



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. cxii.

An Act to alter, amend, and enlarge the Powers of an Act of the Second and Third Years of His present Majesty, for making and maintaining a Railway from the *Cave Hill* to the Harbour of *Belfast* in the County of *Antrim*.

[9th September 1835.]

WHEREAS by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from the Cave Hill to the Harbour of Belfast in the County of Antrim*, certain Persons were incorporated and created One Body Corporate by the Name and Style of "The *Belfast and Cave Hill Railway Company*," and the said Company were thereby authorized and empowered to make and maintain a Railway or Railways, and also a public Road or Highway parallel therewith, from the *Cave Hill* to the Port and Harbour of *Belfast*, and to make, form, improve, and maintain a Shipping Place at the Port aforesaid: And whereas by the said recited Act the said Company were authorized to raise and contribute amongst themselves a Sum of Money for making and completing the said Railway and the other Works belonging or requisite thereto, not exceeding in the whole the Sum of Seven thousand five hundred Pounds: And whereas by the said recited Act the said Company were also authorized to borrow and take up at Interest a further Sum of Money not exceeding the Sum of Two thousand five hundred Pounds by Mortgage of the said Undertaking: And whereas it was by the said recited Act enacted, that in case the said Railway should not have been completed within the Space of

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Five Years from the passing thereof, then and from thenceforth all the Powers, Authorities, and Privileges given by the said Act should cease and determine, save only and except as to so much thereof as should have been completed within such Time : And whereas the whole of the said Sum of Seven thousand five hundred Pounds hath been subscribed for, and the said Sum of Two thousand five hundred Pounds hath been borrowed on the Credit of the said Undertaking, in pursuance of the Powers of the said recited Act : And whereas the said Company have proceeded in the Execution of the said recited Act, and have made great Progress in making the said Railway and other Works thereby authorized to be made, and the said Company find that the said Sums of Seven thousand five hundred Pounds and Two thousand five hundred Pounds will not be sufficient to finish and complete the said Railway and other Works, and it is expedient that the said Company should be empowered to raise a further or additional Sum of Money for such Purposes ; and in order to complete the said Railway and other Works aforesaid it is necessary that further Time should be granted for the same ; and it is expedient that some of the Powers and Provisions in the said recited Act contained should be altered, amended, and enlarged ; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King'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, That the said recited Act of the Second Year of His said present Majesty, and all the Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein respectively contained, shall (except so far as the same or any of them may be varied by or inconsistent with or repugnant to the Provisions of this Act) remain and continue in force, and be good, valid, applicable, and effectual for carrying this Act and the said recited Act into execution, to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof.

Powers of recited Act extended to this Act.

A new and authenticated Map of certain Land to be deposited with the Clerks of the Peace of Antrim and Belfast, which shall be good Evidence.

Limiting Deviations.

II. And be it further enacted, That in lieu and stead of the original and amended Maps or Plans in the said Act mentioned, a new Survey, Map, or Plan of the said Railway, so far only as the same shall run or pass through and between the Land occupied by *Alexander Mackay* and *Andrew Mulholland*, as the same has been determined on, shall be authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, and shall be deposited with the Clerk of the Peace of the County of *Antrim*, and also a Duplicate or Counterpart of the said new Survey, Map, or Plan shall be deposited with the Town Clerk (for the Time being) of the Borough of *Belfast*, to and for the like Ends and Intents as in the said Act declared of and concerning the Maps and Books of Reference therein referred to ; and which said new Map or Plan, or the Duplicate or Counterpart thereof, or Copies of the same, certified by the said Clerk of the Peace or Town Clerk, or either of them, or either of their Deputies, to be a true Copy or Copies, shall be and is hereby declared to be good Evidence in all Courts of Law or Equity, and upon all other Occasions whatsoever, so far only as the Lands of the said *Alexander Mackay* and *Andrew Mulholland* extend ; and the said Company in making the said intended Railway between or through the said Lands of *Alexander*

der Mackay and *Andrew Mulholland* shall not deviate from the Course or Direction laid down in the said last-mentioned new Survey, Map, or Plan, except in the crossing of public Roads or Highways, without the Consent in Writing of the Occupiers of the Land through which such Alteration or Deviation is sought to be made being first had and obtained : Provided always, that in making the said Railway according to the said last-mentioned Map or Plan the said Company shall not deviate more than One hundred Yards from the Line of Railway laid down in the amended Map or Plan certified by the Right Honourable the Speaker of the House of Commons in the said recited Act mentioned and referred to.

III. Provided always, and be it further enacted, That the said Company shall not make the said Railway from *Cave Hill* to the Harbour of *Belfast* or any Part of the same in any other Line than such as is prescribed by the said recited Act and this Act : Provided always, that the said Company shall have the Power of deviating from the said Line to the Extent herein and by the said recited Act mentioned.

Line of Railway to be as prescribed in this and recited Act.

IV. And be it further enacted, That in case the said Company cannot or shall not agree as in the said recited Act specified with the Parties interested for the Purchase of the Land and Ground necessary for the making of the said Railway, Road, and other Works, the said Company shall, previous to being entitled to issue their Writ or Precept for holding an Inquiry as in said recited Act specified, give unto each and every of the Occupiers of the Premises and Persons interested a Notice in Writing under the Seal of the Company, or signed by their known and authorized Secretary or Clerk, accompanied by a Map or Plan delineating and specifying the Situation and Extent of Ground required by them, and stating the Sum of Money which the said Company are willing to give for the Purchase of same ; and in case the Party or Parties to whom such Notice shall have been given shall not accede to the same for the Space of Seven Days next after Receipt of such Notice, or of being left at his or their last Place or Places of Abode, if resident on the Premises, or at the Dwelling House of a Tenant on the Premises, or within Twenty-one Days next after same shall have been so left with or given to his or their known Agents (if residing out of *Ireland*), then and in such Case it shall be lawful to and for the said Company to issue their Writ or Precept to the Sheriff for holding an Inquiry as in the said Act specified, and which Inquiry or Inquiries it is hereby enacted and declared shall be held at *Belfast*, of which all Parties interested are to get Fourteen Days Notice at the least from the said Company.

Notice to be given to Persons interested previous to the issuing a Writ or Precept for holding an Inquiry.

V. And be it further enacted, That in every Case in which the Verdict of a Jury in pursuance of the said Act or this Act shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said Act or this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of the said Act or this Act, all the Costs incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, shall be borne by the said Company ; and such Costs and Expences shall

Expences of Jury and Witnesses, how to be paid.

shall be settled and determined by the Sheriff or Under Sheriff of the said County; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company (unless the Treasurer of the said Company shall pay such Costs and Expences out of any Monies received by him by virtue of the said Act or this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Antrim* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the said Verdict shall be given for a less Sum than had been previously offered by or on behalf of the said Company, then the said Costs and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the Company shall have such Controversy or Dispute; and in case the Verdict of the Jury shall be given for the same Sum as shall have been previously offered by or on behalf of said Company, One Moiety of the said Costs and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Company; and the Whole or the Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the whole thereof: Provided always, that in Cases where by reason of Absence in Foreign Parts, or from any other Cause of Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences (to be settled and determined in the Manner herein-before directed) shall be borne and paid by the said Company: Provided also, that in case the said Company shall refuse or decline to take the said Lands and Premises at the Price or Sum of Money awarded by any such Jury, then and in such Case the said Company shall forthwith pay and discharge all such Costs and Expences.

Appointment
of Assessor.

VI. And be it further enacted, That the Sheriff in any Inquiry made before him may be at liberty to elect and choose some indifferent Barrister, not connected with any of the Parties; as and for an Assessor in any such Inquiry.

Provision for
Expences of
Assessor.

VII. Provided always, and be it further enacted, That the Expences of such Assessor shall be defrayed in the same Manner as the other Expences of the Jury are herein directed to be defrayed.

Claimants to
be Plaintiffs
at Inquisi-
tions.

VIII. Provided always, and be it further enacted, That in all Inquiries to be made under the said recited Act and this Act as to the Value of the Lands taken or Compensation for Damage done under the Powers of this Act and the said recited Act, or either of them, the Party or Parties claiming Compensation shall be Plaintiffs.

IX. Provided always, and be it further enacted, That if the said Company shall not within the Space of Six Months, to be computed from the passing of this Act, agree for and cause to be valued, and shall pay for, as in the said first-recited Act and this Act is mentioned, the Lands, Houses, Buildings, or other Premises which they are by this Act empowered to purchase, or so much thereof as shall be deemed necessary or proper for the Purpose of this Act, then and from thenceforth all the Powers which are hereby granted to them for such Purpose only shall cease and determine and be utterly null and void, save and except with the Consent of the Owners and Occupiers thereof respectively.

Land to be purchased in Six Months.

X. And be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or shall not be made in the Space of Five Years from the passing of this Act, after the same shall have been completed shall for the Space of Three Years cease to be used and employed as a Railway, then and in such Case the Lands so taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Railway, or any Part or Portion of such Railway which shall be so abandoned or given up or not made by the said Company shall pass, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) One Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

If Railway is abandoned, Land to revert to Owners of adjoining Lands.

XI. And whereas in and by the said recited Act it is enacted, that the said Railway shall not, without the Consent in Writing of Mrs. *Edward May*, (meaning thereby Mrs. *Elizabeth May*, Widow,) her Heirs and Assigns, be laid at any Distance less than Fifty Feet from the Top of the Embankment at the *Milewater*, nor out of the Course or Direction through her Grounds as delineated on the Map or Plan in the said recited Act mentioned or referred to as authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, and to be deposited with the Clerk of the Peace of the County of *Antrim*: And whereas such Parts of the said Lands of the said *Elizabeth May* as are required for making the said Railway, and the Road or Highway mentioned in the said recited Act, according to the said last-mentioned Map or Plan, and for the Purpose of making and providing Yards, Wharfs, and other Conveniences for the receiving, depositing, and keeping Goods, Merchandize, and other Things intended to be conveyed upon the said Railway, and for a Shipping Place, and other Purposes of the said Railway, have been taken by the said Company by an Inquisition held under the said recited Act, and have been conveyed to and are now vested in or belonging to the said Company; be it therefore enacted, That for and notwithstanding any thing in this Act contained to the contrary the said Railway, so far as the same shall extend on the Lands late of the said *Elizabeth May* Eastward of the new Road leading from *Carrickfergus* to *Belfast* shall (unless the said *Elizabeth May*, her Heirs or Assigns, shall give her or their Consent in Writing to the contrary,) be formed, made, and constructed so as that it shall be not less than Fifty Feet from the Top of the Embankment at the *Milewater*, and running parallel therewith, and that the said Road or Highway shall be formed parallel to the said Railway, and between the same and adjoining the said *Elizabeth May*'s remaining

Railway to be Fifty Feet from Embankment against the Milewater, and be made in the Line delineated on the Map referred to in the recited Act as authenticated by the Speaker.

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Lands,

Lands, so as to form the Boundary Line between the same and the said Railway; and that neither the Line of the said Railway or the said Road or Highway shall, except for the Purpose of forming such Boundary Line as aforesaid, be varied or deviated from the Course or Direction delineated on the Map or Plan in the said recited Act referred to, and authenticated as aforesaid, so far as the Land lately belonging to the said *Elizabeth May*, and now vested in or belonging to the said Company by virtue of the said Inquisition, or otherwise, extends, nor shall any thing in this Act contained be construed to abrogate or annul or in any Manner to affect or prejudice any Agreements entered into between the said *Elizabeth May* and the said Company or their Agent on their Behalf: Provided always, that nothing herein contained shall prevent the said Railway Company from making, in addition to the said Railway and Road or Highway through the Lands so purchased from the said *Elizabeth May*, such other and further Communications by Branch Lines of Railway from the said Railway, to be formed through the said Lands, to the Wharfs and Shipping Places to be constructed by the said Company on the Lands lately belonging to the said *Elizabeth May* as aforesaid, as the said Company shall deem convenient.

Company to build Wharfs on the Ground purchased of Mrs. May.

XII. And be it further enacted, That the said Company shall within Five Years after the passing of this Act erect good and sufficient Wharfs for the landing and shipping of Goods on the said Ground late of the said *Elizabeth May*, and now vested in or belonging to the said Company, which will lie between the *Milewater* and the said Railway.

The Highway parallel to the Railway to be the Boundary Line of Mrs. May's Ground.

XIII. And be it further enacted, That the said Road or Highway to run parallel with the said Railway which the said Company are required to make by the said recited Act shall be made within Three Years from the passing of this Act, and shall be immediately next to and be the Boundary Line between the Lands of the said *Elizabeth May* and the Lands late of the said *Elizabeth May*, and now vested in or belonging to the said Company; and that the said Railway and Road or Highway shall be parallel with and immediately adjoin each other, unless the Consent in Writing of the said *Elizabeth May*, her Heirs and Assigns, shall be obtained to the contrary.

Not to deepen the Water, or go on Mr. Dunbar's Land, without Consent.

XIV. Provided always, and be it enacted, That nothing herein or in the said recited Act contained shall authorize or empower the said Company to cleanse, deepen, or enlarge the *Milewater* River, without the Consent in Writing of the Occupiers of the adjoining Lands and Premises on the Side of the Stream on which such cleansing, deepening, or Enlargement is to be made, or to take or use, or go or enter upon, any Part of the Land or Property of *John Gilmore Dunbar*, without his Consent in Writing.

Company to fence and inclose with a Wall the Railway through the Lands of Messrs. Mackay and Mulholland.

XV. And be it further enacted, That the said Company shall, if required so to do by the Occupier for the Time being of the adjoining Lands, at their own Costs and Expences, previous to commencing the making the said Railway, Road, and Works through the Lands and Grounds referred to in the Schedule to the said Act annexed as then occupied by *James Mac Clean* and *Alexander Mackay*, and as now occupied by *Andrew Mulholland* and the said *Alexander Mackay*, or entering upon

upon the said Lands and Premises for the Purpose of making the said Railway, Road, and Works, erect such a good and temporary Fence for the due Protection of the said Lands and Grounds as may be determined upon by the County Surveyor, and shall also within Twelve Calendar Months next after so entering upon the said Lands and Grounds fence in and inclose the Lands or Grounds to be taken and used for the said Railway, Road, and Works, with a good sufficient Wall of Stone and Lime, or Brick and Lime, and make and finish the same to the Approbation and Satisfaction of the Surveyor of the County of *Antrim* for the Time being, and from Time to Time for ever amend and repair the same as Occasion shall require, the Wall on the North Side, between the Line of the said Railway, Road, and Works, and the Ground of the said *Andrew Mulholland*, from the Point at which the said Railway enters *Mount Collier* Boundary Fence next the old *Carrickfergus* Road to the Upper or North-west End of his Garden, to be not less than Ten Feet high above the present Level or Surface of the Ground, and from thence to the Boundary of his Land to be not less than Three Feet high above the present Surface of the Land, with Right and Liberty for the said *Andrew Mulholland*, his Executors, Administrators, and Assigns, to raise the said last-mentioned Piece of Wall, at his and their own Costs, to such Height as he or they may consider necessary; and the Wall on the South Side of the Line of the said Railway, and between the same and the Grounds of the said *Alexander Mackay*, commencing at the old *Carrickfergus* Road, being in Length Sixty-two and a Half Perches or thereabouts, to be not less than Eight Feet high above the present Level or Surface of the Ground, with Liberty for the Occupiers of the said adjoining Lands and Grounds to use the Sides next their Grounds in such Manner as they please and think fit, such Owners or Occupiers of the adjoining Lands amending and repairing from Time to Time such partial Injury or Damage as shall or may be done or occasioned by such Use and Occupation; and the said Company shall also, when required by the Occupier of the said Land, cleanse out the Sewers which pass along the Line of the said Wall: Provided always, that it shall not be lawful for the said Company to erect any House or other Building upon the Lands or Grounds purchased from the said *Alexander Mackay* and *Andrew Mulholland*, or either of them, save and except the said Walls, and save and except a House for covering in Machinery, such House not to be situated lower down than No. 4, marked on the said Map, and not to rise above the Level of the Top of the said Walls, without the Consent in Writing of the said *Alexander Mackay* and *Andrew Mulholland*, or their Heirs or Assigns, nor shall any Bricks be made or any Lime burnt thereon without such Consent; and that it shall and may be lawful to and for each of them the said *Andrew Mulholland* and *Alexander Mackay*, or other the Owners or Occupiers of said adjoining Lands or Premises for the Time being, at their own Cost and Expence, to make One Door or other Opening not exceeding Twelve Feet wide through the said Walls, in such Situations as they please, for the Purpose of entering or getting on said Railway or Road adjoining said Lands for any Purposes whatever.

XVI. And whereas by the said recited Act it is enacted, that it should be lawful for the said Company and they were thereby empowered to contract with any Person, or any Body Politic, Corporate, or Collegiate, So much of recited Act, as empowers the Company to purchase

Twenty Acres
of Land in
addition, re-
pealed.

Corporation Aggregate or Sole, for the Purchase of any Lands, Tenements, or Hereditaments, (not exceeding in the whole Twenty Statute Acres in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used,) in such Places as shall be deemed eligible for the Purpose of making and providing Yards, Wharfs, Warehouses, and other Buildings and Conveniences for the Purpose of receiving, depositing, or keeping any Goods, Merchandize, or other Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purpose whatsoever connected with the Undertaking by this Act authorized, which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, (including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands, Tenements, and Hereditaments for the Purposes of this Act,) to sell and grant or convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever for the Purposes mentioned in this Clause or any of them, in the same Manner as is herein-before directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purpose of making and maintaining the said Railway and other Works; be it further enacted, That the said Provision shall be and the same is hereby repealed.

Purchases
made not to
be affected.

XVII. Provided always, and be it further enacted, That any Land which shall have been purchased or taken by the said Company under and by virtue of the said last-mentioned Provision shall remain and be vested in the said Company for the Purposes of this Act; any thing herein contained to the contrary notwithstanding.

Power to
purchase
additional
Quantity of
Land for
Warehouses
and other
Purposes.

XVIII. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to contract with His most Gracious Majesty, His Heirs or Successors, and all Persons holding in Trust for His most Gracious Majesty, His Heirs or Successors, as well as His Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, and also with any Person, or any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Lands, Tenements, and Hereditaments, not exceeding in the whole Thirty Statute Acres, (inclusive of the Grounds already purchased under the said recited Act,) in such Place or Places as shall be deemed eligible, for the Purpose of making and providing Yards, Wharfs, Warehouses, and other Buildings and Conveniences for the Purpose of receiving, depositing, conveying, and keeping any Goods, Merchandize, or other Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto; and it shall be lawful for His most Gracious Majesty, His Heirs and Successors, and all Persons holding in Trust for His most Gracious Majesty, His Heirs and Successors, as well as His Majesty's Commissioners of Woods, Forests, and Land Revenues, Works, and Buildings, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, and they are hereby authorized and empowered, but not required, to sell, grant, and convey to the said Company and their Successors any Parcel of Land, Tenements, or Hereditaments whatsoever for the Purposes

last aforesaid, or any of them, in like Manner and Form, and with and subject, in respect of the said additional Twenty Acres to the like Powers, Provisions, Limitations, Reservations, and Restrictions (so far as the same will apply) as are mentioned and contained in the said recited Act respecting the Grounds by the same Act authorized to be purchased.

XIX. And whereas the said Company are enabled to purchase Twenty Statute Acres of Land by virtue of this Act, in addition to the Lands, Tenements, and Hereditaments authorized to be used or for making the said Railway and other Works, and all Corporations and all Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporation or Persons being under legal Disability or Incapacity, in lieu or stead of the Land so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or from any Tenant for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or Tenant for Life or in Tail, or Person to whom or to whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company, any other Land in lieu or instead of those Twenty Statute Acres or any Part thereof so sold or disposed of by the said Company.

Restraining the Company from purchasing more than Twenty Acres of Land from incapacitated Persons.

XX. And be it further enacted, That it shall be lawful for any Person or Persons who shall be seised of or entitled to dispose in Fee Simple of, or entitled absolutely for his own Benefit to any Term of Years in, any Quarries, Strand, Sea-shore, or Lands authorized to be purchased for the

Power to purchase Lands on Chief Rents.

[*Local.*]

Purposes of this or said recited Act, and who shall be willing to sell the same for an annual Rent-charge in lieu of a Sum in gross, to sell and convey his whole Interest in the said Lands or any Part thereof, unto the said Company, for and in consideration of an annual Rent-charge payable by the said Company, their Successors and Assigns, to the Person so selling and conveying, and to his Heirs and Assigns, or his Executors, Administrators, and Assigns, as the Case may be; and all such Sales and Conveyances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; *videlicet*,

Form of
Conveyance.

‘ I of in consideration of the Rent-charge
 ‘ to be paid to me, my Heirs and Assigns, as herein-after mentioned,
 ‘ by the *Belfast and Cave Hill* Railway Company, established and incor-
 ‘ porated by an Act of Parliament passed in the Second Year of the
 ‘ Reign of His present Majesty King *William* the Fourth, intituled *An Act*
 ‘ [*here set forth the Title of the Act*], do hereby convey to the said Com-
 ‘ pany, their Successors and Assigns, all [*describing the Premises to be*
 ‘ *conveyed*], together with all Ways, Rights, and Appurtenances thereto
 ‘ belonging, and all such Estate, Right, Title, and Interest in and to the
 ‘ same and every Part thereof as I am or shall become seised of or
 ‘ entitled, to hold the said Premises to the said Company, their Successors
 ‘ and Assigns, according to the true Intent and Meaning of the said Act,
 ‘ they the said Company, their Successors and Assigns, yielding and
 ‘ paying unto me, my Heirs and Assigns, one Annuity or clear yearly
 ‘ Rent of by equal [*quarterly or half-yearly, as the*
 ‘ *Case may be agreed on*] Portions, henceforth on the [*stating the Days*],
 ‘ clear of all Taxes and Deductions. In witness whereof I have hereunto
 ‘ set my Hand and Seal the Day of in the Year
 ‘ of our Lord

Yearly Rents
charged on
the Rates.

XXI. And be it further enacted, That all such yearly Rents or Sums as shall be agreed on between the said Company and the Parties interested in such Lands as aforesaid be charged on the Rates arising by virtue of this Act and said recited Act, and shall be paid by the said Company as the same shall become due and payable; and in case the same shall not be paid within Sixty Days after the same shall become due and payable, it shall be lawful for the Person to whom such yearly Rents or Sums shall be due and owing as aforesaid to sue for and recover the same from the said Company, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Engines, Carriages, or any other Goods or Effects of the said Company which shall be found upon the said Railway, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, Information of such Distress being immediately given to the said Company by Notice in Writing, and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Seven Days after making the same, and Notice thereof given in Writing as aforesaid, then such Engines, Carriages, or other Goods or Effects so distrained shall or may be sold or disposed of in such Manner as the Law directs in case of Distress for Rent.

XXII. And

XXII. And be it further enacted, That where any Lands intended to be purchased by the said Company shall be subject solely, or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, also (where necessary) for an Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum of Money as shall be agreed upon between the said Company and the Party who under the Provisions of this or the said recited Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this or said recited Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury (if required) in like Manner as the Price of Lands is by this and said recited Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Lands intended to be purchased and of the Lands not intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Party as aforesaid respecting such Release (and which may be of the like Form as by the said recited Act is directed to be used in the Case of Conveyance of Lands) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when any of the Lands purchased by the Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands were originally subject to such Payment or Incumbrance as shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

Power to purchase the Release of Lands wanted from Rents charged thereon.

XXIII. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken for the Purposes of this or the said recited Act,

Settling Disputes as to Damages of a small Amount.

as to the Amount or Value of the Damages done by the said Company, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this or the said recited Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount for Compensation which shall be payable by the said Company, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damage for the Space of Ten Days after the same shall become due, to levy such Damage, and Charges respecting the same, by Distress and Sale of any Goods and Chattels of the said Company, in the same Manner as by this or said recited Act is directed with respect to the Recovery of Compensation for the other Damages done by the said Company.

Company empowered to raise a further Sum of Money not exceeding 26,000*l.* by Shares of 25*l.* each.

XXIV. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, in addition to the Sums of Money which they have so already subscribed as aforesaid under and by virtue of the said recited Act, any further Sum or Sums of Money, not exceeding in the whole the Sum of Twenty-six thousand Pounds, in such Proportions as they shall think fit; and such further Sum or Sums shall be divided into Shares of Twenty-five Pounds each; and such new or additional Shares so to be created by virtue of this Act shall or may be transferred or assigned from Time to Time, and shall or may be forfeited for Nonpayment of the Calls made thereon, and the Amount thereof and the Instalments thereon recovered, in such and the same Manner as is provided in and by the said recited Act with regard to the Shares therein mentioned or referred to; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whomsoever, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more of the said new or additional Share or Shares, and shall pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of the said recited Act and this Act, or either of them, shall respectively be entitled to and receive such proportional Part and Parts of the Profits or Advantage that shall or may arise or accrue from the said Undertaking, and have a Vote or Votes in respect of the same at all Meetings of the said Company of Proprietors to be held in pursuance of the said recited Act, with Power and Authority to appoint a Proxy or Proxies in his, her, or their Room or Stead, in such Way and Manner, to all Intents and Purposes, as is and are enacted and provided in and by the same Act with regard to the present or old or original Subscribers to and Proprietors of the said Undertaking.

Four Fifths of Money to be subscribed before the Powers of Act are put in force.

XXV. And be it further enacted, That Four Fifths of the said Sum of Twenty-six thousand Pounds shall be subscribed for by Persons under a Contract, binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the Money so subscribed, before any of the Powers given by this Act shall be put in force.

XXVI. And

XXVI. And be it further enacted, That a Memorial of the said Contract shall be registered with the Clerk of the Peace for the County of *Antrim* within Six Months from the passing of this Act.

Memorial of Contract to be registered.

XXVII. And be it further enacted, That it shall be lawful for the said Company, but without Prejudice to any Mortgage or Mortgages granted by the said Company for securing the said Sum of Two thousand five hundred Pounds which they were authorized to borrow and take up at Interest by the said recited Act as aforesaid, or any Part thereof, to borrow and take up at Interest the further Sum of Two thousand seven hundred Pounds upon the Credit of the said Undertaking; and the said Company are hereby fully authorized and empowered to assign over by way of Mortgage to any Person or Persons, or to his, her, or their Trustee or Trustees, lending any such Money, the Property of the said Undertaking; and the Tolls, Rates, and Duties granted by the said recited Act; and such Mortgage or Mortgages may be made and transferred in the Manner and Form and subject to the Rules, Conditions, and Provisions contained in the said recited Act, and shall be subject to the Regulations therein contained, as if the same were raised or borrowed under the Authority of the said Act.

Company empowered to raise the Money on Mortgage.

XXVIII. And be it further enacted, That all and every the Owners and Owner of any Share or Shares in the said Company shall be charged with and pay Interest at the Rate of Six Pounds *per Centum per Annum* on the Amount of every Call made on the said Owner or Owners in respect of each Share, from the Day each such Call shall be appointed or directed to be paid until the Day on which the same shall be paid; and such Interest shall be recovered in the same Manner as and as a Part of every Call in respect of which such Interest shall accrue under the Regulations, Powers, and Authorities contained in the said recited Act and this Act touching the raising of Money by Calls.

Interest to be paid on Calls.

XXIX. And whereas the said Company have under the Provisions of the said recited Act purchased from *Robert Thomson* Esquire and his Trustees Ground adjoining the *Milewater* at the Port of *Belfast* aforesaid, which has been deemed eligible by them for the Purpose of making and providing Yards, Wharfs, and other Conveniences for the receiving, depositing, and keeping Goods, Merchandize, and other Things intended to be conveyed upon the said Railway, and for an additional Shipping Place and other Purposes of the Railway; be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to make, form, improve, and maintain an additional Shipping Place in and upon the said Ground so purchased by them as aforesaid.

Company empowered to make an additional Shipping Place at Belfast.

XXX. Provided always, and be it further enacted, That it shall be lawful to and for the Corporation for preserving and improving the Port and Harbour of *Belfast*, at any Time prior to the Twenty-third Day of *August* One thousand eight hundred and thirty-six, to take and use so much and such Part of the Land or Ground which the said Corporation were empowered to take under and by virtue of an Act passed in the First and Second Year of His present Majesty, intituled *An Act for the*

Belfast Corporation may take Ground before 23d August 1836.

[Local.]

38 H

1 & 2 W. 4. c. 55. further

further Improvement of the Port and Harbour of Belfast in Ireland, and for other Purposes, as they may deem necessary for the Purpose of improving the said Harbour, by making a new Cut or Channel, although such Land or Ground may have been previously purchased by the said Railway Company; and in case any Dispute or Difference shall arise between the said Corporation and the said Company respecting the Sum or Sums of Money to be paid for the Purchase of any such Land or Ground, or of any Works or Buildings which after the First Day of *March* One thousand eight hundred and thirty-six may be erected thereon, the same shall be settled and determined by a Jury in manner and agreeably to the Provisions contained in the said last-recited Act.

Vessels not to load nearer than 100 Feet from Channel.

XXXI. And be it further enacted, That it shall not be lawful for any Ship or Vessel, in going to load or discharge at any Shipping Place belonging to the said Railway Company, unless compelled by Stress of Weather or other unavoidable Cause, to cast anchor or remain, or load or discharge, in the present or any future Channel which may be made by the said Corporation for the Improvement of the said Harbour, or nearer than One hundred Feet of the Edge thereof, under pain of the Master or Commander of such Ship or Vessel forfeiting or paying any Sum not exceeding Ten Pounds for every such Offence.

Shipping Place to be 100 Feet from Channel.

XXXII. And be it further enacted, That any Shipping Place which may be established by the said Company shall not in any Case be nearer than One hundred Feet to the Edge of the present River or Channel at Low-water Line, or to the upper or outside Edge of any new Cut or Channel which may hereafter be made by the said Corporation.

Shipping Place to be supported on Piles for Seven Years.

XXXIII. And be it further enacted, That the said Railway, Shipping Place, Wharfs, or other Works to be erected by virtue or for the Purposes of this Act on any Place below High-water Mark (except in that Part of the *Milewater* River between the *Carrickfergus* Road and the Eastern Side of Mr. *Thompson's* Embankment) shall be supported or constructed and maintained for Seven Years on Piles of Wood, so as to allow the free Flux and Reflux of the Tidal and other Waters of the said Harbours, unless the Consent in Writing under the Common Seal of the said Corporation shall be previously had and obtained for the said Railway, Shipping Place, Wharf, and other Works being constructed otherwise than as above mentioned and described: Provided always, that in case the said Railway Company shall at any Time after the said Seven Years desire to support and construct the said Railway, Shipping Place, Quays, Wharfs, or other Works in any other Manner than upon Piles, as hereinbefore directed, it shall be lawful for the said Company so to do, after having obtained the Consent of the Corporation for preserving and improving the Port and Harbour of *Belfast* under their Common Seal for that Purpose; and if the said Corporation shall refuse to consent to any such Alteration, the same shall be settled and finally determined by Two Engineers, one to be appointed by the said Corporation, and one other by the said Company, which Two Engineers so appointed shall and may, if Need be, appoint one other Engineer as an Umpire, and such Two Engineers or One Engineer and the Umpire shall and may settle and finally determine the Mode of constructing such Railway, Shipping Place, Quays, Wharfs, or other Works: Provided also, that no Alteration shall be

In case the Company shall desire to construct it otherwise.

authorized to be made which shall in any Manner prejudice or injuriously affect the Port and Harbour of *Belfast*.

XXXIV. Provided always, and be it enacted, That nothing herein contained shall extend to prevent any Person or Persons (except the said Company) from making or erecting any Embankment in such and the like Manner as if this Act had not been passed: Provided also, that it shall not be lawful for the said Company to make or erect the said Railway, Shipping Place, Wharfs, or Works on any such Embankments without the Consent of the Corporation for preserving and improving the Port and Harbour of *Belfast* under their Common Seal for that Purpose, and also with the Consent in Writing of the Owner of such Embankment.

Proviso as to the Erection of Embankments by any Persons other than Company.

XXXV. And be it further enacted, That in case any Dispute or Difference shall arise between the said Railway Company and the said Corporation as to the Mode of constructing the said Works or the Line of said Railway, the same shall be settled and finally determined by the County Surveyor of the County of *Down*.

Disputes to be settled by the County Surveyor.

XXXVI. And be it further enacted, That if before the First Day of *March* One thousand eight hundred and thirty-six the said Company shall erect any Works or Buildings, or lay out or expend any Money in execution of the said Act or this Act, on the Land lying between High-water Mark and the present Channel of the River, it shall not be lawful for the said Company to require any Compensation or Payment from the said Corporation for or in respect of any Works or Buildings which may be erected or any Money which may be expended on any Part of such Land which shall be taken or used by the said Corporation for the Purposes of the said Act, for improving the Port and Harbour of *Belfast*, any thing herein contained to the contrary notwithstanding.

Company not to have Compensation for Money laid out before 1st March 1836.

XXXVII. Provided always, and be it enacted, That in making or constructing the said intended new Cut or Channel by the said Corporation it shall not be lawful for the said Corporation to take down or remove the Piles or Piers on which the said Railway may be constructed, so long as the Continuance thereof shall not impede, delay, or hinder the making or constructing the said intended new Cut or Channel, or the Works necessary for the same, or the free Use and Navigation of such new Cut or Channel.

Corporation not to remove Piles.

XXXVIII. Provided always, and be it further enacted, That in case the said Corporation shall not make use of the Land they may purchase from the said Company for the Space of Five Years after the same shall have been purchased, they shall sell and dispose of so much as they shall not require for the Purposes of improving the said Port and Harbour to the said Company at the Price or Sum the said Corporation had paid for the same, in a rateable Proportion according to the Quantity so resold.

Corporation may sell Land not wanted for the Purpose of this Act.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Company, at their own Costs and Charges, at any Time or Times hereafter, to cut, make, and maintain through and over the Ground which may be taken by the said Corporation for Roads, Quays,

Empowering Company to make Passage from new Cut to their

Docks, and
Corporation
to make
Bridges.

Quays, and Wharfs, on the Land Side of the said new intended Cut or Channel, One Passage or Entrance not exceeding the Breadth of Fifty Feet, to the Intent that Ships, Barges, and other Vessels may safely and conveniently have Access to any Shipping Place, Quays, or Wharfs which the said Company shall or may construct, and such Passage or Entrance shall be well and substantially made with proper and durable Brick or Stone Walls and Piers; and it shall and may be lawful to and for the said Company, and all Persons employed by them, and all Persons navigating with their Licence or Authority, to enter into or out of any such Passage or Entrance, and to use the Piers of such Passage or Entrance in such Manner as may be necessary to the safe and convenient Passage of Ships and Vessels to and from any such Shipping Place, Quays, or Wharfs, and for that Purpose to attach any Rings thereto, or to erect One or more Capstans or other Mechanical Engines thereon, but not to land Goods or Passengers without the Licence or Authority of the said Corporation; and the said Corporation shall and may, if they think proper so to do, build, erect, and keep up, over any such Passage or Entrance, a good and sufficient Draw, Swing, or other Bridge or Bridges, to the Intent that such Ships and Vessels may conveniently navigate such Passage and Entrance without preventing the Passage of Goods or Persons across the same at convenient Times; and in case any Difference or Dispute shall arise touching the Construction of any such Passage or Entrance, Bridge or Bridges, it shall and may be lawful to and for the said Corporation to nominate and appoint an Engineer, and for the said Company to appoint another Engineer, which Two Engineers so appointed shall and may, if Need be, appoint an Umpire, and such Two Engineers so appointed, or their Umpire, shall and may settle and determine the Plan of the Construction of such Passage or Entrance, Bridge or Bridges; and the Award and Determination of such Engineers, or their Umpire, of and concerning the Matters in difference, shall be binding and conclusive on all the said Parties to all Intents and Purposes.

In case of
Corporation
taking Lands
of Company,
the Company
may take
Land of
Robert
Thompson.

XL. And be it further enacted, That in case the said Corporation shall take any of the Land which may have been purchased by the said Railway Company from *Robert Thompson* Esquire for a Shipping Place, it shall be lawful to and for the said Company, on or before the First of *November*. One thousand eight hundred and thirty-six, to purchase, take, and use for the Purposes of the said Railway, Road, and other Works, a Piece or Parcel of Ground adjoining the *Milewater*, not exceeding Three Acres and Thirty-eight Perches, as now in the Occupation of the said *Robert Thompson*.

Railway and
Road to be
made.

XLI. And be it further enacted, That the said Company shall make and maintain a Railway, which shall consist of Two parallel Lines of Railroad, with a public Road or Highway parallel therewith.

Company
not to enter
on Lands till
Purchase
Money paid.

XLII. And be it further enacted, That in case the said Company shall, by themselves, their Agents, Servants, or Workmen, enter upon any of the Lands or Grounds of any Person or Persons whomsoever, except for the Purpose of staking out or measuring the same, before the Money agreed or awarded to be paid for the same shall have been paid, unless with the Consent in Writing of the Owner and Occupier of the same, the said Company shall forfeit and pay to such Person or Persons any

Sum

Sum not exceeding One hundred Pounds Sterling ; and every such Agent, Servant, or Workman shall forfeit and pay any Sum not exceeding Five Pounds for every Day such Offence shall be committed.

XLIII. And be it further enacted, That if the said Company shall use locomotive Engines thereon, but not otherwise, where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road, at the Expence of the said Company, by means of a Bridge, where not otherwise provided for by this Act, of such Construction as is herein-after mentioned.

Railway not to cross any Turnpike Road on a Level.

XLIV. And be it enacted, That if the said Company shall use locomotive Engines, in all Cases wherein the said Railway shall cross any public Highway on a Level the said Company shall erect and at all Times maintain good and sufficient Gates across the said Railway at the Point where it shall cross such public Highway, all which Gates shall be constantly kept shut by some Person to be appointed by the said Company, (and which Person the said Company are hereby required to appoint, under a Penalty of Five Pounds for each Default,) except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then the same Gates shall be opened for the Purpose only of letting such Carriages pass through ; and the Person intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

Where the Railway crosses public Highways on a Level Company to erect Gates.

XLV. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any public Carriage Road, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

Regulations as to Width and Height of Bridges for carrying Railway over public Roads.

XLVI. And be it further enacted, That if any Person or Persons shall in any respect injure the said Wharfs or Quays, or lay any Ashes, Dirt, Filth, or Rubbish thereon, or in any way incumber the same, or throw or empty any Stones, Sand, Gravel, or other Materials into or near the Water adjoining thereto, so as to impede the Navigation to the said Quays and Wharfs, every such Person shall forfeit for any such Offence any Sum not exceeding Ten Pounds nor less than Two Pounds, to be recovered in the Manner provided by the said recited Act.

Injury to Quays.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Company, from Time to Time and at all Times hereafter, to contract and agree with, or to employ any Person or Persons to contract and agree with, the Owner or Owners of any Stone Quarries or Quarry, or of any Lands containing any Stone Quarry or Quarries, not exceeding Two hundred and fifty Yards from the said Railway, for

Company may contract for Quarries.

[Local.]

Liberty or Licence to get, take, use, and carry away Stone from and out of the same, to be used for the Purposes of making and constructing the said Railway and other the Works authorized by and to be executed in pursuance of the Powers of this Act, and shall and may pay the Purchase or Consideration Money for such Liberty or Licence with and out of any Monies to be raised by virtue of this Act; and shall and may (if necessary), for procuring or obtaining such Liberty or Licence, have and use all and every the Powers given by this Act with respect to the contracting and agreeing for and purchasing and valuing of any Lands, Grounds, or Messuages, Tenements, or Hereditaments for the Purposes of this Act.

Term granted for completing the Railway and other Works extended.

XLVIII. And be it further enacted, That the Time for making and completing the said Railway and other Works by the said recited Act authorized to be made shall be extended and enlarged, and the several Powers by the said Act given to or conferred upon the said Company for making such Purchases as aforesaid shall be continued, for the further Space of Five Years, to commence and be computed from the passing of this Act.

If the Railway is not completed within Five Years the Powers of the Act to cease.

XLIX. And be it further enacted, That in case the said Railway and other Works shall not have been made and completed within the Space or Time of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges by this Act given to, conferred upon, or continued to the said Company shall cease and determine, so far as the same are given to or conferred upon or continued to the said Company by this Act.

Secretary, Engineer, &c. may be Witnesses.

L. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence, in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice of the Peace, under or by virtue of this or the said recited Act, by reason of being Secretary, Clerk, Engineer, or other Officer or Servant of the said Company.

Rules for Interpretation of Act.

LI. And be it further enacted, That where in the said recited Act or this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as Individual; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Expences of Act.

LII. And be it further enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing this Act shall be defrayed out of the Funds of the said Company.

LIII. Pro-

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Most Honourable the Marquess of *Donegall*, his Heirs or Assigns, except so far as respects the Works hereby authorized. Saving
Rights of
Lord
Donegall.

LIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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