



CHAPTER ccx.

An Act to authorise the construction of a Railway in the county of Antrim from Ballymena to Portglenone; and for other purposes. A.D. 1879.  
[11th August 1879.]

**W**HEREAS the construction of a railway in the county of Antrim from Ballymena to Portglenone 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 on them for that purpose :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, 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 and 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 it is expedient that the Company and the Ballymena and Larne Railway Company (herein-after called "the Larne Company") should be empowered to enter into agreements, and that the Larne Company should be authorised to subscribe to the undertaking as in this Act provided :

And whereas it is expedient that the provisions herein-after contained should be made with reference to the use of the railway by the Belfast and Northern Counties Railway Company (herein-after called "the Belfast Company") :

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

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A.D. 1879. 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 :

Short title. 1. This Act may be cited as the Ballymena and Portglenone Railway Act, 1879.

Incorporation of general Acts.

8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 108.  
14 & 15 Vict. c. 70.  
23 & 24 Vict. c. 97.  
27 & 28 Vict. c. 71.  
31 & 32 Vict. c. 70.  
8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, (as amended by the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act,) the Railways Clauses Consolidation Act, 1845, and (so far as applicable) Part I. of the Railways Clauses Act, 1863, relating to construction of a railway, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 railways and the undertaking by this Act authorised.

As to deposit of plans with clerks of unions.

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 "clerks of the unions," (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).

Company incorporated.

5. Robert Jackson Alexander, John Staples Alexander, James Chaine, William Gihon, Nathaniel Morton, John McMeekin, William Smith, and John McLoughlin, 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 Ballymena and Portglenone Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose

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of lands and other property for the purposes of this Act, and their undertaking shall be called "The Ballymena and Portglenone Railway." A.D. 1879.

6. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways 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 railways herein-before referred to and authorised by this Act are in the county of Antrim, and are:

Power to make railway according to deposited plans, &c.

(1.) A railway, ten miles three furlongs and six chains or thereabouts in length, commencing in the townland of Ballykeel and parish of Ballyclug by a junction with the Ballymena and Larne Railway, and terminating at or near a point in the townland of Garvaghy, in the parish of Portglenone, one hundred yards or thereabouts from the national school in the town of Portglenone:

(2.) A railway, one furlong and one hundred and fifteen yards or thereabouts in length, commencing in the townland of Ballykeel and parish of Ballyclug, at a point about two hundred yards from the engine shed of the Ballymena and Larne Railway Company in their station at Harryville, and terminating in the same townland by a junction with Railway Number 1 above described.

7. Notwithstanding anything 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, subject to the provisions of this Act, make and maintain the railways on the gauge of three feet. Gauge of railways.

8. 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, and of this Act, 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.

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Power to  
pay com-  
pensation for  
land in  
shares.

9. Subject to the provisions herein-after contained, it shall be lawful for any limited owner of any lands required by the Company for the purposes of their undertaking to agree with the Company that the consideration to be paid for the same, and the compensation (if any) to be paid for any permanent damage or injury to any such lands, shall be wholly or in part the allotment to such limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company :

- (1.) For the purposes of this section the expression "limited owner" includes any person or persons empowered under the seventh section of the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, or any estate or interest therein, to the promoters of the undertaking.
- (2.) All shares issued pursuant to this section shall be deemed to be fully paid-up shares in the capital of the Company, and the names of the holders thereof shall be inserted as such in the register of shareholders.
- (3.) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts, and for the same purposes, and in the same manner as the lands in consideration for which such shares are issued stood settled immediately before the conveyance of such lands to the Company.
- (4.) The Company shall make an entry in their register of shareholders of the uses, trusts, and purposes aforesaid; and, subject to the uses, trusts, and purposes affecting such shares, such limited owner in respect thereof shall have all the other rights and powers of a shareholder of the Company.
- (5.) The Company shall not be bound to see to the application of any dividend payable to a limited owner, or be in any way responsible with respect to the application thereof.
- (6.) No such payment by shares shall be made to any limited owner until a certificate in writing approving thereof shall have been made and signed by some person appointed for that purpose by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such limited owner, to make such appointment; and the costs of and incidental to such appointment and certificate shall be paid by the Company as the said Commissioners shall direct; and for the purposes of the

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ninth section of the Lands Clauses Consolidation Act, 1845, such certificate shall render unnecessary the valuation of the two surveyors referred to in that section. A.D. 1879.

10. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,) Inclination of certain roads.

Number on deposited Plan.	Townland.	Parish.	Description.	Intended Inclination.
20	Carnearney	Ahoghill -	Public carriage road.	1 in 20.
111	Carmagrim -	Portglenone	Public carriage road.	1 in 13 on one side and level on the other.
12	Mullinsallagh	Portglenone	Public carriage road.	1 in 20 on one side and level on the other.

11. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any spans not less than the spans herein-after mentioned in connexion therewith respectively; (that is to say,) Span of certain bridges.

Number on deposited Plan.	Parish.	Townland.	Description of Road.	Span.
5	Ahoghill -	Gloonan -	Public road - -	21 feet.
60	Ahoghill -	Gloonan -	Public road - -	21 feet.
95	Portglenone	Casheltown	Public road - -	21 feet.

12. For the protection of 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, unless otherwise agreed between the surveyor for the time being of the said county and the engineer of the Company: Protecting public roads in county of Antrim.

1. In carrying for the purposes of this Act the public road numbered on the deposited plans and sections twenty-one, in the townland of Ballykeel and parish of Ballyclug, over the railway, the width between the parapets of the bridge carrying the said road over the railway and between the fences of the immediate approaches thereto shall not be less than the existing width of the portion of road and footpath carried

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over the railway, and the line of direction of the said road shall remain unaltered.

2. The Company shall not alter the present levels of any of the public roads next herein-after mentioned :

Number on deposited Plan.	Parish.	Townland.
80	Ahoghill - - - -	Baliylummin.
95	Portglenone - - - -	Casheltown.
26	Portglenone - - - -	Slievnagh.
18	Portglenone - - - -	Garvaghy.

3. In altering for the purposes of this Act the public roads next herein-after mentioned, the same roads respectively shall not be raised to a greater height above their present respective levels than the height herein-after mentioned in the case of each such road respectively, or such additional height as will be necessary for the adaptation of the railway to the gauge of five feet three inches :

Number on deposited Plan.	Parish.	Townland.	Height to which Roads may be raised.
21	Ballyclug - - - -	Ballykeel - - - -	13 feet.
21	Ahoghill - - - -	Ballykennedy - - - -	12 feet.
23	Ahoghill - - - -	Carmackmoyne - - - -	13 feet.
2 and 3	Ahoghill - - - -	Lismurnaghan - - - -	13 feet.
34	Ahoghill - - - -	Baliylummin - - - -	11 feet.

4. In altering for the purposes of this Act the roads next herein-after mentioned, the Company shall make the same of inclinations not steeper in any place than the inclinations herein-after mentioned in relation to each such road respectively ; (that is to say,)

Number on deposited Plan.	Parish.	Townland.	Description of Road.	Intended Inclination.
23	Ahoghill -	Carmackmoyne	Public -	1 in 25.
2 and 3	Ahoghill -	Lismurnaghan	- - -	1 in 25.
34	Ahoghill -	Baliylummin	Public -	1 in 30 at upper side and 1 in 20 at lower side.

5. The Company may divert the public road numbered on the deposited plans forty-four, in the parish of Ballyclug and

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townland of Ballykeel, but so that such road when diverted shall be of a width from fence to fence not less than twenty-five feet, and, as nearly as practicable, in the same line of direction as the present road, with a gradient not steeper in any part than one in thirty, and so that the same be executed to the reasonable satisfaction of the said surveyor.

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6. Instead of diverting the public road numbered on the deposited plans twenty-nine, in the parish of Portglenone and townland of Cashelton, the Company shall carry the said road over the railway by a bridge at the same level and in the same direction as the present road, and the width of the said bridge between the parapets thereof shall not be less than twenty-five feet.
7. If the Company shall, under the powers of this Act, remove or alter any footpath by the side of any road under the control of the grand jury of the said county, they shall, with all convenient speed, provide a new or substituted footpath in all respects equal to the footpath removed or altered.
8. In all cases in which the Company shall, under the powers of this Act, carry any public road over or under the railway by a bridge, the Company shall construct on each side of the immediate approaches of such bridge fences in all respects similar to those ordinarily constructed on the side of the new public roads in the county of Antrim.

13. The following provisions for the protection of the Belfast Company shall, unless otherwise agreed between the Company and the Belfast Company, be observed by the Company :

Protecting  
Belfast Com-  
pany.

1. The Company shall not, under the powers of this Act, purchase or take otherwise than by agreement any land of the Belfast Company.
2. The Company may purchase, and the Belfast Company shall sell to the Company, the easement or right of constructing and maintaining under the railway of the Belfast Company in the parish of Ballyclug, and upon any land of the Belfast Company which it may be necessary to use for that purpose, the railway as by this Act authorised.
3. All works executed by the Company under the powers of this Act upon any land or property of the Belfast Company shall be executed under the superintendence and to the reasonable satisfaction of the principal engineer of the Belfast Company, and at the expense of the Company, and

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- the Company shall construct such works, where they will cross the railway of the Belfast Company, in such manner as not to interfere with the free and safe use of that railway.
4. The Company shall at all times maintain in substantial repair and good order and condition, to the reasonable satisfaction of the principal engineer of the Belfast Company, the bridge and other works and things required for carrying the railway of the Belfast Company over the railway by this Act authorised; and if and whenever the Company fail so to do, the Belfast Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as they may reasonably think requisite in that behalf; and the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default thereof may be recovered by the Belfast Company from the Company in any court of competent jurisdiction.
  5. The said bridge and other works, and all works and conveniences connected therewith, shall be made and done only according to a plan, section, and specification to be submitted by the Company to the principal engineer of the Belfast Company, and to be reasonably approved by him in writing under his hand before any of those works are begun, and under the superintendence of such engineer: Provided always, that such plan, section, and specification shall be approved or disapproved within one month after the same shall have been submitted to such engineer.
  6. The Company shall not, in the execution of any works authorised by this Act, obstruct or interfere with the free and safe use of the said railway of the Belfast Company, or any traffic thereon; and if by reason of any works or proceedings of the Company there shall be any such obstruction or interference as to impede or prevent the safe and convenient passage of engines, carriages, and waggons along such railway, the Company shall pay to the Belfast Company the sum of ten pounds per hour by way of ascertained damages for every hour during which any such obstruction or interference shall continue.
  7. If, during the execution by the Company of any works by this Act authorised, it become necessary for the Belfast Company to employ inspectors, watchmen, or signalmen for watching or signalling their said railway, and for preventing, as far as may be, all obstruction, danger, and accident from any of the operations of the Company or their contractors, or any person or persons in the employ of the Company or of their con-



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tractors, the Company shall bear and on demand repay to the Belfast Company the expense thereof.

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8. If by reason of the execution of any of the works or any proceedings of the Company, or the failure of any such works or any act or omission of the Company or of their contractors, or of any persons in the employ of the Company or of their contractors, or otherwise, the said railway of the Belfast Company, or any of the works connected therewith, or any traffic passing along the same, shall be injured or damaged, such injury or damage shall forthwith be made good by the Company, or in the event of their failing so to do, then the Belfast Company may make good the same, and recover the expense thereof, with full costs against the Company, in any court of competent jurisdiction.

9. Any difference which may from time to time arise between the companies or their respective engineers with respect to any of the matters provided for by this enactment shall be referred to and determined by an arbitrator to be agreed upon by the companies, or, in default of agreement, to be nominated by the President of the Institution of Civil Engineers, on the application of either Company; and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall, so far as applicable, apply to any such arbitration.

14. In constructing so much of Railway Number 1 as will be situate between the point marked on the deposited plans as seven furlongs from the commencement thereof, and the termination of the said Railway Number 1 at Portglenone, the Company shall purchase land of sufficient width for the construction of a railway upon the gauge of five feet three inches, and all bridges on the said portion of railway shall be constructed of sufficient width, height, and strength for a railway of that gauge; and the Company shall construct the same portion of railway within their authorised limits of deviation from line and level, so that the radius of no curve thereon shall be less than twelve chains, and that no gradient thereon shall be steeper than one in fifty-five, and no platform shall be less in height than one foot and nine inches above the level of the rails, and no curve shall have a less radius, and no gradient shall be steeper, than shown on the deposited plans and sections.

Extent of  
land to be  
taken.

15. If at any time a railway be constructed beyond Portglenone, either from or to the present terminus of the railway, or from or to any other point thereon, then the Belfast Company, by notice in writing under their common seal, within six months after such

Railway to  
be adapted  
for use upon  
broad as well  
as narrow  
gauge.

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Payments to be made by Belfast Company.

**16.** If the Belfast Company give such notice as aforesaid, the entire cost of such adaptation, and of all works and appliances incidental thereto, shall be paid from time to time by the Belfast Company to the Company, less the amount (if any) by which such cost will exceed the cost thereof, assuming the work to have been executed concurrently with the original construction of the railway, and such cost shall be payable by instalments of not less than one thousand pounds each upon the certificate in writing of the engineer of the Company, which (subject to arbitration as herein-after provided) shall be evidence as to the work done; and the Belfast Company shall also repay to the Company the cost incurred by them in excess of what would have been necessary for a railway upon the gauge of three feet, with interest thereon at the rate of four per centum per annum, but such interest shall be limited to a period not exceeding five years.

Plans to be submitted to and approved by Belfast Company.

**17.** The adaptation of the said railway, and all works incidental thereto, shall be executed according to plans and sections submitted to and reasonably approved by the engineer for the time being of the Belfast Company, and any difference which may arise between the Belfast Company and the Company, or their respective engineers, with reference thereto, shall be determined by arbitration in manner herein-after provided.

As to maintenance, repairs, and renewals of railway, &c.

**18.** The Belfast Company shall, from the date of completion of such adaptation as last aforesaid, repay from time to time to the Company the cost of maintaining, repairing, and renewing all such part of the railway, stations, sidings, and other conveniences as is provided for their exclusive use, and shall contribute to the maintenance, repair, and renewal of all other parts of the undertaking in such proportions as may be agreed between the Belfast Company and the Company, or as, in default of agreement, may be determined by arbitration as herein-after provided.

Belfast Company may use the broad gauge.

**19.** When the said portion of railway shall have been completely adapted for use upon the gauge of five feet three inches, the Belfast Company may run over and use, with engines and carriages and for all purposes of traffic, except as herein-after mentioned, the said portion of railway, and the stations, platforms, watering-places,

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sidings, and works belonging thereto, and the Company shall perform for the Belfast Company, at their several stations on the said line, all such services and duties in reference to the conduct of such traffic as may be necessary or reasonable.

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20. The terms, conditions, and regulations to which the Belfast Company shall be subject in respect of the said use, services, and duties, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Company and the Belfast Company, be determined by arbitration in manner hereinafter provided.

Terms of such user.

21. In exercising the powers herein-before granted, it shall not be lawful for the Belfast Company, unless with the consent in writing of the Company, to take up at any station of the Company, upon the portion of railway herein-before specified, any passengers, parcels, animals, goods, or minerals, and to deliver the same at any other station on such portion of railway as aforesaid, and for the purpose of this enactment such portion of railway shall be deemed to include the towns of Ballymena and Portglenone; and if the Belfast Company violate this enactment they shall for every such violation pay to the Company fifty pounds by way of penalty.

Protecting local traffic.

22. The Belfast Company, in using or traversing the said portion of railway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking, so far as such byelaws shall be applicable to them.

Byelaws to be observed.

23. Any difference which may from time to time arise between the Company and the Belfast Company as to the amounts to be paid from time to time by the Belfast Company to the Company, or as to the terms and conditions in respect of such use as aforesaid, or any other matter referred to arbitration by this Act, shall be determined by arbitration in manner provided by the Railways Companies Arbitration Act, 1859.

Arbitration in case of difference.

22 & 23 Vict. c. 59.

24. The Company shall purchase and transfer to the Belfast Company such land, within the limits of deviation shown on the deposited plans, as may be necessary for the purpose of the construction by the Belfast Company of a junction line of railway for the use of that company, to connect the railway of the Belfast Company with the railway of the Company, such line commencing at or about the point marked seven furlongs from the commencement of Railway Number 1 upon the deposited plans, and terminating by a junction with the railway of the Belfast Company at or near Spences Bridge; and all costs and expenses of and incidental

As to junction with Belfast Company's railway.

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to such purchase and transfer shall be provided by the Belfast Company; provided that the Company shall not be compellable to purchase such land after the expiration of the period limited by this Act for the purchase of land otherwise than by agreement.

Equal facilities to Belfast Company's traffic.

25. The Company and the Belfast Company shall forward and accommodate all traffic received under the provisions of this Act by either Company for the other in the same manner as if it were the proper traffic of the Company so receiving it.

Construction of siding to connect railway with goods siding of Belfast Company at Harryville goods station.

26. The Company shall, if required by the Belfast Company, construct and maintain, within the limits of deviation shown on the deposited plans, a siding for the interchange of traffic, to connect the railway with the goods siding of the Belfast Company at their Harryville goods station; and such siding shall be laid in such place and in such manner as shall be approved by the principal engineer for the time being of the Belfast Company, and the Belfast Company shall grant the Company the free use of such of their land as may be required for such purpose.

Capital.

27. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

28. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation 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.

Calls.

29. 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.

Power to divide shares.

30. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share"; but the Company shall not so divide any share under the authority of this Act, unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

31. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall

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be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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**32.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Dividend on preferred half shares to be paid out of profits of the year only.

**33.** Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued; and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

**34.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

**35.** The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred half shares.

8 & 9 Vict. c. 16.

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Preferred half  
shares not to be  
cancelled, &c.

Half shares  
to be half  
shares in  
capital of  
Company.

Receipt in  
case of  
persons not  
sui juris.

Power to  
borrow on  
mortgage.

As to ap-  
pointment of  
receiver.

**36.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

**37.** The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

**38.** 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.

**39.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty thousand pounds: Provided that in respect of the first thirty thousand pounds of capital issued and accepted, when one half thereof shall have been paid up, the Company may borrow a sum or sums not exceeding ten thousand pounds, and in respect of the remaining thirty thousand pounds of capital issued and accepted, when one half thereof shall have been paid up, the Company may borrow a sum or sums not exceeding twenty thousand pounds; but no part of either of the before-mentioned sums of ten thousand pounds and twenty thousand pounds respectively shall be borrowed until the Company 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 whole of the capital in respect of which the borrowing power is sought to be exercised has been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such 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.

**40.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on

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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 two thousand pounds in the whole. A.D. 1879.  
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41. 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.  
26 & 27 Vict.  
c. 118.

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

43. The first ordinary meeting of the Company shall be held within four months after the passing of this Act. First ordi-  
nary meeting.

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

45. The number of directors, exclusive of any director appointed by the Larne Company as herein-after authorised, shall be five, but the Company may from time to time reduce that number, provided that it be not less than three. Number of  
directors.

46. The qualification of a director, other than a director appointed by the Larne Company, shall be the possession in his own right of not less than fifty shares. Qualification  
of directors.

47. The quorum of a meeting of directors shall be three, so long as their number is five or four, and two when it is three. Quorum of  
directors.

48. Robert Jackson Alexander, William Gihon, James Chaine, Nathaniel Morton, and John McMeekin 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, re-eligible; 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

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A.D. 1879. 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 at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

49. 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 five acres.

Period for compulsory purchase of land.

50. The powers of the Company for the compulsory purchase of land for the purposes of the railway shall not be exercised after the expiration of three years from the passing of this Act.

Deposit money not to be repaid, except so far as railway is opened.

51. 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 two thousand seven hundred and ninety-six pounds, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act, which sum and the stocks, funds, or securities in or upon which the same may be invested are referred to in this Act as the "deposit fund"): Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund 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, which persons, survivors or survivor, are or is in this Act referred to as "the depositors," unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then on the production of a certificate of the Board of Trade, specifying the length of the railway or portion of railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of railway so opened bears to the entire length of the railway, the said Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be



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sufficient evidence of the facts therein 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.

A.D. 1879.

**52.** If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who 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 has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in Ireland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, 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 Chancery Division thinks fit to order, on the application 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 Chancery Division, 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 deposit fund has been repaid to the depositors, or has become otherwise applicable as hereinbefore 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 depositors.

Application  
of deposit.

**53.** 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

Period for  
completion  
of railway.

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A.D. 1879. be exercised, except as to so much thereof as shall then be completed.

Tolls for  
passengers,  
animals, and  
goods.

54. 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 and animals conveyed upon the railway or any part thereof, as follows:

For every person, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 1. For every horse, mule, or other beast of draught or burden, fourpence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle, threepence per head per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 3. For every calf or pig twopence, and for every sheep, lamb, or other small animal, one penny halfpenny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile.

In respect of goods and other articles conveyed on the railway or any part thereof:

Class 4. For all bricks, tiles, slates, all undressed materials for the repair of public roads or highways, coal, coke, culm, cannel, ironstone, iron ore, and for wrought iron not otherwise specifically classed therein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, salt, sand, fire-clay, cinders, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all lime, limestone, sand, ore, weed, dung, compost, manure, building stone, freestone, granite, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light

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iron castings, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny: A.D. 1879.

Class 7. For grain, corn, flour, meal, potatoes, hay, straw, seeds, cotton, and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, of whatever character, not herein-before specifically classed, per ton per mile fourpence; and if conveyed in a carriage 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) conveyed on a truck or platform belonging to the Company, sixpence per mile, and a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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

**56.** The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,) Regulations as to tolls.

For all 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 and charges on animals and goods for such fraction in proportion to the numbers 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; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the numbers 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:

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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.

Tolls for  
small parcels  
and single  
articles of  
great weight.

57. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

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

For any parcel not exceeding seven pounds in weight, threepence:

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

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

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

And for any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence:

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence:

For any parcel exceeding two hundred and fifty pounds 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 that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight, as follows:

For any 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 eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton:

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.

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Act, 1879.

58. The maximum rate 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 carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) A.D. 1879.  
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Maximum rates for passengers.

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

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.

59. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier where any such service is performed by the Company,) shall not exceed the following sums ; (that is to say,) Maximum rates for animals and goods.

For every animal in Class 1, fourpence per mile :

For every animal in Class 2, threepence per mile :

For every animal in Class 3, one penny halfpenny per mile :

For everything in Class 4, one penny halfpenny per ton per mile :

For everything in Class 5, twopence per ton per mile :

For everything in Class 6, threepence per ton per mile :

For everything in Class 7, fourpence per ton per mile :

And 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 on a truck or platform, per mile sixpence, and for every quarter of a ton beyond one ton one halfpenny.

60. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

61. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been Terminal station.

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A.D. 1879. — received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing restrictions not to apply to special trains.

**62.** 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.

**63.** 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 of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to Larne Company to subscribe to undertaking of Company.

**64.** The Larne Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit, not exceeding ten thousand pounds, towards the undertaking; and the said Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise; and the said Company shall, with respect to the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided), and be subject to all the obligations and liabilities, of proprietors of shares in the Company.

Power to Larne Company to raise money for purposes of their subscription.

**65.** The Larne Company may from time to time raise, for the purposes of their subscription to the capital of the Company, any capital not exceeding in nominal amount ten thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

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*Act, 1879.*

A.D. 1879.

- The forfeiture of shares for nonpayment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The consolidation of the shares into stock ;
- The general meetings of the Company, and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, shall extend and apply to the Larne Company, and to the additional capital which they are by this Act authorised to raise.

**66.** The Larne Company shall not issue any share under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares of Larne Company not to issue until one-fifth part paid up.

**67.** All moneys which the Larne Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Application of moneys raised by the Larne Company.

**68.** When and so soon as the Larne Company shall have subscribed and paid the said sum of ten thousand pounds to the capital of the Company, the directors of that Company may appoint one director of the Company, and no other qualification than being a director of the Larne Company shall be requisite, and the Larne Company may at pleasure revoke any such appointment; and the person so from time to time appointed by them shall accordingly be a director of the Company, and be entitled to vote at meetings of the Company on all questions not relating to the election of directors, and in all other respects the directors so appointed shall have the same powers, and be subject to the same regulations and provisions, except as to retiring from office by rotation, as the other directors of the Company: Provided always, that all such appointments and revocations shall be testified in writing under the hand of the secretary of the said Company; which shall be delivered to the directors of the Company, and shall be kept with their records, and an entry of every such appointment or revocation shall be made in the minutes of their proceedings.

As to appointment of directors by the Larne Company.

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A.D. 1879.  
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Votes of  
Larne Com-  
pany.

**69.** The Larne Company, whilst shareholders of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the Larne Company.

Agreements  
with Larne  
Company.  
36 & 37 Vict.  
c. 73.

**70.** The Company on the one hand and the Larne Company on the other hand may from time to time, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended by the Regulation of Railways Act, 1873, enter into agreements with respect to the working, use, management, and maintenance of the railway, or any part or parts thereof respectively, the supply of rolling stock and plant required for the purpose of any such agreement, and of officers and servants for the conduct of the traffic of the railway, the payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance, the interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the contracting Companies, and the division and appropriation of the revenue arising from that traffic.

Tolls on  
traffic con-  
veyed partly  
on the rail-  
way and  
partly on  
railway of  
the contract-  
ing com-  
pany.

**71.** During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Larne Company, the railway of the Company and of the Larne Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Larne Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Larne Company.

Interest not  
to be paid on  
calls paid up.

**72.** The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall 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.



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73. 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 construction of any other railway, or the execution of any other work or undertaking.

A.D. 1879.

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

74. Nothing in this Act contained shall exempt the Company or 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.

Company not exempt from provisions of present or future general Railway Acts.

75. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

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