CHAPTER cxxviii.

An Act to authorise the Belfast and Northern Counties Railway Company to construct Tramways from Broughshane to Clonetrace and from Retreat to Cushendall; to vest the undertaking of the Ballymena Cushendall and Redbay Railway Company in the Belfast and Northern Counties Railway Company; to authorise that Company to purchase Hotels and to make agreements with the Belfast Harbour Commissioners and the Londonderry Port and Harbour Commissioners; and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS it is expedient that the Belfast and Northern Counties Railway Company (in this Act called "the Company") should be authorised to construct tramways in the county of Antrim from Broughshane to Clonetrace and from Retreat to Cushendall:

And whereas the Company and the Ballymena Cushendall and Redbay Railway Company (herein-after called "the Cushendall Company") have agreed for the vesting in the former company of the undertaking of the latter company upon the terms and conditions prescribed by this Act and it would be of advantage to the two companies and of public convenience if the undertaking of the Cushendall Company were vested in and transferred to the Company:

And whereas under the authority of the Ballymena Cushendall and Redbay Railway Acts 1872 1878 and 1883 the Cushendall Company have raised in shares capital amounting in the whole to one hundred and two thousand pounds and under the like authority they have borrowed on mortgage and now owe sums amounting to thirty-three thousand two hundred and ninety pounds sterling:

And whereas the Company have in pursuance of the Ballymena Cushendall and Redbay Railway Act 1872 and the Belfast and

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Northern Counties Railway Act 1878 subscribed a sum of sixty-seven thousand five hundred pounds to the capital of the Cushendall Company and hold shares in that company representing that sum:

And whereas it is expedient that the Company should not be required to construct certain short lines of railway authorised by the Ballymena Cushendall and Redbay Railway Act 1878 and that the said railways should be abandoned:

And whereas it is expedient that the Company should be authorised to purchase the Northern Counties Hotel at Portrush and the Causeway Hotel at the Giant's Causeway:

And whereas it is expedient that the Company on the one hand and the Belfast Harbour Commissioners and the Londonderry Port and Harbour Commissioners (in this Act jointly referred to as "the commissioners") should be authorised to enter into agreements as in this Act provided for the use by the Company of the tramways of the commissioners respectively or either of them:

And whereas it is expedient that the Company should be authorised to raise more money for the purposes of this Act and for the general purposes of their undertaking:

And whereas plans and sections describing the lines and levels of the intended tramways and books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerk of the peace of the county of Antrim which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Belfast and Northern Counties Railway Act 1884.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 with respect to the several matters following (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 payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The consolidation of shares into stock;
The giving of notices;
The provision to be made for affording access to the special Act:

Part I (relating to the cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863:

The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as amended by the Railways (Ireland) Act 1851 the Railways (Ireland) Act 1860 the Railways (Ireland) Act 1864 and the Railways Traverse Act:

The Railways Clauses Consolidation Act 1845 so far as relates to the construction of the tramway authorised by this Act except so much thereof as relates to the crossing of roads and construction of bridges:

Part I (relating to the construction of a railway) and Part V (relating to amalgamation) of the Railways Clauses Act 1863.

Interpretation of general Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the tramway" means the tramways hereby authorised The expression "the grand jury" means the grand jury of the county of Antrim The expression "the county surveyor" means the county surveyor for the time being for the county of Antrim In the incorporated provisions of the Railways Clauses Consolidation Act 1845 the expression "the railway" means the tramways hereby authorised.

Power to make tramways.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all proper rails plates 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 books of reference as

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may be required for that purpose The tramways herein-before referred to and authorised by this Act are:—

A Tramway No. 1 two miles two furlongs and six and a half chains or thereabouts in length commencing by a junction with Railway No. 3 authorised by the Ballymena Cushendall and Redbay Railway Act 1878 at its termination in the townland of Tullymore and terminating in a field in the townland of Clonetrace at a point ten yards or thereabouts to the east of the centre of the road leading to Clonetrace and two hundred and fifty yards or thereabouts measured in a northerly direction from the centre of the bridge known as Doherty's Bridge on the said road:

A Tramway No. 2 three miles four furlongs and 9·8 chains or thereabouts in length commencing in the townland of Retreat otherwise Cloughglass by a junction with the railway of the Cushendall Company at a point thereon thirty-two yards or thereabouts measured in a north-easterly direction from the north-east gable of the Cushendall Company's goods shed at Retreat Station and terminating in the townland of Kilnadore near the Cushendall Hotel.

Gauge of tramway.

5. The tramway shall be constructed upon a gauge of three feet.

Period for completion of tramway.

6. The tramway shall be completed within three years from the passing of this Act.

Tramway to form part of the railway of the Company.

7. The Company may demand and receive for and in respect of the tramway by this Act authorised the same tolls and charges which they may now receive in respect of their existing undertaking and the tramway shall in all respects be deemed part of the railway of the Company.

Company to carry mails.

8. The Company if required by the Postmaster General shall perform with respect to the tramway by this Act authorised all such reasonable services in regard to the conveyance of mails including parcels as the Postmaster General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party:

In this section the expressions "mails" and "parcels" have the same meaning as in the Regulation of Railways Act 1873 and the Post Office (Parcels) Act 1882 respectively.

On expiration of time limited for completion of railway or tramway power to cease.

9. If the tramway authorised by this Act shall not be completed within the period limited by this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing such tramway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Lands for extraordinary purposes.

10. The quantity of land to be taken by the Company by agreement for the purposes of this Act shall not exceed five acres.

Period for compulsory purchase of lands by the Company.

11. The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after the expiration of two years from the passing of this Act.

Inspection by Board of Trade.

12. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Carriages may be moved by animal steam or mechanical power.

13. The carriages used on the tramway may be moved by animal power and subject to the provisions of this Act and with the consent of the Board of Trade by steam or any mechanical or electrical power subject to such regulations for securing to the public all reasonable protection against danger as the said Board may by order to be signed by a secretary or assistant secretary to the said Board specify.

Company may lay wires, &c. for the purpose of conducting electricity.

14. In the event of the carriages being moved by electricity the Company with the consent in the case of roads of the grand jury and in the case of lands and buildings with the consent of the owner and occupier of such lands and buildings may lay any wires mains conductors tubes or apparatus for the purpose of conducting electricity along through over or across any roads lands or buildings and may from time to time with the like consent repair replace alter discontinue and remove any such wires mains conductors tubes or apparatus.

Provision for protection of the Postmaster General.

15. In the event of the tramway by this Act authorised being worked by electricity the following provisions shall have effect:—

1. It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramway by electricity whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing

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for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work.

2. Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

31 & 32 Vict. c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

5. For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act

41 & 42 Vict. c. 76.

as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Company may remove fences, &c.

16. The Company may remove and reconstruct fences and lop or remove all hedges and trees which would or might interfere with the free and uninterrupted use of the tramway making compensation to all persons injuriously affected thereby.

Company may erect certain works and do certain things for production of electricity.

17. The Company may subject to the provisions of this Act from time to time erect lay down construct and maintain all such electric conductors cables wires turbines water cisterns water cranes and stand-pipes as may be necessary for the production or generation of electricity or for the use of engines employed upon the tramway.

Provisions as to construction and mode of laying tramway.

18. For the protection of the grand jury of the county of Antrim the following provisions with reference to the construction and mode of laying the tramway shall apply and have effect:

(a) If by reason of the execution of any work affecting the surface or soil of any public road or thoroughfare it should be necessary or expedient to temporarily remove or discontinue the use of the tramway or any portion of the tramway situate in the said road or thoroughfare the Company may with the consent of the county surveyor lay down maintain and use so long as occasion may require in the same or any adjacent road or thoroughfare a temporary tramway or tramways in lieu of the tramway or tramways or portion of tramway so removed or discontinued:

(b) The Company on the one hand and the grand jury or other body or person having the control or management of any public roads or thoroughfares in which the tramway is by this Act authorised to be laid down and maintained on the other hand may from time to time enter into contracts or agreements with respect to the laying down maintaining renewing repairing working and using the tramway and as to the mode of conducting the traffic thereon:

(c) The tramway shall where laid on any public road be laid along one side thereof in such position and in such manner and of such mode of construction as the county surveyor shall direct or approve of and in all respects to his reasonable satisfaction:

(d) At least eighteen feet clear available roadway shall be left in all places between the outer edge of the tramway and the toe of the opposite fence Wherever the proposed tramway is

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laid along the side of the public road and the level of the tramway differs from the level of the said roadway and involves cutting or filling the entire width needed for roadway including the tramway space shall (unless with the consent in writing of the county surveyor) be cut and filled by the Company and the new road surface and all other necessary works made in the manner customary for similar works in the county of Antrim and to the reasonable satisfaction of the county surveyor Wherever in order to make the eighteen feet roadway space properly available safe and convenient for use it is necessary to have low sides of the road or side dykes filled in the same shall be done by the Company and the surface suitably made good by them to the reasonable satisfaction of the county surveyor:

(e) The tramway shall consist of a single line of tramway with such sidings and passing places as may from time to time be necessary such sidings and passing places being so constructed as not to encroach upon the clear available eighteen feet roadway space except with the express written permission of the county surveyor:

(f) Before the Company shall commence to open or break up a street or high road they shall give to the county surveyor notice of their intention to do so such notice to be given seven days at least before the commencement of the work:

(g) The Company shall not open or break up any street or road except with the approval and under the superintendence of the county surveyor or any person or persons appointed by him unless such surveyor neglect or refuse to give such approval and superintendence at the time specified in the Company's notice or discontinue the same during the work The Company shall pay to the county surveyor all reasonable expenses of such superintendence together with all reasonable remuneration for his loss of time and trouble in the performance of every duty imposed upon him by this Act including the salary of a special superintendent to be appointed by the county surveyor when deemed by him to be necessary such fees so far as relate to the county surveyor not to exceed those from time to time settled and arranged by the Lord Lieutenant as payable to county surveyors under the Tramways Acts (Ireland) or any of them:

(h) The Company shall not without the consent of the county surveyor open or break up at any one time and place a greater length than two hundred yards of any road or street and shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road or street:

(i) The Company shall after having opened or broken up a street or road with all reasonable speed complete the work on account of which they opened or broke up the same and shall (subject to the formation of the tramway) fill in the ground and level and make good the surface and generally restore the street or road for public traffic to a condition at least as good as that in which it was before it was opened or broken up and shall clear away all rubbish occasioned thereby and make proper provision for the drainage of the street or road They shall during such period as the said street or road may be opened or broken up cause the place where the street or road is opened or broken up to be sufficiently fenced and watched and to be properly lighted at night and provide and maintain sufficient and proper means of passage and re-passage for all passengers vehicles animals and public traffic on or along such street or road to the reasonable satisfaction of the county surveyor :

(j) The Company shall pay all reasonable expenses of the repair of the streets and high roads upon which they shall have constructed the tramway for six months after the same shall have been restored so far as those expenses are increased by the opening or breaking up the street or road :

(k) The Company shall at their own expense at all times unless and until the tramway shall be removed under the powers of the next succeeding subsection of this Act construct maintain and repair so much of any street or high road where the tramway is laid as lies between the rails of the tramway and for two feet on either side of the same to the reasonable satisfaction of the county surveyor The Company shall also keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure on which the same rest :

(l) If at any time before the opening of the tramway for public traffic the Company shall cease to construct or fail to complete the tramway or after the opening of the same for public traffic the Company shall discontinue the working of the same or any part thereof for six months (such discontinuance not being occasioned by circumstances beyond the control of the Company for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) and such discontinuance is proved to the satisfaction of the Board of Trade the said Board if they think fit may by order declare that the powers of the Company in respect of the tramway or the part thereof so discontinued shall from the date of such order be at an end and thereupon the said powers of the Company shall

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cease and determine Where any such order has been made the county surveyor may at any time after the expiration of two months from the date of such order and under the authority of the certificate to that effect by the Board of Trade remove the tramway or any part thereof so discontinued and the Company shall pay to the secretary of the grand jury of the county of Antrim for the time being to be accounted for by him to the grand jury the cost of such removal and the making good of the street or road by the county surveyor such costs to be certified by the county surveyor whose certificate shall be final and conclusive and if the Company fail to pay the amount so certified within one month after the delivery at their then registered or last-known principal offices of such certificate or a copy thereof the county surveyor may without any previous notice to the Company (but without prejudice to any other remedy which he may have for recovery of the amount) sell and dispose of the materials of the tramway or any part thereof so removed or of the carriages engines waggons or other plant goods and effects of or belonging to the Company and used for the purposes of the tramway premises either by public auction or private sale and for such sum or sums and to such person or persons as the county surveyor may think fit and may out of the proceeds of such sale pay and reimburse himself the amount of the cost certified as aforesaid and of the cost of sale and the balance (if any) of the proceeds of the sale shall be paid over by the county surveyor to the Company:

(m) In case at any time the Company shall fail or neglect to execute any work of maintenance or repair the duty of performing which is cast upon them by this Act after the expiration of four days of the service on them of a notice in writing by the county surveyor or any of his assistants then and so often as such failure or neglect shall happen or occur it shall be lawful for any two magistrates of the county without prejudice to any other remedy in that behalf to order any work maintenance or repair as aforesaid to be executed by the Company at their own expense within such time as the said magistrates shall direct and in default thereof it shall be lawful for the said county surveyor to cause the said work to be executed and the Company shall on demand by the said county surveyor pay to him all the expenses incurred in the execution thereof:

(n) Before the tramway shall be open for traffic the Company shall erect and complete all such new fences railings and walls and strengthen improve and alter all such existing fences

railings or walls so far as the line of the tramway extends as the county surveyor shall reasonably consider necessary to make the tramway and the street or road in or along which the tramway shall be laid safe for the use of the public and shall thereafter maintain and keep the same in good order condition and repair to the satisfaction of the county surveyor and if in the construction of the tramway any existing stone depôts shall be taken or rendered useless or dangerous to use or if the adequate stone storage accommodation for road requirement be otherwise curtailed or interfered with the Company shall construct an equal number of depôts of the same dimensions as those taken or rendered useless or dangerous to use and also supply equivalent stone storage accommodation in such places as the county surveyor shall reasonably direct:

(o) Where the tramway or any work in connexion therewith shall interfere with any sewer drain or work belonging to any street or road or in any way affect the sewerage or drainage or levels of the adjoining portions of the street or road or footpath the Company shall not commence the tramway or work until they shall have given to the county surveyor fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the office of such surveyor with all necessary particulars relating thereto, including a proper plan of the proposed mode of interference nor until such surveyor shall have signified his approval disapproval or give other directions within fourteen days after the service of the said notice and particulars as aforesaid And the Company shall comply with and conform to all directions and regulations of the said surveyor in the execution of the said works and shall provide by new altered or substituted works in such manner as such surveyor shall reasonably require for the proper protection of and for preventing injury to the sewers or works herein-before referred to and for properly adjusting road levels as aforesaid by reason of the tramway and shall save harmless the county surveyor against all expenses occasioned thereby and all such work shall be done under the direction and control of the county surveyor at the reasonable costs charges and expenses in all respects of the Company and when any such work shall be completed as described above it shall be fully and completely under the direction jurisdiction and control of the proper authority and be maintained by them as any sewers or works:

(p) The Company may (subject to the provisions of this Act) for the purposes of the tramway and the construction thereof cross

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alter or divert raise narrow or widen temporarily or permanently any roads streets highways streams sewers pipes or other works and from time to time make all such crossings passing places sidings junctions turntables and other works including turning loops and triangles at the termini as may from time to time be necessary or convenient for the efficient working of the tramway or any part thereof or for providing access to any stables carriage sheds engine houses depositories or works of the Company or mines stores or works of any nature or kind prior to the execution of the last-mentioned works or any of them a proper plan thereof shall be submitted to and approved of by the county surveyor and such works shall be executed in all respects in accordance with such approved plan and to the satisfaction of the county surveyor :

(q) The Company shall construct and maintain level crossings to enable vehicles of all kinds to cross the tramway at the junctions of every street and road with the street or road along which the tramway shall be laid and the existing entrances to all lands and buildings abutting on or in the vicinity of such street or road and in such manner and with such protection for the public safety as in the opinion of the county surveyor is necessary and to the reasonable satisfaction of such county surveyor :

(r) In case presentment should be made for the construction of a new road which would cross the line of tramway or in case any owners or occupiers of lands adjoining the tramway require any new entrances to any such lands or buildings the Company shall at their own expense make such changes as shall be deemed reasonable or necessary by the county surveyor to enable such new roads to be made or such owners or occupiers to have such new entrances made and shall co-operate in carrying out the same and making the necessary arrangements Provided always that in so doing the Company shall not be bound to alter the gradients of their line or in any case to make any alterations unless the county surveyor shall certify in writing that such proposed new entrances are reasonable or necessary :

(s) The form of rail and general form position and mode of construction of the tramway or works in connexion therewith when on the public road shall be approved by the county surveyor but notwithstanding anything to the contrary in this Act in the event of the Company being dissatisfied by or with his decision they shall be at liberty to appeal to the

Board of Trade whose decision shall be final and binding on all parties:

(t) Where the tramway crosses public roads the rails are to be made and maintained level with the surface and if grooved rails be not used the guard is to be of iron or other suitable substance as approved of by the county surveyor:

(u) If any difference shall arise between the Company on the one hand and any corporation body county surveyor or other person on the other hand with respect to any interference or control exercised or claimed to be exercised by them or him or on their or his behalf or by the Company in relation to their tramway and works or in relation to any work or proceeding of such corporation body or county surveyor or other person or with respect to the amount of any compensation to be paid by or to the Company or on the question whether any work is such as ought reasonably to satisfy such corporation body county surveyor or other person concerned or with respect to any other subject or thing the matter in difference may be settled by a referee to be appointed by the Board of Trade on the application of either party and the expenses and costs of such reference shall be borne and paid as such referee directs:

(v) The Board of Trade may from time to time upon the application of the county surveyor require the Company to adopt and apply such improvements in the tramway including the rails thereof as experience may from time to time suggest having regard to the greater security and convenience of the public and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements:

(w) The Company shall not acquire any right other than that of perpetual user subject to the provisions of subsection (l) of this section in the soil of any street or public road along or across which they may lay any tramway:

(x.) Nothing in this Act contained shall abridge lessen or affect the rights of the public to use any street or public road upon or along which any tramway shall be laid nor the rights or powers of the road authority their officers servants and contractors to repair maintain and improve any such road or any bridge drain sewer or other work belonging thereto or connected therewith.

Provided that as regards any interference by the Company with the Postmaster General's telegraphs nothing in this section shall affect the operation of the Telegraph Act 1878.

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For the protection of Ballymena Town Commissioners.

19. For the protection of the town commissioners of Ballymena (in this section called "the commissioners") the following provisions shall apply:

Nothing in this Act shall prevent the commissioners or any person acting under their authority from laying from time to time such additional mains and other pipes works and conveniences as may be necessary for supplying the town of Ballymena with water or from altering diverting or repairing or from time to time inspecting any of their now existing or hereafter to be laid mains pipes services or other works at under over across or near the tramway The commissioners shall not be liable for any damage to the tramway or works connected therewith or for any stoppage of the tramway or loss of traffic thereon that may be necessarily caused by the repairing or inspecting of any existing mains pipes services or other works at under over across or near the tramway Provided that the operations of the commissioners shall be carried on so as to interfere as little as possible with the traffic on the tramway And the extra cost (if any) of executing all such works by reason of the existence of the said tramway over along or near the mains or pipes or other works of the said commissioners shall be paid and borne by the Company:

If the Company during the construction of the tramway and works do any act which may cause any interruption to the supply of water by the commissioners or which may in the opinion of the commissioners lead to or render probable such interruption or which may lead to or render probable any damage to or interference with the existing mains pipes services or other works of the commissioners then and in such event the commissioners shall give notice in writing to the Company And if the Company fail or neglect to comply with the requirements contained in such notice the commissioners may at the expiration of three days from the delivery of such notice proceed to carry out and execute such works as may in their opinion be requisite and may alter relay and renew such mains pipes services and other works and may take such precautionary measures generally as may be rendered necessary by the acts and defaults of the Company and all the costs and expenses of the same shall be paid by the Company:

If any interruption in the supply of water by the commissioners shall be in any way occasioned by the Company the Company shall pay on demand to the commissioners the sum of twenty pounds a day for every day during which such interruption shall continue:

The expense of all repairs or renewals of any existing main pipe or service of the commissioners or any works now existing in con-

nexion therewith which may at any time hereafter be rendered necessary by reason of the use of steam or other mechanical power on the tramway or by the acts or defaults of the Company shall be borne and paid by the Company:

The commissioners shall not be liable for any loss or damage which may be occasioned to the tramway or works connected therewith or to the passengers conveyed upon the tramway by reason of any accident which may at any time be occasioned to the existing mains pipes services or other works of the commissioners at under or near the tramway or for any loss or damage to the Company arising from the stoppage or loss of traffic on the tramway during the repair of the existing mains pipes services or other works which may be necessary in consequence of such accident unless such loss or damage shall have been occasioned by the default or neglect of the commissioners their agents or servants.

Tramway if worked by steam, &c. not to be opened until same has been inspected by Board of Trade.

20. If the Company at any time desire to work the tramway by locomotive or other mechanical or electrical power they shall not do so until the tramway has been inspected and certified to be fit for such working by an engineer to be appointed for such purpose by the Board of Trade and the Regulation of Railways Acts 1840–1871 so far as circumstances will admit and subject to the provisions of this Act shall apply to the tramway if worked by locomotive or other mechanical or electrical power as if such tramway were a railway.

Locomotives on tramways.

21. Every locomotive propelled by steam on the tramway under the authority of this Act shall be worked according to the following rules and regulations namely—

1. The whistle of such locomotive shall not be sounded for any purpose whatever nor shall the cylinder taps be opened within sight of any person riding driving leading or in charge of a horse upon the road nor shall the steam be allowed to attain a pressure such as to exceed the limit fixed by the safety-valve so that no steam shall blow off when the locomotive is upon the tramway:

2. Every person in charge of such locomotive shall provide two efficient lights to be affixed conspicuously one at each side on the front of the same between the hours of one hour after sunset and one hour before sunrise:

In the event of a non-compliance with any of the provisions of this section the Company shall on summary conviction thereof before two justices be liable to a penalty not exceeding ten pounds.

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Restraint on speed of locomotives on tramways.

22. It shall not be lawful to drive any locomotive along the tramway at a greater speed than twelve miles an hour and in passing through any city town or village the speed shall not exceed six miles an hour and any person acting contrary thereto shall for every such offence on summary conviction thereof forfeit any sum not exceeding ten pounds.

Penalty imposed unless the line is opened within the time limited.

23. (1) If the Company fail within the period limited by this Act to complete either of the tramways 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 tramway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the tramway not completed and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following subsection 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 Her Majesty's Accountant General of the Chancery Division of the High Court of Justice in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as herein-after 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 tramway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control:

(2.) 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway 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 Chancery Division of the High Court of Justice in Ireland may seem fit and if no such compensation shall

be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 said 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 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.

Power to raise additional capital.

24. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole the sum of eighty thousand pounds and such additional capital may be raised by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by either of those modes respectively but the Company shall not issue any share or stock of less nominal value than ten pounds nor shall any stock or 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 or the whole of the stock shall have been paid in respect thereof.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

25. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares.

26. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock as the case may be.

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Restriction as to votes in respect of preferential shares.

27. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

28. The Company may in respect of the additional capital of eighty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole twenty-five thousand pounds but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted and one half of such capital is paid up and 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 shares for the whole of such capital have been issued and accepted and that one half thereof 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 until stock for one half of so much of the said additional capital as is to be created by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were or was issued and accepted and paid up bonâ fide and are or is held by the persons or corporations to whom the same were or was issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

29. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Former mortgages to have priority.

30. All mortgages or bonds granted or to be granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act shall during the continuance of such mortgages and bonds and subject to the provisions of the Act under which the same were respectively granted have priority over any

mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock created and issued by the Company.

Debenture stock.

31. 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 after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages and debenture stock at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys raised under this Act.

32. All moneys raised under this Act whether by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and the general purposes of the Company to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise under any of the Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Vesting in Company of undertaking of Cushendall Company.

33. At the expiration of three months after the passing of this Act (which day is in this Act referred to as "the vesting period") the undertaking of the Cushendall Company including all their railways branches sidings stations depôts buildings tramways watering places telegraph apparatus works and conveniences and all plant stock stores fixtures and furniture and all superfluous and other lands and buildings and all other their property estate assets rights powers and privileges of or belonging to or enjoyed by that company of what nature or kind soever and whether with reference to their own undertaking or the undertaking of any other company shall be and is hereby transferred to and vested in the Company:

The transfer and vesting effected by this Act shall be deemed to be an amalgamation within the meaning of Part V of the Railways Clauses Act 1863:

The Cushendall Company shall as from the vesting period be dissolved except for the purposes of executing the deed of transfer herein-after mentioned and of distributing the purchase money as herein-after provided and when and so soon as the purposes aforesaid shall be fulfilled the Cushendall Company shall be for all purposes finally dissolved:

At the vesting period the Cushendall Company and all other necessary parties shall at the expense of the Company execute a

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deed of transfer of their undertaking duly stamped and truly stating the consideration and if the Company shall not within three months from the execution thereof produce to the Commissioners of Inland Revenue such deed duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the execution of such deed shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Exercise by Company of powers of Cushendall Company.

34. As from the vesting period the Company may and shall exercise and fulfil in their own name and under their own seal and in the names and under the hands of their directors officers and servants all the rights powers liabilities and obligations of the Cushendall Company whether with reference to the acquisition of lands the construction and maintenance of works the levying of tolls rates and charges or otherwise (except powers relating to the constitution capital and management of the Cushendall Company) in like manner as those rights powers liabilities and obligations are authorised and required to be exercised and fulfilled by the Cushendall Company.

Company may issue debenture stock in lieu of mortgages of Cushendall Company.

35. After the vesting period and when and as the principal money on any mortgage granted by the Cushendall Company becomes due and payable the Company may if they think fit instead of renewing the mortgage or re-borrowing the principal money thereby secured create and issue debenture stock in their own undertaking for the amount thereof or they may with the consent of the holder of any mortgage granted by the Cushendall Company in anticipation of the principal money thereby secured becoming due grant and issue to such holder so much debenture stock as aforesaid:

Upon the creation and issue of such debenture stock the mortgage in respect of which the debenture stock is issued shall be and is hereby extinguished And the holder of that mortgage shall deliver up to the Company the mortgage deed or other instrument held by him as the security for or representing the same:

Any debenture stock so created and issued shall for the payment of interest thereon rank pari passu with the other debenture stock of the Company from time to time existing.

Payment of purchase money of Cushendall Company's undertaking.

36. As from the vesting period the Company shall be liable to pay and shall pay to the Cushendall Company as the purchase money for the shares in the said undertaking other than the shares held by the Company the sum of fifteen thousand three hundred and

twenty-five pounds sterling and the said sum shall be distributed by the Cushendall Company as follows (that is to say):

(a) The sum of fourteen thousand nine hundred and thirty-seven pounds ten shillings part thereof shall be paid and distributed rateably to and amongst the holders of the five thousand nine hundred and seventy-five deferred half shares in the capital of the Cushendall Company not held by the Company:

(b) The sum of three hundred and fifty pounds further part thereof shall be paid and distributed rateably to and amongst the holders of the seventy preferred half shares in the capital of the Cushendall Company not held by the Company: and

(c) The sum of thirty-seven pounds ten shillings the remainder thereof shall be paid and distributed rateably to and amongst the holders of the five undivided original shares in the capital of the Cushendall Company:

If the said sum of fifteen thousand three hundred and twenty-five pounds is not paid to the Cushendall Company at the vesting period the Company shall pay to the Cushendall Company as from the vesting period and as long as the said sum shall remain unpaid interest on the said sum at the rate of four pounds per centum per annum and such interest shall be paid by the Cushendall Company to the parties entitled to the said sum in proportion to their respective interests therein.

Abandonment of certain railways authorised by the Ballymena Cushendall and Redbay Railway Act, 1878.

37. The Company shall not be under any liability to construct and may abandon the construction of the railways authorised by the Ballymena Cushendall and Redbay Railway Act 1878 and therein referred to as "Railway No. 1" "Railway No. 2" "Railway No. 4" and "Railway No. 5."

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

38. The abandonment under the authority of this Act of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act 1845 for any damage occasioned by the entry of the Cushendall Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Cushendall Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act 1845 for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the

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exercise as regards such land of any of the powers contained in the last-mentioned Act or the Act of 1878.

Compensation to be made in respect of portions of railway to be abandoned.

39. Where before the passing of this Act any contract may have been entered into or notice given by the Cushendall Company for the purchasing of any land for the purposes of or in relation to any portions of the railways authorised to be abandoned by this Act full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Power to enter into agreements with Belfast Harbour Commissioners and Londonderry Port and Harbour Commissioners for use of tramways.

40. The Company (subject to the provisions of Part III of the Railways Clauses Act 1863 which shall apply as if the respective bodies of commissioners were railway companies) may from time to time enter into and carry into effect contracts and agreements with the Belfast Harbour Commissioners and the Londonderry Port and Harbour Commissioners for the working over and use by the Company of the tramways of the said commissioners or either of them and with respect to the rents tolls or other considerations or payments to be made by the Company to the said commissioners or either of them in respect of such working over and use.

Company may purchase hotels &c.

41. The 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 Company specially convened for the purpose from time to time provide any sum or sums of money not exceeding in the whole the sum of eleven thousand pounds for the purchase of the Northern Counties Hotel at Portrush and the Causeway Hotel at the Giant's Causeway and the Company may become proprietors of such hotels and may manage and maintain the same respectively.

Interest not to be paid on calls paid up.

42. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him provided that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

43. The Company shall not out of any money by any Act relating to the Company authorised to be raised by calls or by borrowing pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force is 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.

Provisions as to general Railway Acts.

44. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now or hereafter in force or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

45. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act including the carrying into effect and completing the vesting in the Company of the undertaking of the Cushendall Company shall be paid by the Company.

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