



CHAPTER ccxvii.

An Act to authorise the Belfast and Northern Counties Railway Company to construct branch lines of railway from King's Bog to Ballyclare and from Ballyclare to Doagh; to extend the time limited by the Belfast and Northern Counties Railway Act 1878 for the purchase of lands and completion of the railway by that Act authorised; to subscribe towards the construction of a tramway at Carrickfergus; to erect or subscribe towards the erection of hotels at Portrush and Giant's Causeway; to lend money to the Ballymena Cushendall and Redbay Railway Company instead of taking shares in the capital of that company; and for other purposes.

A.D. 1881.

[22nd August 1881.]

WHEREAS it is expedient that the Belfast and Northern Counties Railway Company (herein-after called "the Company") should be authorised to make and maintain the following railways in the county of Antrim that is to say:

1. A railway commencing by a junction with the railway of the Company at a point one furlong and thirteen yards or thereabouts eastward from the point where the public road leading from Belfast to Ballyclare crosses the said railway in the townland of King's Bog in the parish of Ballylinny and terminating in a field abutting on the western boundary of the stack yard of the North of Ireland Paper Mill Company at Milltown in the townland of Ballyclare:
2. A railway commencing by a junction with the said last-mentioned railway at its termination in the townland of Ballyclare and terminating in the townland of Doagh at a point on the east side of the public road leading from Belfast to Doagh one hundred and forty yards or thereabouts south of the junction of the road from Ballyclare with the said road.

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A.D. 1881. And whereas it is expedient that the respective periods limited
41 & 42 Vict. by the Belfast and Northern Counties Railway Act 1878 for the
c. cxviii. compulsory taking of lands and the completion of the railway by
that Act authorised be extended :

And whereas it is expedient that the Company should in manner
by this Act provided subscribe towards or otherwise aid in the
construction of a tramway from their railway at Carrickfergus to
the present or authorised quays at that port and also that the
Company should be empowered to erect hotels at Portrush and the
Giant's Causeway or to subscribe towards and hold shares in any
company formed or to be formed for the purpose of affording hotel
accommodation at those places or either of them :

35 & 36 Vict. And whereas by the Ballymena Cushendall and Redbay Railway
c. lxxxv. Act 1872 (in this Act called "the Ballymena Act") the Company
were authorised to subscribe to and hold shares in the undertaking
of the Company by that Act incorporated (in this Act called "the
Ballymena Company") to the extent of twenty-five thousand
pounds :

37 & 38 Vict. And whereas by the Belfast and Northern Counties Railway Act
c. lxxiii. 1874 it was enacted that the Company should be enabled at their
option either to take and hold shares in the said undertaking
or to guarantee interest on the mortgages or debenture stock of the
Ballymena Company to the same amount :

And whereas by the Act of 1878 the Company were authorised to
subscribe to and hold shares in the undertaking of the Ballymena
Company to the further extent of eighty-five thousand pounds :

And whereas it is expedient that the Company should in lieu of
subscribing the whole sum which they are authorised to subscribe to
the capital of the Ballymena Company be authorised to lend that
company a portion of such sum on the security of mortgages or
debenture stock :

And whereas it is expedient that the Company be empowered to
raise further capital for the purposes of this Act and for their
general purposes and that they should also be empowered to apply
to such purposes any moneys which they have power to raise for
special purposes but which may not be required for such special
purposes :

And whereas plans and sections showing the line and levels of the
railways by this Act authorised to be made and also books 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

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of Antrim which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference : A.D. 1881.

And whereas the purposes of this Act cannot be effected without the authority of Parliament,

May it therefore please Your Majesty, that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Belfast and Northern Counties Railway Act 1881. Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :— Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 with respect to the several matters following that is to say— 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 payment of calls :

The forfeiture of shares for nonpayment of calls :

The remedies of creditors of the Company against the shareholders :

The consolidation of shares into stock :

The giving of notices :

The provision to be made for affording access to the special Act :

Part I. (relating to the cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 : 26 & 27 Vict. c. 118.

The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as amended by the Railways (Ireland) Act 1851 the Railways (Ireland) Act 1860 the Railways (Ireland) Act 1864 and Railways Traverse Act : 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.
31 & 32 Vict. c. 70.

The Railways Clauses Consolidation Act 1845 : 8 & 9 Vict. c. 20.

And Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 : 26 & 27 Vict. c. 92.

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Interpreta-
tion of gene-
ral Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railways" means the railways and works hereby authorised.

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 instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland" the expression "clerks of the unions within which such parishes are included in Ireland" and as if instead of the word "postmasters" the words "clerks of the unions" had been used and inserted in that Act throughout those sections.

Power to
make rail-
way and
other works.

5. 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 approaches works and conveniences connected with such railways and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

(1.) A Railway (No. 1) three miles and two chains in length or thereabouts commencing by a junction with the railway of the Company at a point one furlong and thirteen yards or thereabouts eastward from the point where the public road leading from Belfast to Ballyclare crosses the said railway in the townland of King's Bog in the parish of Ballylinny and terminating in a field abutting on the western boundary of the stack-yard of the North of Ireland Paper Mill Company at Milltown in the townland of Ballyclare in the grange of Doagh.

(2.) A Railway (No. 2) one mile two furlongs one chain in length commencing by a junction with the said last-mentioned railway at its termination herein-before described and terminating in the townland of Doagh at a point on the east side of the public road leading from Belfast to Doagh at a point one hundred and forty yards or thereabouts south of the junction of the road from Ballyclare with the said road :

Provided always that the Company shall construct Railway No. 2 in such a manner as shall not obstruct or interfere with the construction of Railway No. 2 authorised by the Ballymena and Larne Railway Act 1878 according to the plans deposited with reference to that Act.

41 & 42 Vict.
c. ccxxvii.

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6. The railways shall be completed within five years from the passing of this Act.

Period for completion of railway.

7. The Company may demand and receive for and in respect of the railways by this Act authorised the same tolls and charges which they may now receive in respect of their existing undertaking and the railways shall in all respects be deemed part of the railway of the Company.

Railways to form part of railways of the Company.

8. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Accountant General of the Chancery Division of the High Court of Justice in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Imposing penalty unless railways are open.

17 & 18 Vict. c. 31.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property 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 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

Providing for application of penalty in compensation to parties &c. injured.

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is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said 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 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.

On expiration of time limited for completion of railway power to cease.

10. If the railways authorised by this Act shall not be completed within the period limited by this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands by the Company.

11. The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Extending time for purchase of lands for works authorised by Act of 1878.

12. The period limited by the Act of 1878 for the compulsory purchase of lands for the purposes of the works thereby authorised may be exercised at any time within but shall not be exercised after the expiration of two years from the passing of this Act.

Extending time for completion of works authorised by Act of 1878.

13. Section six of the Act of 1878 shall be read and have effect for all purposes as if the words "4th July 1885" had been inserted therein instead of the words "five years from the passing of this Act."

Protection of the Belfast Water Commissioners.

14. The provisions of section ten of the Belfast and Northern Counties Railway Act 1878 for the benefit and protection of the Belfast Water Commissioners during the construction of the railway and works by that Act authorised shall in case of the extension by this Act of the time thereby limited for the completion of such railway and works continue and remain in full force and effect during such extended time as if that section had been re-enacted in express terms in this Act.

15. For the protection of the Ballyclare Ligoniel and Belfast Junction Railway Company (herein called "the Ballyclare Company") proposed to be incorporated by a Bill introduced into Parliament in the present session under the short title of the Ballyclare Ligoniel and Belfast Junction Railway Act herein-after referred to as "the Ballyclare Bill") the following provisions shall in the event of the said Bill passing or having passed into a law have effect (that is to say)—

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Protection of
Ballyclare
Ligoniel and
Belfast
Junction
Railway
Company.

1. The Company shall construct the Railway No. 2 by this Act authorised so as not to interfere with or prevent the construction of the Railway No. 3 authorised or proposed to be authorised by the Ballyclare Bill or of the junction of that railway with the extension to Doagh of the Ballymena and Larne Railway in accordance with the provisions contained in the Ballyclare Bill and shall in crossing the said Railway No. 3 carry the said Railway No. 2 over the said Railway No. 3 by means of a bridge of a single span of not less than twenty-one feet measured on the square and having a headway of eleven feet throughout above and so as to admit of the passage of engines trucks and carriages of any description along the said Railway No. 3 when so constructed as aforesaid and for the purposes aforesaid the Company shall be allowed to deviate vertically to any extent that may be found necessary :
2. The construction of such bridge and of all works executed by the Company under the powers of this Act in connexion therewith shall be executed only according to the plans sections and specifications to be previously submitted to and approved by the engineer for the time being of the Ballyclare Company :
3. The Company shall at all times maintain the said bridge and the works connected therewith in substantial repair and good order and condition to the reasonable satisfaction of the engineer for the time being of the Ballyclare Company and if they at any time fail so to do the Ballyclare Company may as well upon their own lands as upon those of the Company execute all such works as they may think requisite in that behalf and may recover the amount of their expenditure upon such works from the Company :
4. Any difference which may from time to time arise between the companies or between the engineers of the respective companies with respect to any of the matters provided for by this section shall be determined by arbitration in

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accordance with the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Protection of public roads in the county of Antrim.

16. (1) Instead of diverting for the purposes of this Act the public road numbered on the deposited plans and sections 8 in the townland of Ballyhone in the parish of Ballyhinny in the manner shown upon the deposited plans and sections the Company shall not divert the same road save in such manner and according to such plan and section as the surveyor for the time being of the county of Antrim shall by writing under his hand approve.

(2) In all cases in which the Company shall under the powers of this Act carry any public road over the railways or carry the railways over any public road by a bridge they shall construct on each side of the immediate road approaches to each such bridge fences in all respects similar to those ordinarily constructed on the sides of new public roads in the county of Antrim provided as regards bridges for carrying public roads over the railways such permanent fences need not be constructed until in the opinion of the county surveyor the embankments shall be sufficiently consolidated and the Company shall in the meantime provide such temporary fences as the said surveyor may think necessary.

Power to raise additional capital.

17. 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 the sum of sixty thousand pounds and such additional capital may be raised by the issue at their option of new ordinary shares or new preference shares or wholly or partially by either of those modes respectively but the Company shall not issue any share 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.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

18. The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares.

19. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the

same class or description proportioned to the whole amount from time to time called and paid on such new shares as the case may be. A.D. 1881.

20. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares.

21. The Company may from time to time borrow on mortgage in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until the whole of the additional capital of sixty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such additional capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators 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 certificate shall be sufficient evidence thereof. Power to borrow.

22. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 six thousand pounds in the whole. Appointment of a receiver.

23. All mortgages or bonds granted or to be granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock created and issued by the Company. Former mortgages to have priority.

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Debenture
stock.

24. 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 after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys
raised under
this Act.

25. All moneys raised under this Act whether by shares debenture stock or by borrowing shall be applied for the purposes of this Act and the general purposes of the Company only and the Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise under any of the Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Company
may contri-
bute towards
cost of
construct-
ing tram-
way at Car-
rickfergus.

26. The 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 Company specially convened for the purpose from time to time lend to the municipal commissioners of the town of Carrickfergus on such terms and for such period as may be agreed any sum or sums of money not exceeding in the whole five thousand pounds for the purpose of enabling the said commissioners to construct a tramway from the Company's railway at Carrickfergus to the quays at the same place.

Company
may sub-
scribe towards
cost of or
may erect
hotels
at Portrush
and Giant's
Causeway.

27. The 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 Company specially convened for the purpose from time to time subscribe any sum or sums of money not exceeding in the whole twenty thousand pounds towards the undertaking of any company or companies formed or to be formed for the purpose of erecting hotels at Portrush and the Giant's Causeway or to subscribe towards and hold shares in any limited company formed or to be formed for the purpose of affording hotel accommodation at those places or either of them and the Company may with the like consent purchase but only by agreement lands situate at Portrush and the Giant's Causeway and may erect thereon hotels and may conduct and manage the same or the Company may from time to time let the same for such periods and for such rents or other considerations and on such terms and conditions as they think fit.

28. The 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 Company specially convened for the purpose from time to time lend to the Ballymena Company on the security of mortgages or bonds or debenture stock in that company any sum not exceeding in the whole ten thousand pounds provided always that the Company shall not in the aggregate hold at any time more than one hundred and ten thousand pounds in shares mortgages or bonds or debenture stock in the capital of the Ballymena Company Provided always that no mortgage bond or bonds or any debenture stock certificate granted issued or delivered to the Company by the Ballymena Company under the provisions of this section shall be transferable.

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 Company may lend money on mortgage to Ballymena Company in lieu of subscribing.

29. The Company shall not out of any money by any Act relating to the Company 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 provided that this Act shall not 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.

30. The Company shall not out of any money by any Act relating to the Company authorised to be raised by calls or by borrowing pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force is 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.

31. Nothing in this Act contained shall exempt the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now or hereafter in force or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges or of the rates for small parcels authorised to be taken by the Company.

Provisions as to general Railway Acts.

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

Costs of Act.