



CHAPTER ccxl.

An Act to authorise the construction of a Railway from the Port of Larne to the town and neighbourhood of Ballyclare in the county of Antrim; and for other purposes connected with the said Railway. A.D. 1873.
[5th August 1873.]

WHEREAS the construction of a railway upon the gauge herein-after specified, to connect the port of Larne with the town and neighbourhood of Ballyclare in the county of Antrim, would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to construct the said railway, and it is expedient that they should be incorporated into a company, and that the powers herein-after contained should be conferred upon them for that purpose:

And whereas it is expedient that the powers herein-after contained should be conferred upon the Carrickfergus and Larne Railway Company, herein-after called the Carrickfergus Company, with reference to the railway hereby authorised:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and the lands in or through which the same is to be made and maintained, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Antrim, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

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Short title.

Provisions of Acts herein named incorporated.

Interpretation of terms.

As to deposit of plans with clerks of unions.

Company incorporated.

1. This Act may be cited as "The Larne and Ballyclare Railway Act, 1873."

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," (relating respectively to cancellation and surrender of shares and to debenture stock,) "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Parts I. and III. of "The Railways Clauses Act, 1863," relating respectively to construction of a railway and to working agreements, are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

4. With reference to this Act, all the provisions of sections seven, eight, and nine of "The Railways Clauses Consolidation Act, 1845," shall be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland," or the words "clerk of the union," (as the case may be,) had been used and inserted in such sections instead of the expression "the postmasters of the post towns in or nearest such parishes in Ireland," or instead of the word "postmasters" (as the case may be).

5. The Honourable Arthur Edwin Hill Trevor, commonly called Lord Arthur Edwin Hill Trevor, James Chainé, William Robert Anketell, Joseph Magill, William Boyle Glenny, William Eccles, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Larne and Ballyclare Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take,

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hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Larne and Ballyclare Railway." A.D. 1873.
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6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is,— Power to make railway according to deposited plans.

A railway about eleven miles seven furlongs and three chains in length, commencing at the quay of Larne in the parish of Larne and county of Antrim, and terminating in the townland of Ballyclare in the parish of Doagh in the same county :

Provided that nothing in the deposited plans and sections contained shall authorise the Company to construct so much of the railway described on the said plans as Railway No. 1 as lies between a point marked on the plan of the said railway eleven miles seven furlongs and three chains and the termination of the said railway at Antrim.

7. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

8. Notwithstanding anything to the contrary contained in an Act passed in the ninth and tenth years of Her present Majesty, chapter fifty-seven, intituled "An Act for regulating the Gauge of Railways," the Company may construct and maintain the railway on the gauge of three feet. As to gauge of railway.

9. The quantity of land to be taken by the Company shall not be less than is required for the construction of a railway upon the gauge of five feet three inches ; and all bridges shall be constructed of sufficient width for a railway of that gauge, except between the commencement of the railway and a point in the parish of Larne marked on the deposited plan as one mile and one furlong. Additional land may be taken by the Company.

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Capital.

Shares not to
issue until
one fifth
paid up.

Calls.

Receipts for
money pay-
able to per-
sons not sui
juris.

Power to
borrow on
mortgage.

Arrears may
be enforced
by appoint-
ment of a
receiver.

10. The capital of the Company shall be fifty-four thousand pounds, in five thousand four hundred shares of ten pounds each.

11. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

12. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

13. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

14. The Company may from time to time borrow on mortgage, in respect of the capital of fifty-four thousand pounds by this Act authorised to be raised, any sum or sums not exceeding in the whole eighteen thousand pounds: Provided that in respect of each twenty-seven thousand pounds of such capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole nine thousand pounds; but no part of either of the before-mentioned sums of nine thousand pounds shall be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the portion of the said capital in respect of which the borrowing powers are sought to be exercised has been issued and accepted, and that one half of such portion has been paid up, and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise

the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole. A.D. 1873.

16. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

17. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application of moneys.

18. The first ordinary meeting of the Company shall be held within three months after the passing of this Act. First ordinary meeting.

19. The quorum of meetings of the Company shall be eight shareholders present in person or by proxy, holding in the aggregate not less than four thousand pounds in the capital of the Company. Quorum of meetings of the Company.

20. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three. Number of directors.

21. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.

22. The quorum of a meeting of directors shall be three while their number is five, and two when their number is less than five. Quorum.

23. The Honourable Arthur Edwin Hill Trevor, commonly called Lord Arthur Edwin Hill Trevor, James Chaine, William Robert Anketell, William Boyle Glenny, and William Eccles shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected First directors.
Election of directors.

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Lands for extraordinary purposes. **24.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed three acres.

Powers for compulsory purchases limited. **25.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross certain road on the level. **26.** Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst it shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
30	Larne - - -	Public road.

For protection of public roads in the county of Antrim. **27.** For the protection of the public roads and highways under the control of the grand jury of the county of Antrim the following provisions shall, notwithstanding anything shown on the deposited plans and sections, be respectively observed and carried into full effect by the Company:

(a.) In altering for the purposes of the railway the public roads next herein-after mentioned the widths and directions thereof respectively shall remain unaltered:

No. on deposited Plans.	Parish.	Townland.
1	Inver - - -	Inver.
68	Kilwaughter - - -	Craiginorne.
36	Kilwaughter - - -	Headwood.
32	Ballynure - - -	Lismenary.
5	Ballynure - - -	Dunturky.
34 & 35	Doagh - - -	Ballyclare.

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- (b.) The public road numbered 35 and the public bridge numbered 36 in the parish of Inver and townland of Inver to be crossed by the railway shall remain unaltered as regards width, level, and direction :
- (c.) In altering for the purposes of the railway the public road numbered on the deposited plans 25 in the parish of Inver and townland of Ballysnod, and 12 in the parish of Kilwaughter and townland of Drumnahoe, the Company shall fill up to the satisfaction of the surveyor for the time being of the county of Antrim the hollows on each side of the said road to be caused by carrying the said railway across the same as shown in the deposited cross-section No. 4, but so as to allow of the same inclinations as are shown on that cross-section :
- (d.) In carrying the railway over the public road numbered on the deposited plans 45 in the parish of Kilwaughter and townland of Ballyedward, the Company shall construct a bridge having a width between the parapets equal to the width of the adjoining part of that road, and the line of direction, width, and level of the same road shall remain unaltered :
- (e.) Instead of diverting the public road numbered on the deposited plans 44 in the parish of Kilwaughter and townland of Ballyedward, the Company shall, if required by the surveyor for the time being for the county of Antrim, and to his satisfaction, construct a bridge for carrying the railway over that road :
- (f.) In altering for the purposes of the railway the public road numbered on the deposited plans 5 in the parish of Kilwaughter and townland of Craiginorne, the Company shall make the same of an inclination not steeper than one in thirty :
- (g.) The Company shall not exercise the powers to deviate from the levels of the railway under sections 11 and 12 of "The Railways Clauses Consolidation Act, 1845," so as in any manner to affect the level of any public road or bridge in the county of Antrim, except by agreement between the surveyor for the time being of that county and the engineer for the time being of the Company, and with the consent of the said surveyor in writing under his hand :
- (h.) In every case in which a diversion of any public road or highway under the control of the grand jury of the county of Antrim shall be made by the Company pursuant

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to the powers of this Act, such diversion shall as to line of direction, width, and inclination of road be made to the satisfaction of the surveyor for the time being of the county of Antrim, to be expressed by him in writing under his hand, and to be applied for in writing accompanied by a proper plan and section, such consent to be obtained by the Company before they commence any such diversion :

- (i.) If any difference shall arise between the surveyor for the time being of the county of Antrim and the engineer for the time being of the Company as to any of the matters mentioned in the foregoing sub-sections (g.) and (h.), such difference shall be referred to the arbitration of an engineer to be appointed by the Board of Trade at the instance of either party, and the reasonable costs of such last-mentioned engineer and of the said grand jury and of the Company respectively shall be paid by the Company.

Height and span of bridge at Raloo.

28. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
16	Raloo	Public road	13 feet	21 feet.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

29. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of three thousand seven hundred and eighty-two pounds, being five per centum upon the amount of the estimate in respect of the undertaking originally proposed to be authorised by this Act, has been deposited with the Court of Chancery in Ireland in respect of the application to Parliament for this Act : And whereas part of the undertaking so originally proposed has been abandoned, and the estimate of expense of the railway hereby authorised amounts to fifty-four thousand pounds : Be it enacted, that, notwithstanding anything contained in the said Act, the sum of two thousand seven hundred pounds, being five per cent. upon the amount of the estimate of the railway hereby authorised, and being part of the money so deposited as aforesaid in

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respect of the application for this Act, or the securities upon which the same may be invested, shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of two thousand seven hundred pounds shall be applied in the manner hereafter specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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30. The said sum of two thousand seven hundred pounds, or the securities upon which the same may be invested, shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of two thousand seven hundred pounds shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of two thousand seven hundred pounds, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order on the application

Application
of deposit.

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A.D. 1873. — of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of two thousand seven hundred pounds has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Court of Chancery may order payment of surplus deposit.

31. The Court of Chancery in Ireland may at any time after the passing of this Act order that the sum of one thousand and eighty-two pounds, being the other portion of the said sum of three thousand seven hundred and eighty-two pounds, or the securities on which it may be invested, shall be paid or transferred to or on the application of the person or persons named in such warrant or order as aforesaid, or the survivor or survivors of them.

Period for completion of works.

32. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

33. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers conveyed upon the railway, or any part thereof, as follows:

For every person conveyed upon the railway, twopence per mile, and if conveyed in or upon a carriage provided by the Company an additional sum of one penny per mile.

Tolls for cattle.

In respect of animals conveyed in carriages upon the railway as follows:

For every horse, mule, ass, or other beast of draught or burden, per mile fourpence, and for every ox, cow, bull, or head of neat cattle, per mile threepence, and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny:

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For every calf or pig, per mile twopence, and for every sheep, lamb, or other small animal, per mile one penny halfpenny, and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny. A.D. 1873.
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In respect of the tonnage of all articles conveyed upon the railway, or any part thereof, as follows : Tonnage on
articles of
merchandise.

For all copper, copper ore, tin, tin ore, lead, lead ore, iron, iron ore, antimony, manganese, and all other ores, metals, minerals, and semi-metals, wrought and cast iron bricks, tiles, slate, and stone used for making roads, timber, and deals, one penny per ton per mile, and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny :

For all lime, limestone, sand, oreweed, dung, compost, and all other sorts of manure, building stone, freestone, granite, and clay, threepence per ton per mile, and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny :

For all coal, coke, and culm, one penny per ton per mile, and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny :

For all grain, corn, flour, meal, and potatoes, hay, straw, seeds, vetches, peas, salt, and all other goods, wares, merchandise, and other articles, matters, or things whatsoever, fourpence per ton per mile, and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny :

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and a further sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

34. The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed twopence per mile for each passenger or animal or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken. Tolls for
propelling
power.

35. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway (including the tolls for the use of the railway), and for carriage and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) Maximum
rates for
passengers.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

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For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Regulations
as to the
tolls.

36. The following provisions and regulations shall be applicable to the fixing of such tolls ; (that is to say,)

For passengers, animals, or goods conveyed on the railway for a less distance than four miles the Company may demand tolls and charges as for four miles :

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand tolls on animals or goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile :

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

For cattle,
goods, &c.

37. And with respect to the conveyance of horses, cattle, carriages, and goods, the maximum rate of charge to be made by the Company, including the tolls for the use of the railway, and waggons or trucks and locomotive power, and every expense incidental to such conveyance (other than and except a reasonable charge for loading or unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other source incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums :

For every horse or other beast of draught or burden, before classed with horses, fourpence per mile :

For every ox, cow, bull, or neat cattle, threepence per mile :

For every calf or pig, twopence per mile :

For sheep and small animals, one penny and a halfpenny each per mile :

For every carriage, sixpence per mile :

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For copper and other articles herein-before classed therewith, A.D. 1873.
threepence per ton per mile :

For lime and other articles herein-before classed therewith, two-
pence halfpenny per ton per mile :

For coal, coke, and culm, one penny halfpenny per ton per mile :

For grain and other articles herein-before classed therewith, four-
pence per ton per mile.

38. With respect to small parcels and packages not exceeding Tolls for
small parcels
and articles
of great
weight.
five hundred pounds in weight, and single articles of great weight,
notwithstanding the rate of tolls prescribed by this Act, the
Company may lawfully demand the following ; (that is to say,)

For the carriage of small parcels on the railway, or on any part
thereof, as follows :

For any parcel not exceeding seven pounds in weight, three-
pence :

For any parcel exceeding seven pounds in weight but not exceed-
ing fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen pounds in weight but not
exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight pounds in weight but not
exceeding fifty-six pounds in weight, ninepence :

And for parcels exceeding fifty-six pounds in weight but not
exceeding five hundred 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 of 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, bob, 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 five tons but shall not exceed eight tons, the Company
may demand such sum as they from time to time may think
fit, not exceeding sixpence per ton per mile, and if conveyed by
carriages belonging to the Company an additional sum per ton
per mile not exceeding sixpence :

For the carriage of any single piece of timber, stone, machinery,
or other single article, the weight of which, with the carriage,
shall exceed eight tons, the Company may demand such sum
as they think fit.

39. Every passenger travelling upon the railway may take with Passengers
luggage.
him his ordinary luggage, not exceeding one hundred and twenty

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Terminal station.

40. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

41. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

42. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

As to construction of a portion of Railway No. 1.

43. With respect to the construction of so much of the railway hereby authorised as will be situate to the northward and eastward of the passenger station of the Carrickfergus Company at Larne the following provisions shall apply :

Limiting method of constructing railway.

(1.) The Company shall, notwithstanding anything shown on the deposited plans and sections, construct their railway from the quay at Larne to the said passenger station alongside and on the northern side only of the railway of the Carrickfergus Company, and the Company may, for the purpose of constructing their said railway in manner aforesaid and subject to the provisions herein-after contained, use so much of the land and embankments of the Carrickfergus Company as may be necessary for that purpose :

Use of stations.

(2.) The Carrickfergus Company shall afford to the Company at the said passenger station at Larne, and at the Curran station, and at and upon the platforms, booking offices, and conveniences connected therewith respectively, all such accommodation for their traffic and their clerks, officers, and servants as the Company may from time to time reasonably require :

[36 & 37 VICT.] *The Larne and Ballyclare Railway* [Ch. ccxl.]
Act, 1873.

- (3.) The Company shall pay to the Carrickfergus Company in respect of the perpetual use by the Company in manner aforesaid of the land, stations, and embankments of the Carrickfergus Company one half of the cost and expenses incurred by that company in the purchase of land and construction of works for the purposes of their railway between the said quay at Larne and the southern end of the existing platform at the said passenger station, including the cost of constructing the said stations and approaches thereto, but exclusive of all costs incurred by the Carrickfergus Company in the forming and laying down of the permanent way, sleepers, and rails upon the said portion of railway, and the Company shall pay the amount of such moiety of the said costs and expenses in four equal instalments between the commencement of any works upon the lands of or affecting the Carrickfergus Company and the opening of the railway of the Company for public traffic, the first of such instalments to be paid within six months after the commencement of any such works, and the last of such instalments to be paid within two years after the commencement thereof : A.D. 1873.
Payments to be made to Carrickfergus Company.
- (4.) If in consequence of the increase of traffic at either of the said stations it shall be necessary to enlarge either of the said stations or the accommodations in connexion therewith, the cost of such enlargements shall be defrayed by the Company and the Carrickfergus Company in such proportions as in case of difference between the two companies shall be settled by arbitration in manner herein-after mentioned : As to enlargement of stations.
- (5.) If for the purpose of enabling the Company to exercise the powers herein-before conferred upon them of constructing their railway it shall become necessary for the Carrickfergus Company to enlarge, alter, or widen their said station at the Curran, or any portion of their railway between the said passenger station at Larne and the quay, then the Company shall pay to the Carrickfergus Company the costs and expenses of and incident to any such enlargement, alteration, or widening, including the purchase of any land which may be necessary for the purpose : Providing for alteration of line of Carrickfergus Company.
- (6.) All works executed by the Company upon or affecting the railway, embankment, or works of the Carrickfergus Company shall be executed by the Company under the superintendence and to the reasonable satisfaction of the engineer of the Carrickfergus Company, and so that the traffic of the Carrickfergus Company shall not in any way be impeded or interfered with : Works affecting Carrickfergus Company to be executed to their satisfaction.

[Ch. ccxl.] *The Larne and Ballyclare Railway* [36 & 37 VICT.]
Act, 1873.

A.D. 1873.

Providing
for arbitra-
tion.

(7.) Any difference which may from time to time arise between the Company and the Carrickfergus Company with respect to any of the matters herein-before provided for, shall be determined by arbitration in the manner prescribed by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Agreements
with the
Carrickfer-
gus Com-
pany as to
laying down
narrow
gauge.

44. It shall be lawful for the Company on the one hand, and the Carrickfergus Company on the other hand, with such sanction of the shareholders and stockholders of each Company as is prescribed by the twenty-third section of "The Railways Clauses Act, 1863," to enter into and carry into effect contracts and arrangements as to the making junctions or other means of communication between the railway and the Carrickfergus and Larne Railway, and as to the laying down of an additional line or lines of rails on so much of the Carrickfergus and Larne Railway as lies between the passenger station of the Carrickfergus Company at Larne and the termination of the railway of that company at the quay at Larne, so as to admit of the use of such junctions and of the said portion of the Carrickfergus and Larne Railway by engines and carriages adapted to the gauge on which the railway of the Company is constructed, and as to the terms and conditions upon which such rail or rails shall be laid, and the tolls and other payments to be made for the use of the same; and the Company and the Carrickfergus Company, or either of those companies, are hereby authorised and empowered to lay down such additional line or lines under such restrictions and upon and subject to such terms and conditions as may be mutually agreed upon.

Saving rights
of the Crown
in the fore-
shore.

45. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not
to be paid on
calls paid up.

46. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act

[36 & 37 VICT.] *The Larne and Ballyclare Railway* [Ch. ccxl.]
Act, 1873.

shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

A.D. 1873.
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47. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

48. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Railway not exempt from provisions of present and future Acts.

49. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

Expenses of Act.

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