



ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. Ixviii.

An Act to enable the *Belfast and Ballymena Railway Company* to make a Railway from *Randalstown* to *Cookstown*, and for other Purposes.

[28th June 1853.]

WHEREAS by the Local and Personal Act of the Eighth and Ninth *Victoria*, intituled *An Act for making a Railway from Belfast to Ballymena in the County of Antrim, with Branches to Carrickfergus and Randalstown*, a Company was incorporated under the Name of "*The Belfast and Ballymena Railway Company*," for carrying into execution the said Undertaking: And whereas by the said recited Act the said Company were authorized to raise a Capital of Three hundred and eighty-five thousand Pounds, and to borrow on Mortgage or Bond the Sum of One hundred and twenty-eight thousand three hundred and thirty-three Pounds, amounting together to the Sum of Five hundred and thirteen thousand three hundred and thirty-three Pounds, all which Money has been expended on the said Undertaking: And whereas the said Undertaking is now completed, but the said Company is indebted to Creditors not holding Security on Mortgage or Bond, on account of Land, Works, Buildings, Plant or Stock, Working Expenses, Supplies, Furnishings, and other Matters in respect to the same: And whereas it is

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expedient

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expedient that the said Company should be authorized to raise additional Capital for the last-mentioned Purposes, not exceeding Twenty-five thousand Pounds: And whereas it is also expedient that the said Company should be authorized to create Shares for the Purpose of raising Money to pay off the Mortgage or Debenture Debt created by the said recited Act: And whereas the Construction of a Railway in Extension of the Main Line from *Randalstown* to *Cookstown* would be attended with great public Advantage, and would materially increase the Traffic on the said Main Line: And whereas the said *Belfast and Ballymena* Railway Company are willing at their own Expense to make such Railway: And whereas there are no existing Preference Shares whatever in the Capital of the said Company: And whereas the Purposes aforesaid 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; (that is to say,)

Provisions of certain General Acts incorporated with this Act.

I. That "The Companies Clauses Consolidation Act, 1845," and so much of "The Lands Clauses Consolidation Act, 1845," as is not inconsistent with or altered by "The Railways Act (*Ireland*), 1851," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall, so far as the same are not expressly varied by this Act, be incorporated with this Act.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, Pleadings, and other Proceedings, it shall be sufficient to use the Expression "The *Belfast and Ballymena* Extension Railway Act, 1853."

As to the Word "Company."

III. That in this Act wherever the Words "the Company" or "the said Company" are used, the same shall be held to mean "The *Belfast and Ballymena* Railway Company," except where there is something in the Context repugnant to such Construction.

Power to make new Lines of Railway according to deposited Plans.

IV. And whereas Plans and Sections of the Railway by this Act authorized, showing the Lines and Levels thereof, together with Books of Reference to such Plans containing the Names of the reputed Owners and reputed Lessees and of the Occupiers of the Lands and Houses proposed to be taken under the Authority of this Act, have been deposited with the Clerks of the Peace for the County of *Antrim*, for the County of *Londonderry*, and for the County of *Tyrone* respectively: Be it enacted, That, subject to the Provisions in this Act and in the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway herein-after mentioned (with all requisite and necessary Works and Conveniences connected

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nected therewith) in the Lines and according to the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

V. That the Railway to be made under the Authority of this Act shall be the following; (that is to say,) Line of Railway.

A Railway to commence by a Junction with the *Belfast and Ballymena* Railway at or near the House or Farm occupied by *Henry Craig*, commonly known as *French Park*, in the Townland of *Ballygrooby*, Parish of *Drummaul*, in the County of *Antrim*; thence passing from, in, through, or into the several Parishes, Townlands, and extra-parochial and other Places following, or some of them, (that is to say,) the Townlands of *Ballygrooby*, *Shane's Castle Park*, Townland and Townparks of *Randalstown*, *Lurgan West*, *Mount Shalgus*, *Ballealy North*, *Shane's Castle Deer Park*, *Ballealy South*, *Gortaghan*, *Balinalacraig*, *Killyfadd*, *Portlee*, *Ballinaleney*, all in the said Parish of *Drummaul*; *Cranfield* in the Parish of *Cranfield*; *Creggan*, *Ballinacooly*, *Ballinamullen*, *Carlane*, *Aghacarnaghan*, *Gallagh*, *Ballyduggennan*, *Brockish*, being Part of *Cargin*, Townland and Townparks of *Toome*, all in the Parish of *Duneane* and County of *Antrim* aforesaid; the Townland of *Creagh (Etre and Outre)* in the Parish of *Artrea*; *Tamniaran* in the Parish of *Ballyscullion*; *Shanemullan*, *Tarmeadeese*, *Killyneese*, *Aghagaskin*, *Ballyheifer*, Townparks of *Magherafelt*, *Mullaghboy*, *Dunaruon*, *Megargy*, all in the Parish of *Magherafelt*; *Motalee*, *Roshure*, *Killyboggan*, *Cranny*, *Gortnanewry*, all in the Parish of *Desertmartin*; *Lisbanagh*, *Ballycomlary*, *Carmean*, *Moymucklemurry*, *Quilly*, *Larrycormick*, *Tamnadoey*, *Money-more*, *Feenanmore* and *Feenanbeg*, *Crossnarea*, all in the Parish of *Desertlyn*; *Coltrim*, *Drumrot*, *Ballyforlea*, *Lismoney*, all in the Parish of *Lissan*; *Drumrot*, *Ballyforlea*, in the Parish of *Derryloran*, all in the County of *Londonderry*; the Townlands of *Ballymenagh*, *Cranfield*, *Tullygarve*, *New Buildings*, *Cookstown*, *Loy*, in the Parish of *Derryloran* and County of *Tyrone*; and to terminate at or near the public Road or Street in the Rear of the Market House at *Cookstown*; and the said Railway shall be and become Part of the Undertaking of the *Belfast and Ballymena* Railway Company.

VI. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate; and it is also provided that certain Plans and Sections of such Alterations in the original Respecting Plans to be deposited with Clerks of Unions instead of Postmasters.

Plans

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Plans and Sections as shall have been approved by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of the Union instead of such Postmasters: Be it therefore enacted, That with reference to this Act all the Provisions of the said "Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmasters," in the said Act, shall be read and construed as if the Expression "Clerks of the Union within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmasters," as the Case may be.

Power to cross Highways herein mentioned on the Level.

VII. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across and on the Level of the several public Roads or Highways numbered on the Plans deposited as herein-before mentioned, as follows; (that is to say,)

No. on Plan.	Parish.	Townland.	County.
33	Derryloran - -	Tullygarve - -	Tyrone.
45	Lissan - -	Ballyforlea - -	Londonderry.
71	Ditto - -	Coltrim - -	Ditto.
30	Magherafelt - -	Ballyheifer - -	Ditto.
163	Ditto - -	Shane Mullagh - -	Ditto.
162	Ditto - -	Ditto - -	Ditto.
4 a	Ballyscullion - -	Tamniaran - -	Ditto.
28 a	Ditto - -	Ditto - -	Ditto.
9 a	Artrea - -	The Creagh (Etre and Outre).	Ditto.
66	Ditto - -	Ditto - -	Ditto.
102	Ditto - -	Ditto - -	Ditto.
12	Duneane - -	Toome - -	Antrim.
46	Ditto - -	Ditto - -	Ditto.
187	Ditto - -	Aghacarnaghan - -	Ditto.
259	Ditto - -	Ballynamullen - -	Ditto.
14	Part of Drummaul - -	Portlee - -	Ditto.
47	Drummaul - -	Gortagham - -	Ditto.

VIII. That

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VIII. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the several Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the said Company shall fail to erect and at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been imposed.

Company to erect a Station or Lodge at Points of Crossing, and to abide by Regulations of Board of Trade.

IX. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

X. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Twenty-five Acres, in addition to the Lands which the Company are by the recited Act authorized to take for such Purposes.

Lands for extraordinary Purposes.

XI. That the Company shall and they are hereby required, previously to the Completion of the Railway and the opening of the same for public Traffic, to purchase and take such a Quantity of Land as shall be sufficient for the Purpose of laying down a double Line of Rails thereon, and shall plant and construct the Hedges and Fences to the Railway at such Distances from each other as will leave sufficient Width between the same Hedges and Fences for the Purpose of laying down a double Line of Rails, and shall construct the Bridges and Tunnels of such Dimensions as will admit of a double Line of Rails being placed on the said Railway and being used for the Purposes of the same.

Company to purchase Land for a double Line.

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XII. That

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Board of Trade may require a double Line of Rails to be laid down.

XII. That in case the Railway by this Act authorized to be made shall be constructed with a single Line of Rails only, it shall be lawful for the Board of Trade, at any Time after the Completion and opening of the Railway, to require that another Line of Rails shall be laid down, and to certify the Works necessary or proper to be executed by the Company, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate, to be appointed by the said Board.

Company failing to lay down a double Line of Rails to be liable to a daily Penalty.

XIII. That if the Company shall fail to lay down another Line of Rails when required so to do by the Board of Trade, and to execute and complete the necessary Works as aforesaid within the Period appointed for that Purpose in such Certificate, they shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion, and such Penalty may be recovered in any of Her Majesty's Courts of Record.

Period for compulsory Purchase of Lands limited.

XIV. That the Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XV. That the Railway by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

Agreements made prior to passing of Act for Purchase of Land required for the Railway to be valid.

XVI. That all Agreements which at the Time of the passing of this Act shall have been entered into between the Company and any Persons for the Purchase by the Company of the Interest of any such Persons respectively in any Lands, Tenements, Hereditaments, or Premises required for the Purposes of the said Railway authorized by this Act, and also any Conveyance, Assignment, Surrender, or other Instrument which may have been made to the Company of any such Lands, Tenements, Hereditaments, and Premises, shall be deemed and taken and shall have the same Effect as if the same were entered into and executed subsequent to this Act, and under the several Powers and Provisions of this Act and of the said recited Act relating to the Company, and the Acts incorporated herewith.

Company may take same Tolls as in recited Acts.

XVII. That the Company may, subject to the Provisions in the said recited Act and this Act contained, lawfully demand and receive, in respect of the said Railway hereby authorized to be made, for and in respect

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respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railway or any Part thereof respectively, in Waggon or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandise, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges as by the said recited Act the Company are authorized to demand and receive in respect of the Railway by the said recited Act authorized to be made or any Part thereof; and the Railway hereby authorized to be made shall, for the Purposes of the Tolls, be deemed Part of the Railway by the said recited Act authorized; and all Provisions and Regulations in the said recited Act contained relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Tolls to be levied by virtue of this Act.

XVIII. Provided always, That with respect to small Packages, and single Articles of great Weight, instead of the Rate of Tolls in the said recited Act prescribed, the Company may lawfully demand, upon the Main Line of Railway and the Railway by this Act authorized, the Tolls following; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels on the Railways or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

For any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up as separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Six Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per Ton per Mile*:

For

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For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Six Tons, the Company may demand such Sum as they think fit.

Maximum Charge.

XIX. Provided always, That the maximum Tolls and Charges to be levied and received by the Company in respect to the said Railway hereby authorized shall in no Case exceed the maximum Tolls and Charges authorized by the said recited Act.

Power to raise additional Capital by Creation of new Shares.

XX. And whereas the estimated Expense of making the said Railway by this Act authorized is One hundred and ninety-two thousand five hundred Pounds: Be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Capital which they are at present authorized to raise, a further Sum of Money not exceeding Two hundred thousand Pounds; and the whole of such Money to be received by the Company under or by virtue of this Act shall be applied to the Purposes of the Undertaking of the Company authorized by this Act, and to no other Purpose whatsoever.

New Shares how to be created.

XXI. That such new Shares may be of such Amount, and may be issued to such Persons, at such Times, and at such Price or Prices, and in such Manner, or may otherwise be disposed of in such Manner and on such Terms, and with such special Advantages with respect to Priority or Amount of Dividend not exceeding Five Pounds and Ten Shillings *per Centum per Annum* payable thereon, as by the Order of any Meeting of the Company specially convened for the Purpose shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferable as such in the Manner provided and directed by "The Companies Clauses Consolidation Act, 1845;" and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares; and all the Powers to make Calls and charge Interest thereon, to sue for Calls and Interest, to forfeit and to sell Shares in case of Non-payment of Calls, and all other the Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Act with reference to the Shares in the *Belfast and Ballymena Railway Company*, shall apply to such new Shares and the Proprietors thereof, except as to the Time of making Calls for the said new Shares and the Amount of such Calls, which Calls the Directors of the Company (subject a herein-after mentioned) are hereby empowered to appoint to be of such Amount and payable at such Times

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Times as they may think fit, and the several Proprietors of such new Shares shall be united to and incorporated with the *Belfast and Ballymena* Railway Company: Provided nevertheless, that no such special Advantages with respect to Priority or Amount of Dividend on such Shares shall be assigned to any such Shares, except with the Consent of the Votes of Three Fifths of the Proprietors of the said Company present, personally or by Proxy, at a Meeting specially convened for such Purpose.

XXII. That any Preference or Priority in the Payment of Interest or Dividends which may be assigned to any Shares to be created by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends which may have been assigned to any other Shares which may have been granted by the Company in pursuance of or which may have been confirmed by this Act or any previous Act, or which may otherwise be lawfully subsisting.

Saving
Rights of
Holders of
existing
Preference
Shares.

XXIII. That Twenty Pounds *per Centum* on the Amount of each Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any Shares created by virtue of this Act, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any One Share in One Year shall not exceed Four Fifths of the Amount of such Share.

Calls.

XXIV. That after the Sum of Two hundred thousand Pounds by this Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage or Bond, in manner provided by the recited Act, a Sum not exceeding in the whole Forty thousand Pounds; and the whole of such Money which may be borrowed on Mortgage or Bond shall be applied to the Purposes of the Undertaking of the Company authorized by this Act, and to no other Purpose whatsoever.

Power to
borrow on
Mortgage.

XXV. That all Mortgages or Bonds granted under the Authority of the recited Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former
Mortgages
to have
Priority.

XXVI. That it shall be lawful for the Company from Time to Time, at any General Meeting, to create Shares for the Purpose of raising such Sum or Sums of Money as shall be necessary for paying off or discharging the Principal Monies secured by Mortgages or

Power to
create Shares
for paying off
Mortgage
and other
Debts of the
Company.

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Debentures

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Debentures granted by the Company under the Powers of the first-recited Act, or for which they shall be liable at the Time of the Creation thereof, and also for the Purpose of paying off the Debts due to Creditors not holding Security on Mortgage or Bond: Provided always, that the Sum which shall be raised for such last-mentioned Purpose shall not exceed Twenty-five thousand Pounds.

New Shares to be considered the same as original Shares.

XXVII. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium new Shares to be offered to the Shareholders.

XXVIII. That if at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares be at a Premium, or of greater Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary, given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in the Parties accepting, otherwise to be disposed of by the Directors.

XXIX. That the said new Shares shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares, in such Manner as they shall deem most for the Advantage of the Company.

If not at a Premium, to be issued as Company think fit.

XXX. That if at the Time of such Augmentation of Capital taking place the existing Shares be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner and on such Terms as the Company shall think fit.

If Company are unable to pay off Mort-

XXXI. Provided always, That in case the Company shall be unable to raise the said Sum or Sums of Money as shall be necessary for paying

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paying off or discharging the Principal Monies secured by such Mortgages or Debentures as aforesaid, and also for the Purpose of paying off the Debts due to Creditors not holding Security on Mortgage or Bond as aforesaid, then it shall be lawful for the Company, with the Consent of the Votes of Three Fifths of the Proprietors of the said Company present, personally or by Proxy, at a Meeting specially convened for such Purpose, to create Preference Shares or Stock for the Purposes last aforesaid at such Rate of Interest, not exceeding Four Pounds Ten Shillings *per Centum per Annum*, as may be agreed upon at any such Meeting.

gages, they may create Preference Shares for the Purpose.

XXXII. That all Money to be raised by such last-mentioned Shares or Stock shall be applied in the Redemption and Payment off of the said Mortgage or Debenture Debt of the Company when and as the same shall become due, and also in paying off the Debts due to Creditors not holding Security on Mortgage or Bond, and to no other Purpose whatsoever; and until the Sum or Sums which shall be requisite for the Redemption and Payment off of the said Mortgage or Debenture Debt can be so applied, the same shall be carried to a separate Account with the Bankers of the Company for the Time being or to be appointed for the Purpose, in the Name of the Chairman and Three other Directors.

Money to be applied in discharge of Mortgage and other Debts.

XXXIII. That when the Company shall have applied any Money in the Redemption and Payment off of the Mortgages or Debentures aforesaid, the Power of borrowing granted by the said recited Act shall cease to the Extent of the Amount of the Principal Monies secured by such Mortgages or Debentures so redeemed and paid off.

Borrowing Powers of Company to be reduced to the Extent of Mortgages, &c. paid off.

XXXIV. That when all the Mortgages and Debentures aforesaid shall have been paid off and satisfied, it shall not be lawful for the Company again to reborrow, but the Power of borrowing on Mortgages or Debentures under the Powers granted by the recited Act shall wholly cease.

When Mortgages and Debentures paid off, Power of borrowing under recited Act to cease.

XXXV. That where any Share shall have been or shall be declared forfeited, it shall be lawful for the Company, on confirming such Forfeiture, and with the Consent in Writing of the Person who at the Time of such Declaration of Forfeiture was the registered Proprietor thereof, to resolve and direct that the same, instead of being sold, shall be cancelled; and upon the passing of such Resolution such Share shall be "*ipso facto*" cancelled, and all Liabilities and Rights upon or in respect of such Share shall thenceforth be absolutely extinguished, and any Monies theretofore paid on account thereof shall merge in the Capital of the Company.

Forfeited Shares may be cancelled, with Consent of Proprietors.

XXXVI. That

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Forfeited Shares which cannot be sold may merge in the Company.

XXXVI. That in all Cases where any Share shall have been or shall be declared forfeited, and such Forfeiture shall have been or shall be confirmed by a General Meeting of the Company, in accordance with the Provisions of "The Companies Clauses Consolidation Act, 1845," and Notice of such Forfeiture shall have been or shall be given by Advertisement in the *Dublin Gazette* and in some Newspaper published or circulating in the County in which the principal Office or Place of Business of the Company is or shall be situate, the Directors of the Company shall, at the next General Meeting of the Company which shall be held after an Interval of at least Two Months after such Notice shall have been given as aforesaid, (unless Payment of all Arrears of Calls, together with the Interest due thereon, and the Expenses be made by the registered Owner before such Meeting shall be held,) declare the same to be merged in the general Capital Stock of the Company, and the same shall thenceforth merge accordingly, and the Proprietor of such Share from and after such Merger be precluded from all Right and Interest therein, but such Merger shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the Company the Arrear of Calls and Interest due in respect of such Share at the Time of such Merger, or the Powers of the Company to enforce Payment thereof by Action; provided nevertheless, that the Value of the Share at the Time of such Merger shall be deducted from the Amount which may be due as aforesaid; and if Payment of all Arrears of Calls and Interest and Expenses shall be made as aforesaid, such Share shall revert to the Person to whom the same belonged before Forfeiture, and shall be so re-entered upon the Register.

Company may issue new Shares in lieu of Shares merged in Company.

XXXVII. That in lieu and instead of any Share which shall be cancelled or merged as aforesaid, it shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any Special Meeting convened for the Purpose of considering the Creation and Issue of the new Shares herein-after mentioned, from Time to Time to create and issue such new Shares, of such Amount, and with such Guarantee or Right to a preferential or fixed Dividend, not exceeding Five Pounds and Ten Shillings *per Centum per Annum*, and generally upon such Terms and in such Manner, as such Meeting shall determine; provided that the aggregate Amount to be raised by the Issue of any such new Shares shall not exceed the aggregate Amount left unpaid on the old Shares in lieu of which such new Shares shall be issued at the Time of the Surrender, Forfeiture, Merger, or Cancellation as aforesaid of such old Shares.

Interest not to be paid on Calls paid up.

XXXVIII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any

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any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

XXXIX. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

XL. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway and Works, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Works and Company, so far as the same are applicable.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XLI. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, or of any General Act relating to Railways, or to the better

Railway to be subject to Provisions of future General Acts.

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and

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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 and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses
of Act.

XLII. That all the Costs, Charges, and Expenses of and incidental to the obtaining of this Act and preparatory thereto shall be paid by the *Belfast and Ballymena Railway Company*.

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