CHAPTER clxxiv.

An Act to confer further powers upon the Ballymena and Larne Railway Company. [21st July 1879.]

A.D. 1879.

WHEREAS it is expedient that the Ballymena and Larne Railway Company (in this Act called "the Company") should be enabled in connexion with their undertaking to construct the additional railway and works, to purchase the additional lands, and exercise the powers herein-after mentioned:

And whereas plans and sections showing the lines and levels of the railway and works 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, have been 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 James Chaine, of Ballycraigy, in the county of Antrim, being or claiming to be the owner of the harbour of Larne, and empowered as such under the Curran Pier and Harbour Order, 1871, confirmed by the Pier and Harbour Orders Confirmation Act, 1871 (No. 1), has expended considerable sums of money in the improvement of the said harbour, and is in this Act called the Larne Harbour authority: 34 & 35 Vict. c. lviii.

And whereas the Larne Harbour authority has from time to time constructed at the said harbour certain works for the convenience of the Company, and amongst others a bridge for carrying certain rails across a place known as the Slip, and shown on the deposited plans, and in this Act called "the Slip":

And whereas ferry boats plying between Larne and the Island Magee have been accustomed to resort to a landing-place at the Slip, and it is expedient that the said bridge and rails should be

A.D. 1879.

altered, and the Larne Harbour authority is willing to effect such alteration on being empowered as in this Act provided:

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

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

Short title.

1. This Act may be cited as the Ballymena and Larne Railway Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
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.

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).

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway and works herein-after described, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is a railway three furlongs and nine chains and a half or thereabouts in length, commencing in the townland of Ballybracken and parish of Ballynure by a junction with the railway of the Company about seven

miles and one hundred and ninety yards from the commencement thereof at Larne Quay, and terminating in the townland of Ballyboley, in the parish of Ballycor, in a field in the occupation of Thomas Beggs, together with all necessary stations, sidings, works, approaches, and conveniences connected with such railway; provided that the Company shall not, except by agreement, enter upon, take, or use any lands, not being public roads or highways, required for the purposes of the said railway.

Power to take easements by agreement and to pay compensation in shares. 41 & 42 Vict. c. ccxxvii.

6. The sections of the Ballymena and Larne Railway Extension Act, 1878, numbered 12 (power to take easements, &c. by agreement) and 13 (power to pay compensation in shares), shall be applicable to any lands which the Company are by this Act authorised to take as if those sections were expressly repeated in this Act.

Diversion of Old Ballyrickard Road.

7. The Company may, in the townland of Ballyedward and parish of Kilwaughter, divert the old Ballyrickard Road crossing the railway of the Company between three miles six furlongs and three miles seven furlongs, measured along the said railway, from its said commencement, and when the diversion is complete, so much of the said old road as will lie within the boundaries of the Company's property may be stopped up by the Company and the site thereof shall vest in them.

Purchase of additional lands.

8. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon and take compulsorily for the improvement and enlargement of their railway and works, and the formation of approach roads and other purposes of their undertaking, the lands herein-after described, which are delineated on the deposited plans and described in the deposited book of reference; (that is to say,)

Lands in the townland of Drumnahoe, in the parish of Kilwaughter, on the northern side of the Company's railway and the western side of the road crossing the said railway at Owen's Bridge:

Lands in the townland of Inver, in the parish of Inver, adjoining and on the north side of the Company's station and the road leading from Larne Station to Glenarm. Land adjoining and on the south side of the Company's railway in the townland of Ballybracken and parish of Ballynure, near the junction of the railway from Larne to Ballymena with the branch to Ballyclare.

Construction of bridge at the Slip at Larne.

9. The Larne Harbour authority shall forthwith remove the bridge now over the place called the Slip, shown on the deposited

A.D. 1879.

plans, which Slip is fifty feet wide, and may construct, subject to the following provisions, a fixed bridge to connect the portions of the quay at Larne which are on either side of the place called the Slip. The bridge shall be so constructed as to give a headway over ordinary spring tides of not less than five feet, and over ordinary neap tides of not less than six feet. The outer or easterly side of the bridge shall be in a line with the existing front of the said portions of quay. The bridge shall not exceed thirty-one feet in width; it shall either be carried across the Slip by means of continuous girders, or by girders resting on one pier only, to be placed in the centre of the Slip, and so as to leave two openings from the channel each at least twenty-four feet wide. No part of such bridge or girders shall be more than eighteen inches below the surface of the rails to be laid upon the said bridge, but if the bridge be constructed with two openings, the pier supporting it may be made with a cushion at the top not more than twelve inches in depth, and extending on either side of such pier not more than eighteen inches.

Landing-place to be constructed.

10. The Larne Harbour authority shall construct a landing-place or platform not less than fourteen feet wide throughout on the north side of the Slip, to commence at a point forty feet or thereabouts from the point marked D on the plan or sheet No. 2 of the deposited plans, and to be two feet high at the commencement thereof, and to extend with as easy gradients as the ground will admit to the level of the wharf, and to terminate at a point one hundred and eighteen feet or thereabouts, measured in a westerly direction, from the said point marked D, and the said harbour authority shall fill up level with the present surface of the quay the intermediate space between the termination of the said landing-place or platform and the present west end of the Slip. The said Slip, of the width (including any such pier as aforesaid) of fifty feet, and the landing-place or platform shall be for the perpetual use (free of all charge by the said harbour authority for harbour dues or otherwise, and from all interruption or interference on the part of the harbour authority) of all persons lawfully entitled or authorised to use the ferry between Island Magee and Larne Harbour, and with cattle, goods, and merchandise, being bonâ fide traffic between Island Magee and Larne Harbour. The harbour authority shall execute all the work provided for by this and the preceding section of this Act not later than the first day of June one thousand eight hundred and eighty.

Application of sections 13, 18, and 19 of 26 & 27 Vict. c. 92. to this Act.

11. The provisions of sections 13, 18, and 19 of the Railways Clauses Act, 1863, shall extend and apply to any works at the Slip,

which the Larne Harbour authority may construct under any powers conferred on such authority by this Act. A.D. 1879.

Period for compulsory purchase of lands.

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

Penalty unless railway opened within time limited.

13. If the Company fail within the period limited by this Act to complete the railway by this Act authorised, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty amounts to five per centum on the estimated cost thereof; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened, in the name and with the privity of the Accountant General of the Chancery Division of the High Court of Justice in Ireland, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as hereinafter provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control, or was prevented by want of power to take lands otherwise than by agreement from making the said railway without incurring unreasonable delay, inconvenience, or expense; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. 17 & 18 Vict. c. 31.

Application of penalty.

14. Every sum of money so recovered by way of penalty 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 has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said 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

A.D. 1879.

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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, 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 said 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.

Period for completion of railway.

15. 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railway to form part of Company's undertaking. 37 & 38 Vict. c. cc.

16. The railway authorised by this Act shall be constructed in accordance with the provisions of section 9 of the Act of 1874, and for purposes of toll and all other purposes shall be deemed to be part of the railway and undertaking of the Company.

Interest not to be paid on calls paid up.

17. The Company shall not, out of any money which they have been or may be authorised to raise 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.

8 & 9 Vict. c. 16.

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

18. Nothing in this Act contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from

any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Saving rights of Crown in foreshore.

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

Saving rights of Larne Harbour authority.

20. Nothing contained in the last preceding section shall be deemed or construed to prejudice or affect any right, title, estate, or claim of the Larne Harbour authority.

Expenses of Act.

21. 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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