

**CHAPTER lxxv.**

An Act to confer further powers on the Ballymena and Larne  
Railway Company.

A.D. 1885.

[16th July 1885.]

**W**HEREAS by the Larne and Ballyclare Railway Act 1873 (in this Act called "the Act of 1873") the Larne and Ballyclare Railway Company were incorporated and authorised to construct a railway from Larne to Ballyclare and to raise a capital of fifty-four thousand pounds by shares and eighteen thousand pounds by borrowing :

And whereas by the Ballymena and Larne Railway Act 1874 (in this Act called "the Act of 1874") the name of the said Company was changed to the Ballymena and Larne Railway Company (in this Act called "the Company") and the Company was authorised to raise by shares or stock a sum of eighty-two thousand pounds in addition to the said sum of fifty-four thousand pounds and to borrow on mortgage in respect of the said additional capital a sum not exceeding twenty-seven thousand two hundred pounds :

And whereas the undertaking of the Company was completed and opened for traffic within the time limited by the said Acts except certain short portions thereof :

And whereas it is expedient that for various purposes connected with their undertaking the Company should be empowered to acquire additional land :

And whereas the construction of part of the railway authorised by the Ballymena and Larne Railway Extension Act 1878 (hereinafter called "the Act of 1878") has become unnecessary and it is expedient that the Company should be empowered to abandon the same :

And whereas the sum of six hundred pounds Three per Centum Consolidated Bank Annuities was deposited pursuant to the standing orders of both Houses of Parliament with the Chancery Division of the High Court of Justice in Ireland in relation to the three railways

A.D. 1885. authorised by the Act of 1878: And whereas of these three railways Railway No. 1 was completed and opened for traffic shortly after the time limited by the Act of 1878 for the completion thereof and Railway No. 2 (with the exception of the part authorised to be abandoned under this Act) and also Railway No. 3 were completed and opened for traffic within the period limited by the Act of 1878 for the completion thereof and it is expedient that provision should be made for the release of the said annuities and the interest accrued due thereon :

And whereas in or about the year 1878 the Company in order to obtain funds for the completion of the undertaking and for providing rolling stock for the same issued three thousand three hundred ordinary shares of the Company to certain persons (herein-after called "the guaranteed shareholders") with an undertaking that dividend on the said shares should be paid at the rate of five per centum per annum it being arranged that the guaranteed shareholders should on their part be bound to transfer the said shares as ordinary shares and without the benefit of the guarantee as required by the Company on the amount paid thereon being repaid to them :

And whereas the guaranteed shareholders accordingly paid to the Company the full par value of the said three thousand three hundred ordinary shares in the undertaking which shares were allotted to them and the money so obtained was received by the Company and applied in the completion of the undertaking and the provision of rolling stock :

And whereas since the date of the said arrangement interest or dividend has been regularly paid to the guaranteed shareholders at the rate of five per centum per annum on the said shares and one hundred and twenty of the three thousand three hundred shares were afterwards sold at par so that the number of guaranteed shares remaining subject to the said arrangement is now only three thousand one hundred and eighty :

And whereas owing to the general depression of trade and the disturbed state of Ireland it has not been possible to dispose of the remainder of the said shares at a price which would admit of the completion of the said arrangement :

And whereas the Company is also indebted to bankers and others in respect of other sums of money which have been received by them and bonâ fide applied to purposes in connexion with the undertaking

And whereas it is expedient that the Company should be empowered to raise additional money in the manner and subject



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to the provisions in this Act contained in order to provide for the repayment of the moneys paid by the guaranteed shareholders and for the termination of the subsisting arrangement and the discharge of their other liabilities and holders of more than three-fourths in value of the existing preference share capital of the Company have assented in writing to the provisions of this Act in that behalf :

And whereas plans showing the lands intended to be taken under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands 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 and books of reference :

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

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

1. This Act may be cited as the Ballymena and Larne Railway Act 1885. Short title.

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 are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of general Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to— Extending certain provisions of Companies Clauses Acts.

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and 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 borrowing of money by the Company on mortgage or bond ;
- The conversion of the borrowed money into capital ;
- The consolidation of shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;

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The giving of notices; and

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

And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869:

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpreta-  
tion.

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

As to deposit  
of plans with  
clerks of  
unions.

5. With reference to this Act all the provisions of sections 7, 8 and 9 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 post towns in or nearest such parishes in Ireland" or instead of the word "postmasters" (as the case may be).

Power to  
purchase  
additional  
lands.

6. Subject to the provisions of this Act the Company may purchase and take for the purposes of their undertaking such of the lands herein-after described and shown on the deposited plans and described in the deposited books of reference as they may require for those purposes together with any houses and buildings thereon respectively viz.:—

Lands in the townland of Ballyrickard Beg and parish of Raloo on the south side of the Company's railway which lands adjoin at the western point thereof the boundary separating the said townland from the townland of Lowtown;

Lands in the townland of Dunturky in the parish of Ballynure on the eastern side of the Company's railway adjoining the present station yard of the Company at Ballynure Station and immediately to the southward of the bridge carrying the road from Ballynure to Ballyeaston over the Company's railway;

Lands in the townland of Ballynashee in the parish of Rashie adjoining and on the south-western side of the Company's railway and also adjoining and on the northern side of the present station yard of the Company at Ballynashee station;



Lands in the townland of Tildarg in the parish of Rashie on the southern side of the Company's railway and between the railway and the public road from Ballyclare to Broughshane;

Lands in the townland of Ballykeel in the parish of Ballyclug on the west side of the Company's station yard and between it and the public road from Ballymena to Antrim;

All which lands are situate in the county of Antrim.

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7. The powers conferred on the Company by this Act for the compulsory purchase of land shall not be exercised after the expiration of three years from the passing of this Act.

Limiting  
period for  
compulsory  
purchase of  
lands.

8. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction  
as to houses  
of labouring  
classes.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

9. The Company may and shall abandon and relinquish the construction of that portion of the Kilwaughter Branch Railway in the parish of Kilwaughter in the said townland of Lowtown described in and authorised by the Ballymena and Larne Railway Extension Act 1878 which lies between the public road leading from Larne to Ballynure and the authorised termination of the said branch railway in the townland of Rory's Glen: And on and after the passing of this Act the Company shall (except only as is by this Act otherwise expressly provided) be absolutely freed from all obligation with respect to the making and maintaining of the said portion of railway.

Abandon-  
ment of  
portion of  
railway  
authorised  
by Act of  
1878.

10. The abandonment of the said portion of railway by the Company under the authority of this Act 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 the line of railway and shall not prejudice or affect the right of the owner or occupier of

Compensa-  
tion for  
damage to  
land by  
entry.

A.D. 1885. — any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have 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 or the said Act of 1878.

Compensa-  
tion for non-  
completion  
of purchase.

**11.** Where before the passing of this Act any contract may have been entered into by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway to be abandoned or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract 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 the lands taken under the provisions thereof.

Providing  
for release of  
deposit.

**12.** Subject to the provisions of section 26 of the Act of 1878 with respect to the compensation of landowners or other persons injured and to the protection of creditors the Chancery Division of the High Court of Justice in Ireland may and shall at any time after the passing of this Act on application by the persons named in the warrant or order mentioned in the 25th section of the Act of 1878 or the survivor of them in a summary way order that the sum of six hundred pounds Three per Centum Consolidated Bank Annuities the deposit fund mentioned in the said section and the interest or dividends accrued thereon shall be transferred or paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of annuities and any interest or dividends thereon shall be transferred or paid to such persons or person accordingly.

Power to  
raise addi-  
tional capital.

**13.** Subject to the provisions of Part II. of the Companies Clauses Act 1863 and of this Act the Company may raise any additional capital not exceeding thirty thousand pounds by the issue of new preference shares or stock which shall rank for dividend *pari passu* with the preference shares of the Company already created under the Act of 1878: But no share or stock created under the authority of this Act shall be issued nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less



than one-fifth part of the amount of such share or stock shall have been paid in respect thereof. A.D. 1885.

**14.** The Company may from time to time borrow on mortgage of their undertaking in addition to the money which they are already authorised to borrow any sum or sums of money not exceeding in the whole twenty-two thousand eight hundred pounds being the amount which with the amount which they are already authorised to borrow will be equal to one half of the capital of the Company in shares or stock already created and issued. Further powers to borrow on mortgage.

**15.** Instead of borrowing the money which they are by this Act authorised to borrow the Company may subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock to the same nominal amount but notwithstanding anything therein contained the interest of all such debenture stock at any time after the passing of this Act created and issued by the Company and the interest of all mortgages at any time after the passing of this Act granted by the Company under the provisions of this Act shall rank *pari passu* and such interest shall have priority over all principal moneys secured by such mortgages. Debenture stock.

**16.** The principal moneys secured by all mortgages or debentures granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act. Former mortgages to have priority

**17.** Section 19 of the Act of 1878 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. 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. Appointment of receiver.

**18.** The money raised by the Company under this Act shall be applied first in redemption of the three thousand one hundred and eighty shares before mentioned by repayment to the guaranteed shareholders of the moneys remaining due to them and the moneys paid to them in respect of the said arrangement over and above the dividend on the said shares may be charged to capital account and Application of money.

A.D. 1885. — secondly in discharge of the other debts and liabilities of the Company herein-before mentioned and thirdly for any purposes of the Company to which capital is properly applicable.

As to re-issue  
of redeemed  
shares.

**19.** When the said shares shall have been redeemed under the provisions of this Act the allotment thereof shall be cancelled and the Company may at any time after such cancellation with such consents of the share and stockholders as would be required under the Companies Clauses Act 1863 in respect of the issue of preference shares or stock and generally subject to the conditions of the said Act (so far as applicable) re-issue such shares and attach thereto such preferential dividend (if any) as they may think fit.

Interest not  
to be paid on  
calls paid up.

**20.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

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

**21.** 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.

Provision as  
to general  
Railway Acts.

**22.** 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 any Act of the Company.

Costs of Act.

**23.** 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.