



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cvi.

An Act to enable the *Belfast and Northern Counties* Railway Company to make a Railway or Tramway at *Portrush*; and to purchase additional Lands; and to extend the Period at present limited for the Sale of certain superfluous Lands of the said Company; and for other Purposes. [23d June 1864.]

WHEREAS it is expedient that the *Belfast and Northern Counties* Railway Company (in this Act called the Company) should be authorized to make a short Branch Railway or Tramway from their Station at *Portrush* in the County of *Antrim* to the Western End of the Pier or Quay of the *Portrush* Harbour Company: And whereas it is expedient that the Company should be enabled to purchase for the Purposes of their Undertaking the additional Lands shown on the Plans deposited for the Purposes of this Act as herein-after mentioned: And whereas the Company are Owners of certain Lands which have been purchased by them for the Purpose of their Undertaking, and are situate respectively in the Barony of *Upper Belfast* in the County of *Antrim*, and in the West

[*Local.*]

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Division

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Division of *Carrickfergus* in the Parish of *St. Nicholas* in the County of the Town of *Carrickfergus*, and at or near *Ballymena* in the Townland of *Ballykeel* in the Parish of *Ballyclug* in the County of *Antrim*: And whereas, although the said Lands are not at present required by the Company for the Purposes aforesaid, the same will probably be required hereafter for such Purposes, and it would be detrimental to the Interests of the Company that they should be compelled to sell such Lands within the Time prescribed for the Sale of superfluous Lands by "The Lands Clauses Consolidation Act, 1845," incorporated with the Acts under the Provisions of which such Lands respectively have been purchased by the Company, and it is expedient, both as regards the Interests of the Public and of the Company, that the Period at present limited for the Sale of such Lands should be enlarged and extended as herein-after mentioned: And whereas the Company have by the several Acts herein-after mentioned been authorized to raise the following Sums; namely,

	By Shares.	By Borrowing.
By their original Act of the 8th and 9th of Vict. cap. 81. - - - - -	£385,000	£128,333
By the Belfast and Ballymena Extension Railway Act, 1853 - - - - -	£200,000	£40,000
and		
By the same Act a further Sum of - - - - -	£25,000	
By the Ballymena and Portrush Railway Act, 1858	£180,000	£60,000
By the Carrickfergus and Larne Railway Act, 1860	£12,500	
By the Belfast and Ballymena Railway Act, 1860, a further Sum of - - - - -	£70,000	

And whereas the said last-mentioned Sum was, by the said Act of 1860, authorized to be raised by Shares or by borrowing, or partly by Shares and partly by borrowing, but subject to a Provision that the Company should not borrow or have outstanding on Mortgage any greater Sum than One Third of the authorized Share Capital of the Company in Shares for the Time being: And whereas the Company, in exercising the Option given to them by the said Act of 1860, have borrowed the Sum of Sixty-two thousand five hundred Pounds: And whereas the Money which the Company have been authorized to raise by Shares amounts in the aggregate to Eight hundred and seventy-two thousand five hundred Pounds, inclusive of the said Sum of Seventy thousand Pounds, and the Company have actually raised by Shares the Sum of Seven hundred and ninety thousand Pounds, and have now unexercised Powers of raising Money by Shares to the Extent of Twenty thousand Pounds only: And whereas the Mortgage Debt of the Company now outstanding is Two hundred and ninety thousand eight hundred and thirty-

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thirty-three Pounds, and the Company have no unexercised Powers of borrowing: And whereas the Company require further Sums for the general Purposes of their Undertaking as well as for the Purposes authorized by this Act: And whereas the Objects and Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows; (that is to say,)

1. This Act may be cited for any Purpose as "*The Belfast and Northern Counties Railway Act, 1864.*" Short Title.

2. "The Railways Clauses Consolidation Act, 1845," Parts I. III., and V. of "The Railways Clauses Act, 1863," "The Railways Act (*Ireland*), 1851," "The Lands Clauses Consolidation Act, 1845," so far as the same is consistent with "The Railways Act (*Ireland*), 1851," as amended by "The Railways Act (*Ireland*), 1860," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (*Ireland*), 1860," the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

8 & 9 Vict.
cc. 16. 18.
& 20.,
14 & 15 Vict.
c. 70.,
23 & 24 Vict.
cc. 97. &
106., and
26 & 27 Vict.
c. 92. incor-
porated.

- With respect to the Distribution of the Capital of the Company into Shares;
- With respect to the Transfer and Transmission of Shares;
- With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;
- With respect to the Forfeiture of Shares for Nonpayment of Calls;
- With respect to the Remedies of Creditors of the Company against the Shareholders;
- With respect to the Consolidation of Shares into Stock;
- With respect to the making of Dividends;
- With respect to the borrowing of Money on Mortgage or Bond;
- With respect to the Conversion of the borrowed Money into Capital;
- And with respect to the Provision to be made for affording Access to the Special Act;

and Parts I. and II. of "The Companies Clauses Act, 1863," shall be incorporated with and form Part of this Act.

3. It shall be lawful for the Company to make and maintain a Railway or Tramway (herein called the Branch), with all proper Stations, Works, and Conveniences connected therewith, commencing by a Junction with the Main Line of the Railway of the Company at

Power to
make a
Railway or
Tramway.

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at or near the Station of that Railway at *Portrush* in the County of *Antrim*, and terminating on the Western End of the Pier or Quay of the *Portrush* Harbour Company at *Portrush*.

Railway or
Tramway to
be made
according to
deposited
Plans, &c.

4. Whereas Plans and Sections of the Railway or Tramway by this Act authorized showing the Line and Levels thereof, and Plans showing the additional Lands required by the Company for the Purposes of their Undertaking, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railway or Tramway, and also of the additional Lands required by the Company for the Purposes of their Undertaking, have been deposited for public Inspection with the Clerks of the Peace for the County of *Antrim* and the County of the Town of *Carrickfergus*: Therefore, subject to the Provisions and Powers of Deviation in this Act and in the Acts incorporated herewith contained, the said Railway or Tramway shall be made in the Line or Course and upon the Lands delineated upon the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the Lands shown on the said Plans and described in the said Books of Reference as may be necessary for the Purposes of the said Railway or Tramway and the Works connected therewith, or for the Purposes of the Undertaking of the Company, or for any Purpose by this Act authorized: Provided always, that the Company shall not, except by Agreement, enter upon, take, or use any Lands now belonging to the *Belfast and Cave Hill* Railway Company, or any Lands in or over which that Company are now entitled to exercise any Right or Easement.

As to De-
posit of
Plans with
Clerks of
Unions.

5. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Mis-statements, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Postmaster 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 Plans and Sections as shall have been approved of 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 Unions instead of such Postmasters: Therefore, with reference to this Act,
all

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all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid shall be read and construed as if the Expression "Clerks of the Unions 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 Postmaster of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmaster," as the Case may be.

6. Subject to the Provisions in this Act and in the Acts incorporated herewith contained, it shall be lawful for the Company in the Construction of the Branch to carry the same with not exceeding a single Line of Railway so long as the Branch shall be a single Line, and with not exceeding a double Line of Railway if the Branch shall be made a double Line, across and on a Level of the Road numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Level Crossing.

No. on Plan.	Townland.	Parish.	Description of Road.
5	Portrush -	Ballywillan -	Public Road.

7. No Carriage shall be propelled upon the Branch or any Part thereof by Steam or by atmospheric Agency, or drawn by Ropes in connexion with a stationary Steam Engine.

As to Steam Power, &c. to be used on the Branch.

8. The Powers of the Company under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of One Year from the passing of this Act.

Powers for compulsory Purchases limited.

9. The Branch shall be completed within Two Years from the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same shall cease.

Period for Completion of Works.

10. After the Expiration of the Period by this Act limited for the Completion of the Branch, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Branch shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Branch by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Penalty if Branch is not completed within Time limited.

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Branch to form Part of the Undertaking of the Company.

11. For the Purpose of Tolls and Charges and for all other Purposes the Branch shall form Part of the Undertaking of the Company: Provided always, that the Company may charge for Horse Power employed on the Branch as if such Power were locomotive Power.

Arrangements may be made with the Portrush Harbour Company.

12. It shall be lawful for the Company and the *Portrush* Harbour Company to enter into and carry into effect Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Course or Direction (within the Limits of Deviation defined on the deposited Plans), and the Mode of Construction, working, Management, and Regulation of the Branch by the said Companies, either jointly or severally:

The Appropriation and Acquisition of Land by the said Companies, or either of them, for the Purposes of the Branch:

The Supply by the Company of Waggon for working the same:

The Tolls and Charges to be made thereon:

The Accommodation of the Traffic of the Harbour Company:

The Division and Apportionment between the said Companies of the Profits arising from the Branch:

The Payment by the Harbour Company of Interest upon the Sums expended on the Branch, or any Part thereof, or on the Purchase of Lands for the Purposes of the Branch:

The Appointment of a Joint Committee for the Purpose of regulating the Branch:

Provided always, that no such Agreement shall be operative unless and until the same has been submitted to and approved by the Board of Trade.

Power to lease superfluous Lands.

13. It shall be lawful for the Company, at any Time within Five Years from the passing of this Act, to demise such Portion of the Lands taken by and vested in the Company adjacent to their Termini at *Belfast*, *Carrickfergus*, and *Ballymena* respectively as the Directors of the Company for the Time being shall consider superfluous and unnecessary for the Purposes of the Company, and such Demises may be made for any Number of Years and at such Rent or Rents as the said Directors shall think fit, and with or without taking any Fine or Fines on the granting of the same: Provided always, that the Company may and shall, within the Term of Two Years from the making of any such Lease, sell and dispose of the Rents thereby reserved, and the Reversion incident thereto: Provided also, that all Monies received for such Rents and Fines, and the Produce of such Sales as aforesaid, shall be deemed Part of the Capital Monies of the Company, and be applied to the permanent Works, or in reduction of the Mortgage Debt of the Company.

14. It

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14. It shall be lawful for the Company, in addition to the Monies which they are now authorized, to raise by new Ordinary or Preference Shares any further Sum or Sums of Money not exceeding in the whole the Sum of One hundred thousand Pounds, and all and every Part of the Money so raised shall be applied only to Purposes authorized by this Act, or to Purposes authorized by the existing Acts relating to the Company.

Power to raise further Sums for Purposes of the Act and also for several Purposes.

15. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not to be issued unless and until One Fifth Part thereof shall have been paid up.

16. The Company from Time to Time may borrow on Mortgage under this Act any Sum not exceeding (in addition to the Amount which they are now authorized to borrow on Mortgage) Thirty-three thousand Pounds: Provided that the Company shall not borrow any Money under the Authority of this Act until the whole of the said additional Capital of One hundred thousand Pounds by this Act authorized to be raised by them by new Shares is *bonâ fide* subscribed for and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," that the whole of the said additional Capital has been subscribed for *bonâ fide* and issued, and that One Fifth of every Share has been paid on Issue of the same, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, and all and every Part of the Money so borrowed shall be applied only to Purposes authorized by this Act, or to Purposes authorized by the existing Acts relating to the Company.

Power for Company to borrow.

17. Provided always, That all Mortgages granted by the Company before the passing of this Act, and on the passing of this Act in force, shall during the Continuance thereof respectively have Priority over all Mortgages granted by the Company under this Act.

Priority of existing Mortgages.

18. The Company shall not, out of any Money by any Act relating to them authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of any Calls made on his Shares: Provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on Calls paid up.

19. The

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

19. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any Railway, or execute any other Work or Undertaking.

Railway not
exempt from
Provisions
of present
and future
General
Acts.

20. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the Accounts of Railway Companies, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by any Act relating to those Railways respectively authorized, or the Rates for small Parcels thereby authorized.

Expenses of
Act:

21. All the Costs, Charges, or Expenses of and incident to the preparing for, obtaining, and passing of this Act shall be borne and paid by the Company.

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