act of 1874, and it is expedient that the Company should be authorised to abandon the construction of the said last-mentioned railway :

And whereas it is expedient that for the purposes of this Act and for completing their undertaking the Company should be empowered to raise additional sums of money :

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 Ballymena and Larne Railway Extension Act, 1878.

Incorporation of general Acts.

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
14 & 15 Vict. c. 70.  
23 & 24 Vict. c. 97.  
27 & 28 Vict. c. 71.  
14 & 15 Vict. c. 70.  
8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 92.

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.

Extending certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118.

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;



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The general meetings of the Company and the exercise of the right of voting by the shareholders; A.D. 1878.

The making of dividends;

The giving of notices; and

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

Parts 1, 2, and 3 of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock, 26 & 27 Vict.  
c. 118.

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

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. Interpreta-  
tion of  
terms.

5. 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 the unions within which such parishes are included in Ireland," or the words "clerks of the unions" (as the case may be), had been used and inserted in such sections instead of the expression "the postmasters of the post towns in or nearest such parishes in Ireland," or instead of the word "postmasters" (as the case may be). As to de-  
posit of plans  
with clerks  
of unions.  
8 & 9 Vict.  
c. 20.

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 railways 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 railways herein-before referred to and authorised by this Act are— Power to  
make rail-  
ways accord-  
ing to de-  
posited  
plans.

RAILWAY NO. 1.—DOAGH EXTENSION.

A railway, 1 mile 3 furlongs and 4 chains or thereabouts in length, commencing in the townland of Ballyclare and parish of Grange of Doagh by a junction with the railway of the Company at the termination thereof, as authorised by the Act of 1873, and terminating at the east side of the Belfast and Doagh public road 120 yards or thereabouts from the post office in the town of Doagh, measured in a southerly direction.

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A.D. 1878.

RAILWAY No. 2.—KILWAUGHTER BRANCH.

(Described as Railway No. 3 on the Plans deposited  
in November 1877.)

A railway, 1 mile and 8 chains or thereabouts in length, wholly in the parish of Kilwaughter, commencing in the townland of Lowtown by a junction with the railway of the Company, at a point 4 miles and 3 furlongs or thereabouts, measured along the said railway, from its commencement at the Curran Quay at Larne, and terminating in the townland of Rory's Glen about 100 yards, measured in an easterly direction, from the north-east quoin of the dwelling-house occupied by Hugh Bailie.

RAILWAY No. 3.

(Described on the Plans deposited in May 1878.)

A railway, five furlongs and nine chains or thereabouts in length, commencing in the townland of Ballykeel and parish of Ballyclug by a junction with the railway of the Company firstly described in and authorised by the Ballymena and Larne Railway Act, 1874, and terminating in the townland of Brocklamont, in the parish of Ahoghill, by a junction with the Ballymena, Cushendall, and Redbay Railway at the Ballymena Station.

As to crossing of siding at Ballymena Station.

7. The Company may carry Railway No. 3 with a single line only whilst the said railway shall consist of a single line, and afterwards with a double line only, across and on the level of the siding numbered on the plans (deposited in May 1878 as aforesaid) 2 in the townland of Brocklamont and parish of Ahoghill.

Company may abandon Railway No. 2 authorised by 37 & 38 Vict. c. cc.

8. The Company shall abandon the construction of Railway No. 2 described in and authorised by the Ballymena and Larne Railway Act, 1874.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

9. The abandonment by the Company under the authority of this Act of the said railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of the said railway, and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which has been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 20.



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10. Where, before the passing of this Act, any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1878.  
—  
Compensation to be made in respect of portions of railway abandoned.

8 & 9 Vict.  
c. 18.

11. The Company may use in perpetuity for the purpose of Railway No. 3 by this Act authorised the land and embankment of the Belfast and Northern Counties Railway Company, hereinafter called "the Belfast Company," up to the centre of the bridge carrying the railway of the said Company over the road from Ballymena to Galgorm, and shall pay for the perpetual use thereof a rent of fifty pounds per annum.

As to mode of constructing Railway No. 3.

The Company may also (subject to the next following provision) use for the purpose of the said railway the land and embankment of the Belfast Company between the centre of the said bridge and the termination of the said railway, and shall pay for the use thereof a rent of fifty pounds per annum: Provided that if, at any time after the expiration of five years from the passing of this Act, it become necessary for the Belfast Company for the accommodation of their traffic to use the said last-mentioned land and embankment, they may serve notice upon the Company requiring them to move their rails laid down thereon. If the Company deny that any such necessity exists the question shall be determined by an arbitrator appointed as in this Act provided, and if such arbitrator determine that such necessity exist the said last-mentioned rent shall cease to be payable as from the date at which under such award the said rails are to be moved, and the arbitrator shall by his award prescribe the date at which and the extent to which such rails shall be moved, and any re-arrangement of the said station which he may consider proper to enable such alteration to be effected at the expense

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A.D. 1878.

of the Company, and the Belfast Company shall give all necessary facilities for such re-arrangement.

The said first-mentioned rent in perpetuity and the said last-mentioned rent, so long as it continues payable, shall be paid by the Company to the Belfast Company annually, and the said rents shall commence to be payable as from the day on which the Company shall enter upon any part of the said land and embankment for the purpose of constructing the said railway, and the said rents shall be in full discharge of all claims by the Belfast Company for compensation in respect of the use of the said land and embankment.

Power to take easements, &c. by agreement.

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.

**12.** 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 pay compensation for land in shares.

**13.** Subject to the provisions herein-after contained, it shall be lawful for any limited owner of any lands taken or required by the Company for the purposes of any part of their undertaking or railways 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 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 7th 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



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consideration for which such shares are issued stood settled immediately before the conveyance of such lands to the Company:

A.D. 1878.

(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.

14. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole forty thousand pounds, by the issue of new ordinary or new preference shares, or partly of new ordinary and partly of new preference shares, but the Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person 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.

Power to  
raise addi-  
tional capital.  
26 & 27 Vict.  
c. 118.

15. 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.

16. 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.

Receipts in  
case of per-  
sons not sui  
juris.

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A.D. 1878.

Power to  
borrow on  
mortgage.

8 & 9 Vict.  
c. 16.

17. The Company may from time to time borrow on mortgage, in respect of the capital by this Act authorised to be raised, any sum or sums not exceeding in the whole twenty thousand pounds: Provided that in respect of each ten thousand pounds of such capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole five thousand pounds; but no part of any of the before-mentioned sums of five thousand pounds shall be borrowed until the Company shall 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 portion of the said 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 of capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such portion of capital 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.

As to powers  
of borrowing  
under s. 16  
of Act of  
1874.

18. And whereas the Company of their authorised capital of one hundred and thirty-six thousand pounds have created and issued nine thousand five hundred shares of ten pounds each, the whole of which has been paid up and expended upon their undertaking, and in addition thereto the Company have borrowed on mortgage thirty-one thousand six hundred pounds or thereabouts: And whereas it would facilitate the execution of their undertaking if the Company were enabled to borrow money in respect of smaller instalments of capital than are prescribed by section 16 of the Act of 1874: Therefore, in respect of each sum of thirteen thousand five hundred pounds of the capital by that Act authorised, issued, accepted, paid up, and certified as in that section provided, beyond the nine thousand five hundred shares already issued, the Company may borrow a sum or sums not exceeding in the whole four thousand five hundred pounds.

As to ap-  
pointment of  
a receiver.

19. The 17th section of the Act of 1874 is hereby repealed, but without prejudice to any appointment which may have been made, or the continuance of any proceedings under that section



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pending at the passing of this Act. 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 amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

A.D. 1878.

20. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of principal moneys secured by existing mortgages.

21. 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.

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

22. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the undertaking.

Application of moneys.

23. The quantity of land to be taken by the Company under the powers of this Act by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed three acres.

Lands for extraordinary purposes.

8 & 9 Vict.  
 c. 20.

24. The powers of the Company for the compulsory purchase of lands for the purposes of the railways authorised by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

25. 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 20, a sum of £2,527 13s. 2d. three per centum consolidated bank annuities, being equal in value to five per centum upon the amount of the estimate in respect of the undertaking originally proposed to be authorised by this Act, has been deposited with the Chancery Division of Her Majesty's High Court of Justice in Ireland in respect of the application to Parliament for this Act: And whereas part of the undertaking so originally proposed has been abandoned: And whereas the railway in this Act thirdly described is intended to be in substitution for

Deposit money not to be repaid except so far as railway is opened.

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*Extension Act, 1878.*

A.D. 1878. Railway No. 2 described in the Act of 1874, and authorised to be abandoned by this Act: And whereas the sum of £600 consolidated bank annuities will exceed five per centum upon the amount of the estimate in respect of the railways firstly and secondly described in this Act, and upon the amount by which the expense of the railway thirdly described in this Act will exceed the expense of the said railway authorised by the Act of 1874: Therefore be it enacted, that, notwithstanding anything contained in the said Act of the ninth year of the reign of Her present Majesty, the sum of £600, part of the said sum of £2,527 13s. 2d. consolidated bank annuities, which said sum is herein-after called the deposit fund, shall not be 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, 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 completion of the railways by this Act authorised, open the same for public traffic; provided that if within such period as aforesaid the Company open any or any portion of any of the said railways for public traffic, 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 railways hereby authorised, 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 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.

**26.** If the Company do not, previously to the expiration of the period limited for the completion of the railways, complete the same and open them for public traffic, then and in every such case the deposit fund, or so much thereof as shall not have been transferred 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 railways or any portion thereof, or who have been subjected to injury or loss in consequence



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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 said Chancery Division 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 said 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 said 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.

**27.** The Chancery Division of the High Court of Justice in Ireland may, at any time after the passing of this Act, order that the sum of £1,927 13s. 2d. three per centum consolidated bank annuities, the balance of the said sum of £2,527 13s. 2d. like bank annuities, together with any dividend thereon, shall be transferred and paid to or on the application of the depositors.

Release of  
balance of  
deposit  
money.

**28.** If the railways authorised by this Act are 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 same railways, 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.

**29.** The railways authorised by this Act shall be constructed in accordance with the provisions of section 9 of the Act of 1874, and for purposes of toll and all other purposes shall be deemed to be part of the railway and undertaking of the Company, and the provisions of section 10 of the Act of 1874 shall apply to

Railways to  
form part of  
Company's  
undertaking.

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A.D. 1878. Railways Nos. 1 and 3, but not to Railway No. 2, by this Act authorised.

Agreements as to sea-going traffic and other matters.

**30.** The Company may, with the consent of three fifths of the votes of the shareholders entitled to vote at meetings of the Company present personally or by proxy at any general or extraordinary meeting convened with notice of the matter, enter into and carry into effect an agreement or agreements with any company or person owning, hiring, or using steam or sailing vessels resorting to the port of Larne, with respect to the conveyance and through booking of traffic and the conduct thereof, the contribution of funds not exceeding five thousand pounds out of their capital to any such company or person, the payments to be made and the conditions to be performed with respect to such traffic, and the collection, division, and appropriation of the revenue arising therefrom, and the division of the expenses connected therewith, and the Company may, with the like consent, contribute towards the formation of an hotel at Larne in connexion with their railway any sum of money not exceeding ten thousand pounds.

Facilities to be afforded to the Company.

**31.** The Cushendall Company shall afford to the Company full working facilities with respect to all traffic from or to any place upon or near the Cushendall Railway, and such facilities shall include the maintenance of the gauge of three feet upon that railway so long as the railway of the Company is continued upon that gauge, and also through booking, through invoices, and through waggons and carriages, and also waggons conveniently placed for interchange of traffic, and the Belfast Company shall, for the interchange of general traffic from and to stations on their railway, so place their waggons as to admit of such interchange of traffic to and from waggons of the Company, and all traffic to and from the Cushendall Company's Railway shall be accommodated, managed, and forwarded by the Cushendall Company as effectually, regularly, and expeditiously as if it were the proper traffic of such company or traffic which such company were desirous of cultivating to the utmost, and no preference, priority, or advantage shall be given over it, either directly or indirectly, to any other traffic.

The Company shall have in perpetuity, free of charge, the right to run their engines, waggons, and carriages over the railway of the Cushendall Company in their station yard in Ballymena, and of discharging and taking up traffic there, but so as not in the exercise of these powers to displace or impede the Cushendall Company in carrying on their own traffic in their said station yard.



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Accommodation shall be provided by the Cushendall Company at their station at Ballymena for the clerks, officers, and servants of the Company, to enable them to transact the business of the Company at the said station, subject to any rules and regulations for the time being of the Cushendall Company in force at such station as to clerks, officers, and servants, and the terms and consideration for such accommodation as shall be so afforded to the Company shall be determined by the said two companies, and, failing agreement between them, by arbitration as in this Act provided.

A.D. 1878.

Nothing herein contained shall be held to prevent the Cushendall Company from laying down a third line of rails on their undertaking or any part thereof for their sole use: Provided that the facilities by this Act granted to the Company shall not thereby be prejudiced, altered, or interfered with.

**32.** The Company may use the station of the Belfast Company at Ballymena for passenger traffic and the through passage of trains to the junction with the Cushendall Company's railway and any line formed by the Company between Ballymena and the railways authorised by the Ballymena, Cushendall, and Redbay Railway Act, 1878: Provided that if the Company desire, at their own expense, to make arrangements for the interchange of general goods traffic at or near the existing goods yard of the Cushendall Company at their Ballymena Station the Belfast Company shall facilitate such arrangements: Provided also, that nothing herein contained shall enable the Company to employ their own clerks; officers, and servants within the passenger station of the Belfast Company at Ballymena, but the Belfast Company shall perform for the Company at the said passenger station all such services and duties in reference to the conduct of traffic as may be necessary or reasonable.

As to use of  
Ballymena  
Station.

41 & 42 Vict.  
c. cxvii.

The terms, conditions, and regulations to which the Company shall be subject in respect of the use by them of the Belfast Company's said station at Ballymena, and the tolls or other consideration to be paid by the Company for the same, shall, if not agreed upon, be from time to time determined by arbitration as in this Act provided.

**33.** If within two years after the passing of this Act the Cushendall Company elect to proceed with the construction of the railways to Broughshane and Clonetrace, authorised by the Ballymena, Cushendall, and Redbay Railway Act, 1878, and therein described as Railways numbers 3 and 5, they shall serve notice in writing

Conditional  
transfer to  
Company of  
certain  
powers of  
the Cushen-

[Ch. ccxxvii.] *Ballymena and Larne Railway* [41 & 42 VICT.]  
*Extension Act, 1878.*

A.D. 1878. under their seal upon the Company of their intention so to do,  
and they shall after such notice proceed with the construction of  
the said railways with all practicable despatch, upon the gauge of  
three feet. If no such notice shall be served upon the Company  
by the Cushendall Company within the period aforesaid, the  
Cushendall Company shall be deemed to have elected to divest  
themselves of the powers of making the said railways conferred  
upon them by the said Act, and thereupon all the powers, rights,  
and authorities in relation to those railways conferred upon the  
Cushendall Company by that Act shall be transferred to and vested  
in and may be exercised by the Company, subject to all duties  
and liabilities imposed upon the Cushendall Company by the said  
Act in relation to such railways, and thereupon the amount of  
additional capital which the Company are by this Act authorised  
to raise by the creation of new shares or stock shall be deemed  
and taken to be any sum not exceeding seventy thousand pounds,  
and the amount which they are by this Act authorised to borrow  
shall be deemed and taken to be any sum not exceeding thirty  
thousand pounds.

Conditional  
running  
powers to  
Cushendall  
Company.

**34.** If and when the Company under the preceding provision  
of this Act complete the said railways, or any part thereof, the  
Cushendall Company may run over and use with their engines and  
carriages of every description, and with their clerks, officers, and  
servants, and for all purposes of their traffic, all the said railways,  
or such part thereof, and the stations, watering-places, booking  
offices, warehouses, sidings, works, and conveniences connected  
therewith; and the terms, conditions, and regulations to which the  
Cushendall Company shall be subject in respect of the said use,  
and the tolls or other consideration to be paid for the same, shall,  
if not agreed upon, be determined by an arbitrator to be appointed  
and empowered as in this Act provided.

As to use of  
the Cushen-  
dall Com-  
pany's un-  
dertaking.

**35.** If and when the Cushendall Company shall make the  
railways to Broughshane and Clonetrace, numbered three and five  
as aforesaid, or any part thereof, the Company may run over and  
use with their engines and carriages of every description, and with  
their clerks, officers, and servants, and for all purposes of their  
traffic, all such railways, or such part thereof, together with the  
stations, watering-places, booking offices, warehouses, sidings,  
works, and conveniences connected therewith: Provided that if  
the Company require to use the said railways, either as having  
made the same, or in the exercise of running powers, they shall, at  
their own expense, provide an additional line to give access thereto



[41 & 42 VICT.] *Ballymena and Larne Railway* [Ch. ccxxvii.]  
*Extension Act, 1878.*

for their own exclusive use, and for that purpose may lay down an additional line of rail alongside the Cushendall Company's railway between Ballymena and the junction with that railway of the said railways to Broughshane and Clonetrace, purchasing any additional land which may be required for that purpose.

A.D. 1878.

**36.** The terms, conditions, and regulations to which the Company shall be subject in respect of the use by them of the said railways of the Cushendall Company, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon, be from time to time determined by arbitration as hereinafter provided.

Terms of use to be settled by arbitration if not agreed upon.

**37.** Any difference which may from time to time arise between the Company on the one hand, and the Belfast and Cushendall Companies, or either of them, on the other hand, with regard to any working facilities to be afforded in accordance with this Act, or with regard to any such terms, conditions, and regulations, and tolls or other consideration as aforesaid, shall be determined by an arbitrator to be appointed by agreement between the companies in difference, or, in default of agreement, by the Commissioners of Public Works in Ireland, on the application of either company in difference, and such arbitrator shall by his award prescribe and define the nature of any facilities to be afforded, duties or services to be performed, or of accommodation to be given, and the amount of any payments to be made; and the decisions of any arbitrator appointed under the provisions of this Act shall be binding and conclusive on the parties in difference, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Differences to be settled by arbitration.

**38.** The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, 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 contained 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.

Interest not to be paid on calls paid up.

8 & 9 Vict. c. 16.

**39.** 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

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

[Ch. ccxxvii.] *Ballymena and Larne Railway* [41 & 42 VICT.]  
*Extension Act, 1878.*

A.D. 1878. Company to construct any other railway or to execute any other work or undertaking.

Railways not exempt from provisions of any present and future general Railway Acts.

40. Nothing in this Act contained shall be deemed or construed to exempt the railways 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.

Expenses of Act.

41. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.