



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cccxviii.

An Act to enable the *Portpatrick* Railway Company to establish Communication by Steam Vessels between *Portpatrick* and *Donaghadee*, and between *Stranraer* and *Belfast* and *Larne*.

[29th July 1864.]

WHEREAS the *Portpatrick* Railway Company (who are meant when the Expression "the Company" is hereinafter used) were incorporated by "The *Portpatrick* Railway Act, 1857," the Preamble of which recites that the Construction of the said Railway will not only be beneficial to the District which it will traverse but will facilitate Intercourse between *Great Britain* and *Ireland*, and Power is given by the said Act to certain Railway Companies, whose Undertakings form Part of the Means of Communication between the Metropolis and that Part of the Coast of *Scotland* which lies nearest to the Port of *Donaghadee* in *Ireland*, to contribute Funds towards the *Portpatrick* Railway, and similar Power is given to and has been exercised by the *Belfast and County Down* Railway Company, whose Undertaking extends from *Donaghadee* to *Belfast*: And whereas the *Portpatrick* Railway has been for some Time open to the Public, and consists of a Main Line of Railway from the *Castle Douglas and Dumfries* Railway to *Port-*

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c. cxlix.

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patrick and of Two Branches, the one to the North Pier of *Portpatrick* Harbour and the other to the West Quay of *Stranraer* Harbour: And whereas it would conduce to the public Convenience if the *Portpatrick* Railway Company were authorized to establish a Communication by means of Steamboats between *Portpatrick* and *Donaghadee*, and also between *Stranraer* on the one hand, and the Ports of *Donaghadee*, *Belfast*, and *Larne* respectively, or either of those Ports, on the other hand, and that the Companies herein-after mentioned should be authorized to contribute towards the Expense and to participate in the Advantages of the said Undertaking: But inasmuch as these Objects cannot be attained without the Authority of Parliament, may it 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to
Company to
provide and
use Steam
Vessels.

1. The Company may from Time to Time build, or buy, or hire and may use, maintain, and work, or enter into Arrangements for using, maintaining, or working Steam Vessels for the Purpose of carrying on a convenient and efficient Communication by means thereof between the Ports of *Portpatrick* and *Donaghadee*, and also between the Port of *Stranraer* and the Ports of *Donaghadee*, *Belfast*, and *Larne* respectively, or either of them, and may take Tolls in respect of such Steam Vessels, and the Provisions of "The Railways Clauses Act, 1863" (Part IV.), with respect to Steam Vessels, shall be incorporated with this Act; and (subject to the other Provisions of this Act, and of any Agreement made thereunder) such Vessels so built, bought, or hired shall (unless otherwise agreed) be deemed to be Part of the *Portpatrick* Railway within the Meaning and for the Purposes of any Act authorizing Contracts or Arrangements between the Company and any other Company or Companies.

Rates for Use
of Steam
Vessels.

2. The Charges to be made by the Company for the Conveyance of Passengers in such Steam Vessels between the Points of Embarkation and Disembarkation shall not exceed the Charges mentioned in the Schedule to this Act.

Passengers
Luggage.

3. Every First-class Passenger conveyed by any Steam Vessel of the Company, or partly by a Steam Vessel of the Company and partly by the Railway of the Company, may take with him, without extra Charge, his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight, and every Second-class Passenger not exceeding One hundred Pounds in Weight, and every Third-class Passenger not exceeding Sixty Pounds in Weight.

4. The

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4. The *Portpatrick* Railway Company may from Time to Time raise for the Purposes of this Act (in addition to the Sums of Money which they are already authorized, or may by any other Act of this Session be authorized to raise) any further Sums, not exceeding in the whole Seventy-two thousand Pounds, by the Creation of new Shares in their Undertaking, which Shares shall either form Part of the general Capital of the Company, or shall form a separate Capital, to be termed "*Portpatrick* Railway (Steam Vessel) Shares," and may, if so separated from the general Capital of the Company, have assigned to them exclusively, or in certain definite Proportions, the net Profits arising from the Undertaking hereby authorized, to the Exclusion or partial Exclusion of Participation in the Profits of the rest of the Company's Undertaking.

Power to raise additional Capital by new Shares.

5. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any Preferential Dividend, with or without other Privileges which the Company may think fit, and may determine that such Preferential Dividend shall be derived either from the Profits of the Undertaking hereby authorized, to the Exclusion of the Remainder of the Undertaking of the Company, or partly out of those Profits and partly out of the general Profits of the Company, or that Part only of the Profits of the Steam Vessels and incidental thereto, shall be devoted to the Holders of the new Capital, and that the Remainder shall be deemed Part of the general Profits of the Company, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares, and for the Purpose of redeeming the same, or any Part thereof, the Company may create and issue from Time to Time fresh Shares, with or without any special Advantages; provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Six *per Centum per Annum* on the Amount for the Time being paid up on such Shares.

Privileges may be attached to new Shares.

6. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year: Provided that the Company shall not 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

Limit of Amount and Number of Calls.

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being less than than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

As to Votes of Proprietors of such new Shares.

7. Subject to the Provision herein-after contained, the Proprietors of any Shares to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

Providing for Separation of Capital.

8. Provided nevertheless, That if it shall be determined that the Capital to be raised for the Purposes of this Act shall be kept absolutely separate from the Capital which the Company are already authorized to raise, and that the Profits arising from the Steam Vessels hereby authorized shall be devoted solely to the Holders of such new Capital, then separate Accounts of the Steam Vessels hereby authorized shall be kept by the Company, and it shall not be lawful for the Holders of such new Capital to interfere with the general Affairs of the Company, excepting in so far as they affect the said Shareholders; nor, on the other hand, shall it be lawful for the general Shareholders of the Company to interfere in the Construction of the Steam Vessels, or in the Expenditure thereon, or in the Management thereof, or the Revenue derived therefrom, excepting in so far as those Matters immediately affect the general Interests of the Company.

Power to borrow on Mortgage.

9. The Company may from Time to Time, under the Powers of this Act, borrow by Mortgage, either of their Undertaking generally or of the Steam Vessels alone, any additional Sums of Money not exceeding at any Time in Amount One Third of the additional Capital herein-before authorized to be raised by Shares, if the Money borrowed be charged on the Undertaking generally, and not exceeding One Fourth of the said additional Sums if the Money borrowed be charged on the Steam Vessels alone: Provided that only so much of the said Sums shall from Time to Time be raised as is equal to One Third of the additional Capital which shall at the Time of such borrowing be *bonâ fide* subscribed for or taken under the Powers of this Act, and One Half whereof is paid up; but no Part of that Sum shall be borrowed until the whole of the additional Capital is paid up, and until the Company shall prove to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their

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their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence of the aforesaid Acceptance thereof.

10. Provided always, That if the said Mortgages are granted on the Security of the general Undertaking of the Company, all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Existing
Mortgages
to have
Priority.

11. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this Act authorized.

Application
of Sums
raised under
this Act.

12. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

Parts of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. incor-
porated.

With respect to the Distribution of the Capital of the Company into Shares ;

With respect to the Transfer or Transmission of Shares ;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls ;

With respect to the Forfeiture of Shares for Nonpayment of Calls ;

With respect to the borrowing of Money by the Company on Mortgage or Bond ;

With respect to the Conversion of borrowed Money into Capital ;

With respect to the Consolidation of Shares into Stock ;

With respect to the Remedies of the Creditors of the Company against Shareholders, and with respect to the Provision to be made for affording Access to the Special Act ;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

With respect to Cancellation and Surrender of Shares ; and

With respect to additional Capital ;

shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed under the Powers of this Act.

13. It shall be lawful for the *London and North Western*, the *Glasgow and South Western*, and the *Belfast and County Down* Railway Companies, or any of them, to contribute such Sums as may be agreed upon between them severally and the Company towards and to take corresponding Shares in the Capital hereby authorized to be raised ; and the said Companies may, with the

Power to
certain Rail-
way Com-
panies to
subscribe.

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Authority of Three Fifths of their Shareholders present, personally or by proxy, at a General Meeting specially convened for the Purpose, apply in Payment of their said respective Contributions any Monies which they are already respectively authorized to raise, and which may not be required by them for the Purposes of their respective Undertakings, and also any Monies which they are by this Act respectively authorized to raise.

Power to contributing Companies to raise Money by the Creation of Shares.

14. It shall be lawful for each of the said Companies from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by proxy, at any General Meeting of that Company called for the Purpose, to raise respectively for the Purposes of their several Contributions any Sums of Money not exceeding the Amount which each Company has agreed to contribute, which Sums shall be raised by the Creation and Issue of new Shares in the Capital of the said Companies respectively, of such nominal Amount, to such Persons, on such Terms, and bearing (if the said Companies respectively shall think fit), a preferential Dividend, at such Rate not exceeding Five Pounds *per Centum per Annum* as the said Companies respectively may appoint.

Power to enter into Agreements.

15. It shall be lawful for the *Portpatrick* Railway Company on the one hand, and any of the said contributing Companies on the other hand, from Time to Time to enter into Agreements with respect to the Establishment, Maintenance, and Use of such Steamboats, and with respect to the Conveyance by the same of Traffic coming from or destined for the Undertakings of the Contracting Companies, and the Provisions of "The Railways Clauses Act, 1863," (Part III.), with respect to Working Arrangements, shall apply to all such Agreements.

As to Publication of Agreements.

16. Every such Agreement shall be made in Writing, and Notice that the same has been entered into shall be advertised once in the *London* and once in the *Dublin Gazette*, and also once at least in each of Three successive Weeks in One and the same Newspaper published in *Dublin*, and One and the same Newspaper published in *London*; and the Notice shall state that Copies of the Agreement have been deposited at the Office of the Board of Trade, and also at the principal Office of each of the contracting Parties, and may be obtained by all Persons asking for the same at a Price not exceeding One Shilling for each Copy.

Providing for similar Agreements.

17. The Companies or Persons who may have entered into any Agreement under the Authority of this Act, shall respectively, if required, enter into a similar Agreement with any Company or Person, not Parties to any such Agreement, and being Owners of a
Railway

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Railway or Canal or Navigation, and being Carriers of Traffic passing between *Great Britain* and *Ireland*, and such similar Agreements shall provide that the said contracting Companies shall not demand or receive upon Traffic from or to any *English* Port or Place to or from which such Owners of a Railway or Canal or Navigation carry Traffic any greater Rate or Charge, whether by Land in *Ireland* or by Sea, than is demanded and received by such contracting Parties severally in respect of Traffic conveyed by them between the same Places under the Agreements entered into by them under the Powers of this Act.

18. If Complaint shall be made to the Court of Common Pleas that any of the Companies Parties to such Agreements are acting in contravention of the Two last preceding Enactments, or have not deposited any such Agreement or Copy of an Agreement, or withhold Copies thereof, or refuse to enter into similar Agreements with other Companies or Persons, it shall be lawful for the said Court to take all such Proceedings and to make such Inquiry into the Reasonableness of such Complaint, and to enforce all such Orders against the said Companies respectively so offending as if this Enactment had been contained in "The Railway and Canal Traffic Act, 1854."

Means of enforcing Enactments.

19. It shall not be lawful for any of the Companies herein-before mentioned, out of any Money by this Act, or by any other Act relating to them authorized to be raised by Calls in respect of Shares, or by the Exercise of 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 said Companies 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.

Interest not to be paid on Calls paid up.

20. It shall not be lawful for any of the said Companies, 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 an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

21. Nothing

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

21. Nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of any General Act relating to Railways, or to the better or 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 authorized to be taken by the Company, or of the Rates for small Parcels.

Short Title. Expenses of Act.

22. This Act may be cited as "The *Portpatrick* Railway (Steamboats) Act, 1864;" and all the Expenses of obtaining this Act or preparatory or incident thereto shall be paid by the Company.

SCHEDULE

STATING THE FARES TO BE CHARGED UNDER THE POWERS OF THIS ACT.

	First Class.	Second Class.
For Passengers between Portpatrick or Stranraer and	s.	s.
Donaghadee	6	4
Belfast	8	4
Larne	6	4

LONDON:

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