

CHAPTER cc.

An Act to authorise the construction of Railways in the county of Antrim, to connect the port of Larne with the town of Ballymena; and for other purposes. A.D. 1874.

[7th August 1874.]

WHEREAS the construction of a railway in the county of Antrim on a narrow gauge, between the town of Ballymena and the port of Larne will be of public and local advantage, and the persons herein-after named, with others, are willing, at their own expense, to construct the said railway:

And whereas by "The Larne and Ballyclare Railway Act, 1873," the Larne and Ballyclare Railway Company were incorporated and authorised to construct a line of railway from Larne to Ballyclare, and to raise a capital of 54,000*l.* by shares and 18,000*l.* by borrowing, but the said Company have not exercised any of the powers of the said Act, and it is expedient that the said powers should be transferred to the Company hereby incorporated, and that the undertakings authorised by that Act and this Act should form one undertaking: 36 & 37 Vict. c. ccxl.

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and the lands in or through which the same are 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,

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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 Larne Railway Act, 1874."

Provisions of certain general Acts incorporated.

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," and "The Lands Clauses Consolidation Act Amendment Act, 1860," as amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," "The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Parts I., III., and V. of "The Railways Clauses Act, 1863," relating respectively to construction of a railway, to working agreements, and to amalgamation, 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 Act of 1873" means "The Larne and Ballyclare Railway Act, 1873;" the expression "the Company" means the Company incorporated by this Act; the expression "the railways" (except where otherwise expressly stated) means the railways to be constructed under the powers of this Act, and the railway to be constructed under the powers of the Act of 1873; and the expression "the undertaking" means the undertaking authorised by this Act and the Act of 1873.

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 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).

Company incorporated.

5. Joseph Magill, Ogilvie Graham, James Chaine, William Robert Anketell, 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,

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successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, 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 Larne 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 of lands and other property for the purposes of this Act, and their undertaking shall be called "The Ballymena and Larne Railway."

Power to make railways according to deposited plans.

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 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,—

Railway No. 1.—A railway 17 miles in length, commencing in the townland of Ballykeel and the parish of Ballyclug, near the National Schoolhouse in the town of Ballymena, and terminating by a junction with the authorised Larne and Ballyclare Railway in the townland of Ballybracken in the parish of Ballynure:

Railway No. 2.—A railway 2 miles and 5 furlongs in length, commencing in the townland of Dunclug and parish of Kirkinriola by a junction with the authorised Ballymena, Cushendall, and Redbay Railway, and terminating in the townland of Ballylesson and parish of Ballyclug by a junction with the railway No. 1.

The said railways will be wholly in the county of Antrim.

For protection of public roads in the county of Antrim.

7. 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; (that is to say,)

(1.) Instead of diverting the public road numbered on the deposited plans 40 in the townland of Lisnawhiggel, the Company shall carry the railway over that road by means of an arch having a span of at least 21 feet and a headway of at least 13 feet, and the Company shall make such road (where altered by them) with an inclination not steeper than 1 in 30, and the present width and line of direction thereof shall remain unaltered:

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(2.) The Company shall carry the railway over instead of under the public road numbered on the deposited plans 36 in the townland of Lisnawhiggel, and the arch to be made by the Company over that road shall have a span of at least 21 feet and a headway of at least 13 feet, and the Company shall make such road where altered by them with an inclination not steeper than 1 in 57, and the present width and line of direction thereof shall remain unaltered:

(3.) In altering for the purposes of the railway the public road numbered on the deposited plans 9 in the townland of Ross, the Company shall not raise the same more than 13 feet above its present surface, and the Company shall make the inclination of that road where altered by them not steeper than 1 in 25 on one side and 1 in 146 on the other side of the railway:

(4.) Instead of diverting the public road numbered on the deposited plan 13 in the townland of Tildarg, the Company shall carry that road over the railway by a bridge. They shall not raise that road more than 9 feet above its present surface, and the inclination of the said road (where altered by them) on each side of such bridge shall not be steeper than 1 in 30, and the width and direction of such road shall remain unaltered: Provided that in case the Company shall in the construction of the railways not interfere with the road numbered 13 in the townland of Tildarg, and shall carry the railway across the public road numbered 16 in the said townland of Tildarg at a point within the limits of deviation different from that shown on the deposited plans as the intended point of crossing, then and in such case, with regard to the road last mentioned, the Company shall construct such works in connexion with such crossing as shall be required by the surveyor for the time being of the county of Antrim, and to his entire satisfaction:

(5.) Before the Company in any way alter or interfere with the public road numbered on the deposited plans 108 in the townland of Carnlea, they shall make such diversion or works with regard to that road as shall be required by the said surveyor:

(6.) In altering for the purpose of the railway the public road numbered on the deposited plans 85 in the townland of Ballyboley, the Company shall make the inclinations of

that road (where altered by them) not steeper than 1 in 112 on one side and 1 in 20 on the other side of the railway:

(7.) In altering for the purpose of the railway the public road numbered on the deposited plans 5 in the townland of Ballycraggy, the Company shall make the inclinations of that road (where altered by them) not steeper than 1 in 375 on one side and 1 in 20 on the other side of the railway:

(8.) The Company shall not exercise the powers of deviation from the levels of the railways hereby authorised 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, highway, or bridge in the county of Antrim, unless the exercise of such powers and the mode of such exercise shall be mutually agreed upon by the surveyor for the time being of the county of Antrim and the Company's engineer for the time being, and shall have received the previous consent of the said surveyor in writing under his hand:

(9.) The Company shall not in any circumstances (save in the cases by this Act specially sanctioned, and in the other cases shown on the deposited plans and sections,) exercise the powers of the 16th section of "The Railways Clauses Consolidation Act, 1845," so as to divert or alter the course of or raise or lower the level of any public road or bridge in the county of Antrim, without the previous consent of the surveyor for the time being of that county in writing under his hand:

(10.) In all cases in which the Company shall under the powers of this Act carry any public road over the railways by a bridge, the Company shall construct on each side of the immediate approaches of such bridge a substantial stone and sod fence, similar to the fences ordinarily constructed on the side of the new public roads in the county of Antrim:

(11.) Any difference which may from time to time arise between the said surveyor and the engineer for the time being of the Company as to any matters mentioned in this enactment shall be referred to the arbitration of an engineer to be agreed upon between the said surveyor and the engineer for the time being of the Company, or in default of agreement to be appointed by the Board of Trade on the appli-

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cation 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, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to settlement of disputes by arbitration, shall, so far as applicable, apply to every such arbitration.

Power to take easements, &c. by agreement.

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.

As to gauge of railways.

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

Additional land to be taken by the Company.

10. The quantity of land to be taken by the Company for the purposes of the railways described in the sixth section of this Act shall not be less than is required for the construction of a railway upon the gauge of five feet three inches, and all bridges required for the purposes of the railways described in the said section shall be of a sufficient width for a railway of that gauge.

Transfer of powers of Larne and Ballyclare Railway Act, 1873.

11. From and after the passing of this Act, all the powers, rights, privileges, and authorities granted to the Larne and Ballyclare Railway Company by the said recited Act of 1873 are by virtue of this Act transferred to the Company, and the Company may exercise all the powers conferred on the Larne and Ballyclare Railway Company with respect to the undertaking authorised by the said Act, and shall be subject to all the debts, duties, and liabilities of the Larne and Ballyclare Railway Company, and the powers of the Larne and Ballyclare Railway Company with respect to the raising of capital by shares or by loan may be exercised by the Company in their own name, and the 29th and 30th sections of "The Larne and Ballyclare Railway Act, 1873," (relating to deposit money and application of deposit,) shall be read and have effect as if the Company hereby

incorporated were named therein instead of the Company incorporated by the said Act.

Capital.

12. The capital of the Company shall be one hundred and thirty-six thousand pounds, namely, the sum of fifty-four thousand pounds authorised by the Act of 1873, and eighty-two thousand pounds authorised by this Act, and the said sum of eighty-two thousand pounds shall consist of eight thousand two hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

13. 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.

Calls.

14. 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.

Receipts for money payable to person not sui juris.

15. 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.

Power to borrow on mortgage.

16. The Company may from time to time borrow on mortgage in respect of the capital by this Act authorised to be raised any sum or sums not exceeding in the whole twenty-seven thousand two hundred pounds: Provided that in respect of each forty-one 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 thirteen thousand six hundred pounds; but no part of either of the before-mentioned sums of thirteen thousand six hundred 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

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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.

Arrears may be enforced by appointment of a receiver.

17. The 15th section of the Act of 1873 is hereby repealed. 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 five thousand pounds in the whole.

Debenture stock.

18. 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.

Application of moneys.

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

First ordinary meeting.

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

Quorum of meetings of the Company.

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

Number of directors.

22. 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.

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

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

First directors.

Election of directors.

25. Joseph Magill, Ogilvie Graham, James Chaine, William Robert Anketell, 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 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.

26. 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 eight acres, and the 24th section of the Act of 1873 is hereby repealed.

Period for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands for the purposes of the railways described in the 6th section of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Height and span of bridges.

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

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
120	Rashee - - -	Public road - -	15	21
8	Kirkinriola - -	Public road - -	15	21

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 four thousand one hundred and sixty-three pounds nine shillings and ninepence three pounds per centum consolidated Bank annuities has been deposited with the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of annuities so deposited as aforesaid in respect of the application for this Act 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

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of the period limited by this Act for completion of the railways described in the 6th section of this Act, either open the same railways 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 said railways 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 annuities deposited as aforesaid shall be applied in the manner herein-after 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.

Application of deposit.

30. The said sum of annuities deposited as aforesaid 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 railways described in the 6th section of this Act, 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 shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum, 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 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 has been repaid or retransferred 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.

Period for completion of railways.

31. If the railways described in the 6th section of this Act are 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 same railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

32. The railways shall be deemed to be one entire undertaking, and the provisions of the Act of 1873 with respect to tolls and charges (sections 33 to 42 inclusive) shall be applicable to such entire undertaking.

As to working agreements with Ballymena, Cushendall, and Redbay Railway Company.

33. The Company on the one hand, and the Ballymena, Cushendall, and Redbay Railway 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 or varied by "The Regulation of Railways Act, 1873,") enter into agreements with respect to the following matters or any of them; namely,

The working, use, management, and maintenance of the railways and works, or any part or parts thereof respectively:

The supply of rolling stock and machinery, and of officers and servants for the conduct of the traffic of the railways:

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.

Short-distance charges.

34. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the Ballymena, Cushendall, and Redbay Railway Company, the railways of the Company and the Ballymena, Cushendall, and Redbay Railway 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 upon the

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railway and partly upon the Ballymena, Cushendall, and Redbay Railway 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 traffic partly on the railway and partly on the Ballymena, Cushendall, and Redbay Railway.

Interest not to be paid on calls paid up.

35. 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; but nothing in this Act contained 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."

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

36. 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.

Railways not exempt from provisions of present and future Railway Acts.

37. Nothing in this Act contained shall be deemed or construed to exempt the railways 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.

Expenses of Act.

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

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