CHAPTER lxiv.

An Act to empower the Belfast and Northern Counties Railway Company to widen their Carrickfergus and Larne Branch Railway to construct a pier and embankment or sea road at Whitehead to confirm the purchase by the Company of the Portstewart Tramway to confer further powers upon the Company in connection with their undertaking and for other purposes. A.D. 1899.

[13th July 1899.]

WHEREAS it is expedient that the Belfast and Northern Counties Railway Company (in this Act called "the Company") should be empowered to widen their Carrickfergus and Larne Branch Railway to construct the pier and embankment or sea road at Whitehead to discontinue the level crossings and to stop up the portions of roads and to execute the other works and exercise the other powers in this Act respectively mentioned and described and to acquire for the purposes of those works and for the general purposes of their undertaking the lands in this Act also mentioned:

And whereas plans and sections showing the respective lines and levels of the works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated and also books 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 the town of Carrickfergus and with the clerks of the peace for the counties of Londonderry Antrim and Tyrone which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas it is expedient to revive and extend the time limited by the Belfast and Northern Counties Railway Act 1895 (in

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this Act called "the Act of 1895") for the purchase of lands and to extend the time for the completion of the railway by that Act authorised:

And whereas in pursuance of the Tramways (Ireland) Acts 1860 to 1895 the Portstewart Tramway Company (in this Act called "the tramway company") were by Order in Council dated the twenty-sixth day of April one thousand eight hundred and eighty (in this Act called "the Order in Council") authorised to construct a short line of tramway in such Order described being a tramway from the Portstewart Station of the Company to the village of Portstewart and which tramway was duly completed and opened for traffic:

And whereas the tramway company shortly after became insolvent and unable to carry on their undertaking and it was ordered by the Master of the Rolls by orders bearing date respectively the fourth day of February one thousand eight hundred and ninety-six and the first day of March one thousand eight hundred and ninety-seven that the said company should be wound up and their undertaking sold:

And whereas the Company have purchased the undertaking of the tramway company from the official liquidator for the sum of two thousand one hundred pounds and are now working the same in connection with their system and it is expedient that such purchase be confirmed:

And whereas it is expedient to make further and more effectual provision as is in this Act mentioned for the prevention of trespass upon the railway stations and property of the Company:

And whereas it is expedient to confer further powers upon the Company as in this Act provided with reference to hotels and refreshment rooms:

And whereas it is expedient to empower the Company to maintain and use coaches motor cars and other vehicles for the conveyance of passengers and goods in connection with or in extension of their railway:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to the purposes of this Act:

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 (that is to say):— A.D. 1899.

1. This Act may be cited for all purposes as the Belfast and Northern Counties Railway Act 1899. Short title.

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

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The powers of the directors and the powers of the Company to be exercised only in general meeting;

The making of dividends; and

The giving of notices:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

The Harbours Docks and Piers Clauses Act 1847 except sections 16 to 19 both inclusive unless and until the Board of Trade shall require a lifeboat and a tide and weather gauge or either of them to be kept.

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. Interpretation.

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As to deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall be read and construed as if instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland" the expression "clerks of the unions within which such parishes are included in Ireland" and as if instead of the word "postmasters" the words "clerks of the unions" had been used and inserted throughout those sections.

Power to widen railway and construct pier and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the widening of the railway and the pier and embankment or sea road herein-after described with all proper stations sidings roads approaches quays wharves landing-places works and conveniences connected therewith respectively 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 may be required for those purposes (that is to say):—

(1) A widening of the Carrickfergus and Larne Branch Railway of the Company on both sides thereof 13 miles 4 furlongs 1·5 chains in length commencing in the townland of Middle Division in the parish of St. Nicholas county of the town of Carrickfergus by a junction with the said branch line at a point sixty-five yards or thereabouts measured in a westerly direction from the centre of the bridge which carries the railway over the public road known as the North Road and terminating in the parish of Inver in the county of Antrim by a junction with the said branch line at a point three hundred and sixty-three yards or thereabouts measured in a north-westerly direction from the twenty-third mile post of the said branch line of the Company:

(2) A pier commencing in the townland of Whitehead in the parish of Templecorran in the county of Antrim at a point on the foreshore of Belfast Lough one hundred and thirty-two yards or thereabouts measured in a southerly direction from the centre of the stream forming the boundary between the townland of Whitehead and the townland of Castletown at or near high-water mark of ordinary spring tides and terminating in or on the bed or soil of Belfast Lough at a point three hundred yards or thereabouts measured in an east-south-easterly direction from the commencement of the pier and two hundred and twenty-two yards or thereabouts below low-water mark of ordinary spring tides:

(3) An embankment or sea road commencing in the townland of Whitehead in the parish of Templecorran in the county of Antrim at a point on the foreshore of Belfast Lough sixty yards or thereabouts measured in a northerly direction from the north face of the tunnel carrying the railway under Whitehead Promontory and terminating in the townland of Castletown parish of Islandmagee in the county of Antrim at a point on the foreshore of Belfast Lough twenty yards or thereabouts measured in a south-easterly direction from the south-east corner of the house at present occupied by Isaac Kennedy.

Power to deviate in construction of pier.

6. In making the pier the Company may deviate laterally to any extent not exceeding the limits of deviation delineated on the deposited plans and vertically to any extent not exceeding five feet:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to divert and stop up roads and discontinue level crossings.

7. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the road diversions and other works herein-after described and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

They may stop up and discontinue so much of the road leading from Carrickfergus to Barnmills which crosses the railway of the Company on the level at or near the tenth mile post on the Carrickfergus and Larne Branch Railway as lies between the boundaries of the Company's property and may make a new road in lieu thereof between points in the existing road respectively four chains north or thereabouts and two chains south or thereabouts of the said level crossing and may carry the same over the railway by means of a bridge:

They may stop up and discontinue so much of the road leading from Larne to Whitehead which crosses the railway of the Company on the level at or near the north end of the platform at Whitehead Station as lies between the boundaries of the Company's property and may make a new road in lieu thereof between points in the existing road respectively thirteen chains south or thereabouts and ten chains north or thereabouts of the said level crossing and may carry the same over the railway by means of a bridge:

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They may stop up and discontinue so much of Mill Street in the townland of Clooney in the parish of Clondermot as is included within the limits of deviation shown on the deposited plans:

They may in the construction of the widening of the Carrickfergus and Larne Branch Railway by this Act authorised and in connection therewith make a solid embankment instead of four of the arches at the south end of the existing viaduct over the arm of the sea at Whitehead Harbour at or near the thirteen and three-quarter mile post of the Carrickfergus and Larne Branch Railway.

For protection of John Raphael.

8. For the protection of John Raphael or other the owner for the time being (herein-after referred to as "the owner") of the townlands of Whitehead and Knocknagulliagh in the parish of Templecorran in the county of Antrim the following provisions shall have effect (that is to say):—

The owner shall have the right to maintain repair empty and cleanse the sewers and waterpipes now laid with the permission of the Company in and under their property and further shall have the right to lay down maintain repair empty and cleanse any sewers or pipes directly across and under but not diagonally under the said railway in the said townlands of Whitehead and Knocknagulliagh at such point or points and in such manner as may be reasonably approved by the engineer for the time being of the Company and the owner shall be bound at any time should the works of the Company render it necessary to remove any of the said sewers or pipes so laid down as aforesaid and relay them at a place which will not interfere with the railway and works of the Company All damage caused by such removal shall be made good by the owner and all costs of construction removal or relaying to be borne by the owner such making good of damage construction removal or relaying to be carried out under the superintendence of and subject to the reasonable approval of the engineer of the Company for the time being:

The owner shall have the right to lay down maintain repair empty and cleanse sewers or pipes in under and along the embankment or sea road by this Act authorised:

The public shall have the right at all times to pass and repass over and along the footbridge now standing on the north end of the platform of the Company at Whitehead Station or a footbridge to be erected in lieu thereof over the level crossing at or near the north end of the said platform.

Provisions as to repair of new roads &c.

9. The new roads to be made under the authority of this Act (except the stone iron or other structure carrying any road over the railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads within the townlands or parishes in which such new roads will be situated are from time to time liable to be repaired or maintained.

Extinguishment of rights of way.

10. All rights of way over or along the several roads or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Company of site and soil of portions of roads &c. stopped up.

11. The site and soil of the several roads or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Power to acquire lands for general purposes of undertaking.

12. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate to purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively (that is to say):—

In the county of Londonderry—

Certain lands in the townland of Donnybrewer Level (Intake) in the parish of Faughanvale lying on the north side of and adjoining the railway of the Company at Eglinton Station;

Certain lands and buildings in the townland of Clooney in the parish of Clondermot (inside the parliamentary and municipal boundary of Londonderry) lying on the east side of and adjoining the railway of the Company at Derry Station;

Certain lands in the townlands of Lodge Coleraine and suburbs in the parish of Coleraine (inside the municipal boundary of

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Coleraine) lying on the south-east side of and adjoining the goods yard of the railway of the Company at Coleraine Station;

Certain lands in the townland of Loughanreagh South in the parish of Killdollagh in the townland of Knockantern in the parish of Coleraine lying on the north-east side of and adjoining the main line of the railway of the Company at the fifty-nine and a quarter mile post;

Certain lands and buildings in the townland of Newtown Limavady alias Rathbrady Beg in the parish of Drumachose lying on the west side of and adjoining the railway of the Company at Limavady Station;

Certain lands in the townland of Shanemullagh in the parish of Magherafelt lying on the north side of and adjoining the railway of the Company at Castledawson Station;

Certain lands in the townland of Moneymore in the parish of Desertlyn lying on the west side of and adjoining the railway of the Company at Moneymore Station;

Certain lands in the townland of North Ballyleese in the parish of Ballyaghran lying on the south-west side of and adjoining the railway of the Company at Portstewart Station;

Certain lands in the townland of Broighter in the parish of Tamlaght Finlagan lying on the north side of and adjoining the railway of the Company at Broighter Station:

In the county of Antrim—

Certain lands in the townland of Ballykeel in the parish of Ballyclug lying on the west side of and adjoining the goods yard of the railway of the Company at Ballymena goods station;

Certain lands in the townland of Ballygrooby in the parish of Drummaul lying on the north and south sides of and adjoining the railway of the Company at Randalstown Station;

Certain lands in the townland of Toome parish of Duneane lying on the south-west side of and adjoining the railway of the Company at Toome Station;

Certain lands in the townland of Dunturky in the parish of Ballynure lying on the south-east side of and adjoining the railway of the Company (Narrow Gauge Branch) at Ballynure Station;

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Certain lands in the townland of Straidballymorris in the parish of Templepatrick lying on the north side of and adjoining the railway of the Company at Dunadry Station ;

Certain lands in the townland of Drumnadrough in the parish of Carnmoney lying on the west side of and adjoining the main line of the Company at Whitehouse Station :

In the county of Tyrone—

Certain lands in the townland of Cookstown in the parish of Derryloran lying on the north side of and adjoining the railway of the Company at Cookstown Station.

Owners may be required to sell parts only of certain lands and buildings.

13. And whereas in the construction of the widening and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Lands for extraordinary purposes.

14. The Company may take for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Restrictions on displacing persons of labouring class.

15.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of

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December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in

respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 and 203 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

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(9) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) The Company shall not under the powers of the Act of 1895 as extended by this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of that Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(13) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to dredge scour and buoy within limits of pier.

17. The Company may subject to the provisions of this Act from time to time dredge deepen and scour that portion of the foreshore and bed of Belfast Lough which lies within the limits of one hundred and fifty yards measured in all directions around the pier and such limits are in this Act called "the pier limits" And may do execute and perform all such acts matters and things either in or upon the lands or works belonging to them or within the pier limits as they shall think necessary and proper for preventing and removing obstructions or impediments thereon or therein and for preserving and facilitating the access to and increasing the convenience or security of the pier.

Lights on works during construction.

18. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

19. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Irish Lights shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Accesses to and from shore &c.

20. During the construction of the works by this Act authorised on or near the foreshore of Belfast Lough and Lough Larne and also at all times after completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such

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footways and carriageways over under or across the railway as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the embankments of the railway and other works such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

Provision against danger to navigation.

21. In case of injury to or destruction or decay of the pier or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to those Commissioners for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Company not to take coastguard boathouse without consent of Admiralty.

22. Nothing herein contained shall enable the Company to interfere in any way with the coastguard boathouse at Whitehead and the right of way therefrom to the shore without the written assent of the Admiralty under the hand of their secretary and subject to such conditions (if any) as may be contained in such written assent.

Survey of works by Board of Trade.

23. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

24. If any work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Period for completion of pier, &c.

25. If the pier and embankment or sea road authorised by this Act shall not be completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing the said

pier and embankment or sea road or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1899.

Widening to form part of undertaking of Company.

26. With respect to tolls rates and charges and for all purposes whatsoever the widening of the Company's railway by this Act authorised shall form part of the Company's undertaking.

Rates and duties on pier.

27. It shall be lawful for the Company to demand any rates or charges on persons using the pier by this Act authorised not exceeding the following:—

For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time any sum not exceeding fourpence:

For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except of embarking or disembarking for each and every time any sum not exceeding twopence:

For every bath or sedan chair including the person or persons in charge taken on the pier for each and every time any sum not exceeding fourpence:

For every perambulator including the person in charge taken on the pier for each and every time any sum not exceeding threepence:

For every master of any vessel or boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry each time one penny:

Or as a composition for one year a sum not exceeding ten shillings.

Extension of 10 & 11 Vict. (c. 27 ss. 28 & 99) as to exemption of Government Department officers &c.

28. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of any Government department specially named in those sections.

Revival and extension of time for purchase of lands for purposes of railway authorised by Act of 1895.

29. The powers granted to the Company by the Act of 1895 for the compulsory purchase of lands for the purposes of the railway and works by that Act authorised are hereby revived and extended and may be exercised for a period of two years from the sixth day of July one thousand eight hundred and ninety-eight and on the expiration of that period those powers shall cease.

Extension of time for completion of railway

30. The time limited by the Act of 1895 for the completion of the railway and works by that Act authorised are hereby extended and continued for a period of two years from the sixth day of July

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authorised by Act of 1895.

one thousand nine hundred If the said railway and works shall not be completed within the period by this Act extended and limited for their completion then on the expiration of that period the powers for making and completing the same shall cease except as to so much thereof as shall then be completed.

Purchase of Portstewart tramway confirmed.

31. The purchase by the Company from the official liquidator of the undertaking of the Portstewart Tramway Company is hereby confirmed and such undertaking is hereby transferred to and vested in the Company as an integral part of their undertaking and all the rights powers and privileges by the Order in Council conferred upon the Portstewart Tramway Company shall (except as to constitution capital and directors of the Portstewart Tramway Company) remain in full force and continue to apply to the transferred undertaking in the hands of the Company in the same manner and as fully and effectually in all respects as if the Company had been named therein in the place of the Portstewart Tramway Company and the expenditure of any money by the Company in the purchase improvement or maintenance of the said undertaking is hereby sanctioned and confirmed.

For prevention of trespass.

32. And whereas great risk to the safety of the traffic on the railways of or worked by the Company is caused by persons trespassing on such railways and interfering with the signals and works of the Company and accidents have been occasioned in consequence of such trespassing and persons trespassing have been killed or seriously injured and it is expedient to make more effectual provision for preventing such trespassing Therefore any person who shall trespass upon any of the railways of or worked by the Company shall without having received any personal or other warning than herein-after mentioned forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence and such penalty shall upon conviction be recoverable summarily :

Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the court that they have painted on boards or printed painted or enamelled on enamelled or other iron or any other material public warning to persons not to trespass upon their railways and that one or more of such boards has been affixed at the station on their railway and at the level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such warning as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed Provided also that no

person lawfully crossing the railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided also that this enactment shall not interfere with but shall be subject to any future general enactment relating to trespass upon railways.

Company may provide hotel accommodation.

33. The Company may hold enjoy and maintain as part of their undertaking the hotel now belonging to or held by them at their Belfast terminus and they may acquire erect provide hold enjoy and maintain as part of their undertaking at or near to or connected with their stations other hotels refreshment rooms or any like accommodation They may furnish stock equip manage and conduct the said hotels and refreshment rooms and the business thereof and may employ officers managers and servants therein or in connection therewith And the officer or manager of any such hotel or refreshment room designated as such by the Company shall be deemed to be the real resident holder and occupier thereof And the Company may for any of the purposes aforesaid apply their corporate funds or any of them and may acquire by agreement and may hold lands for and in connection with the said purposes The expenditure already incurred by the Company in or about any of the before-mentioned purposes is hereby sanctioned and confirmed The Company may let on lease or otherwise for any period not exceeding five years any hotel refreshment room or any other like accommodation so provided by them as aforesaid.

Company may provide work and use coaches motor cars and other vehicles.

34. The Company may provide own work and use coaches motor cars and other vehicles to be drawn or moved by animal power electricity or any mechanical power for the conveyance of passengers' luggage parcels and goods in connection with or in extension of their railway system and may make charges in respect of such conveyance and may enter into contracts or agreements with any company or person with reference to the supply and working of such coaches motor cars and other vehicles and may apply their corporate funds to the purposes aforesaid or any of them:

Provided that this section shall not be deemed to authorise the working of the Company's railways by electrical power.

Limiting use of coaches motor cars &c.

35. For the protection of the Belfast Street Tramways Company the following provisions shall have effect:—

(A) The use of any such coaches motor cars or other vehicles as herein-before mentioned shall within the city of Belfast be strictly limited to a service for passengers and luggage passing from or to the terminus of the Company to or from the stations of other railway companies or from or to the terminus of the Company to or from the steamboat quays:

A.D. 1899.

(B) On such service no passengers or passengers' luggage shall be taken up or set down at any place between the before-mentioned points.

For protection of corporation of Belfast.

36. The lord mayor aldermen and citizens of the city of Belfast acting by the council shall have the like power of making and enforcing rules and regulations and of granting licences with respect to all such coaches motor cars and vehicles of the Company plying for hire within the city and to all drivers conductors and other persons having charge of or using the same and to the standings for the same other than on the Company's station as they are or may be from time to time entitled to make enforce and grant with respect to hackney carriages and the drivers and other persons having the charge thereof and to the standings for the same in the streets roads and district of or under the control of the council under and by virtue of the Belfast Improvement Act 1845 and the several statutes incorporated therewith or amending the same.

Power to raise additional capital.

37. 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 one hundred 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.

New shares to be subject to same incidents as other shares.

38. 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.

Power to Company to cancel unissued shares or stock.

39. If the Company after having created any new shares or stock under the provisions of any Act or Acts relating to the Company determine not to issue the shares or stock so created they may cancel such unissued shares or stock and may from time to time thereafter create and issue instead thereof other new shares or

stock of an aggregate amount not exceeding the aggregate amount of the shares or stock so cancelled. A.D. 1899.

Dividends on new shares.

40. 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.

Restriction as to votes in respect of preferential shares.

41. 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.

Alteration of borrowing powers under Act of 1895.

42. Section 33 of the Act of 1895 (the marginal note of which is "Power to borrow") is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say):—

The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by the Act of 1895 authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole fifty thousand pounds Provided that in respect of each twenty-five thousand pounds of such additional 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 eight thousand three hundred and twenty-five pounds.

Power to borrow.

43. The Company may in respect of the additional capital of one hundred 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 thirty-three thousand three hundred pounds Provided that in respect of each twenty-five thousand pounds of such additional 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 eight thousand three hundred and twenty-five pounds.

Borrowing powers not to be exercised till shares for proportion of capital issued and one half paid up.

44. No part of either of the sums of eight thousand three hundred and twenty-five pounds mentioned in the last two preceding sections of this Act shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised 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

A.D. 1899.

Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have 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 until stock for one half of so much of such portion of the said additional capital as is to be raised 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 issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were 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.

45. Every provision in any Act passed before the present Session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision The mortgagees of the undertaking 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 ten thousand pounds in the whole.

Former mortgages to have priority.

46. All mortgages and bonds 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 Acts 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.

47. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys raised under this Act.

48. 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 or to other general purposes of the Company to which capital is properly applicable any of the moneys which they now have in their hands or which they may at any time 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.

Saving rights of Her Majesty's Principal Secretary of State for War Department.

49. Whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his present consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

Saving right of Crown in foreshore.

50. 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

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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.

Saving rights of Crown under Crown Lands Act.

51. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Interest not to be paid on calls paid up.

52. 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.

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

53. 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.

Railway to be subject to general Acts.

54. Nothing herein contained shall be deemed or construed to exempt 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 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 authorised maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

55. All the costs charges and expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES PORTIONS ONLY OF WHICH ARE INTENDED TO BE TAKEN.

Number on Plan.	Parish.	Townland.
2, 3, 4, 5, 5A	Faughanvale co. Londonderry.	Donnybrewer Level Intake.
26, 27	Clondermott co. Londonderry.	Clooney.

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