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Cap. ccxx.

An Act to empower the *Belfast Central* Railway Company to make a Line of Railway and a Tramway, and to empower the *Belfast* Harbour Commissioners to make a Tramway; and for other Purposes. [5th *July* 1865.]

WHEREAS by "The *Belfast Central* Railway Act, 1864," (herein-after called "the Act of 1864,") the *Belfast Central* Railway Company (herein-after called "the Company") was incorporated: And whereas it is expedient that the Company and the *Belfast* Harbour Commissioners respectively be authorized to make and maintain the Railway and Tramways herein-after mentioned in the Borough of *Belfast:* And whereas it is expedient that the Company be empowered to acquire, by Compulsion or otherwise, additional Lands for increased Station Accommodation and other Purposes: And whereas Plans and Sections of the proposed Railway, Tramways, and Works showing the Lines and Levels thereof, and Plans of the Lands proposed to be taken under the Bill, and Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and the Occupiers of the Lands which may be required for the Purposes of the Undertaking,

27 & 28 Vict. c. ccliv.

have been deposited with the Clerks of the Peace for the Counties of *Antrim* and *Down*: And whereas the Railway by this Act authorized will be in substitution for a Portion of Railway No. 1. authorized by the Act of 1864, and it is expedient that the Construction of such Portion of Railway be abandoned: And whereas it is expedient that Provisions be made for authorizing the Company to run over and use the several Portions of Railways and the Station herein-after mentioned, and to enter into and carry into effect Contracts and Arrangements with the several Companies and public Bodies herein-after mentioned with reference to the Railways and Works respectively of the Company, and for other Purposes as by this Act authorized: And whereas the Objects before mentioned 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,)

Short Title.

1. This Act may be cited for any Purpose as "*Belfast Central* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20., 14 & 15 Vict. c. 70. &c., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," "The Railways Act (*Ireland*), 1864," and Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In construing this Act, and in connexion with this Act the Acts and Parts of Acts incorporated with this Act, the Expression "Superior Courts" shall include any Court of competent Jurisdiction as interpreted by this Act, and the Expression "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in this Act as in incorporated Acts.

4. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

5. The

Application of authorized Funds.

5. The Company may apply for the Purposes of the Railway, Tramways, and Works by this Act authorized to be made by the Company, or of any or either of them, any Monies raised or to be raised by them under the Act of 1864.

As to Deposits of Plans with Clerks of Unions.

6. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omissions, Misstatements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to should be deposited with the Postmaster of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby should be situate; and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with such Postmasters, and be retained and produced by them for Inspection in the Manner therein mentioned: And whereas, in compliance with the Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of Unions instead of such Postmasters: Therefore, with reference to this Act, all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid shall be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*," or the Words "Clerk of the Union," as the Case may be, had been used and inserted in such Act in lieu of the Expression "Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," or in lieu of the Word "Postmasters," as the Case may be.

Power to Company to take and use Lands for Purposes of Act.

7. For the Purposes by this Act authorized the Company, or, as the Case may be, the *Belfast* Harbour Commissioners, may enter upon, take, and use such of the Lands delineated on the deposited Plans and described in the deposited Books of Reference as they respectively from Time to Time require for the Works by this Act authorized.

Property of the Belfast Harbour Commissioners not to be taken except by Agreement.

8. It shall not be lawful for the Company at any Time hereafter, except by Agreement, to enter upon, take, or use any Lands, Buildings, Tramways, Quays, or Property belonging to or under the Control of the *Belfast* Harbour Commissioners; provided nevertheless, that this Provision shall not prejudice or take away any of the Rights or Powers of the Company under the Act of 1864.

Powers for compulsory Purchases limited.

9. The Powers of the Company and the *Belfast* Harbour Commissioners respectively for the compulsory Purchase of Land for the Purposes

Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Land for extraordinary Purposes.

10. It shall be lawful for the Company to purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," any Lands not exceeding Five Acres adjoining or near to any of the Railways or Tramways of the Company.

Power to make Railway, &c.

11. Subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts and Parts of Acts contained, the Company and the *Belfast* Harbour Commissioners respectively may make and maintain the Railway, Tramways, and Works herein-after described, and authorized to be made by them respectively, with all proper Stations, Approaches, Sidings, Wharves, Works, and Conveniences connected therewith, on the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, and according to the Lines and Levels defined upon the deposited Plans and Sections, so far as the Railway, Tramways, and Works are shown thereon.

Description of Railway and Tramways.

12. The Railway and Tramways by this Act authorized comprise the following:

First, (Railway No. 1,) a Railway to be made by the Company commencing by a Junction with Railway No. 1 authorized by the Act of 1864 near the Road on the West Bank of the River *Lagan* leading from the *Queen's Bridge* to the *Lagan Bridge*, and terminating by Junctions with the *Belfast and County Down* Railway and the *Holywood* Branch Railway of the *Belfast and County Down* Railway Company respectively, about Two hundred and fifty Yards to the Eastward of the Workshops of that Company:

Secondly, (the *East Quays* Tramway,) a Tramway to be made by the Company commencing by a Junction with the Railway No. 1 authorized by the Act of 1864 near the intended Commencement of Railway No. 1 authorized by this Act, and terminating at and on the North Side of *Bridge End Street*:

Thirdly, a Tramway to be made by the Harbour Commissioners commencing at the South End of the Canal Quay, and terminating by a Junction with Railway No. 2 authorized by the Act of 1864 at or near *Duncrue Street*.

As to Bridge over the River Lagan.

13. The Company shall and they are hereby required to construct the Bridge by means of which Railway No. 1 by this Act authorized is

is intended to be carried over the River *Lagan* in accordance with the following Provisions; that is to say,

The clear Headway and Waterway of the Second Arch or Opening on the County *Antrim* Side of the said Bridge shall not be less than the clear Headway and Waterway of the highest of the existing Arches or Openings of the Bridge over the River *Lagan* called the *Queen's Bridge:*

The Foundations of the said Railway Bridge shall be made at least as deep as the Foundations of the said *Queen's Bridge.*

As to Bridge under Whitla Street.

14. In constructing the Railway authorized by the Act of 1864 the Company shall and they are required to widen the Bridge by which *Whitla Street* is intended to be carried over such Railway to such Extent as may be necessary in order to enable the Harbour Commissioners to carry their Tramway leading from the Quays to the *Belfast and Northern Counties* Railway Station over such Bridge: Provided always, that any additional Expense incurred by such widening shall be repaid to the Company by the said Commissioners, and if any Dispute shall arise as to the Amount of such additional Expense such Dispute shall be settled by an Engineer to be appointed by the Board of Trade.

Level Crossings.

15. In constructing the Railway and Tramways the Company and the *Belfast* Harbour Commissioners respectively may carry them respectively while they consist of a single Line with not more than a single Line, and when they consist of Two Lines with not more than Two Lines of Way, across and on the Level of the Roads following; (to wit,)

Number of Road on deposited Plans.	Parish or Place in which the Road is shown on those Plans.	Description of Road.
141	Ballymacarrett, Parish of Knockbredda, County of Down - - - -	Queen's Quay.
143	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Quay.
139A	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Donegall Quay.
136	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Donegall Quay.
136A	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Donegall Quay.
83	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Corporation Square.
134	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Street and Quay.
89	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Pilot Street.

Belfast Central Railway Act, 1865.

Number of Road on deposited Plans.	Parish or Place in which the Road is shown on those Plans.	Description of Road.
123	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Short Street.
121	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Prince's Dock Quay.
91	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Dock Street.
94	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Street.
119	Townparks, Parish of Shankhill, County of Antrim - - - - - -	Street.

Provided always, that it shall not be lawful for the Company or the *Belfast* Harbour Commissioners to propel Carriages by Steam or atmospheric Agency, or by means of Ropes in connexion with any stationary Engine, across any of the Roads by this Act authorized to be crossed on a Level.

Providing Access to Holywood and Bangor Branch.

16. The *Belfast and County Down* Railway Company shall permit the Company to make and maintain the Railway No. 1 herein-before authorized (but with not more than a double Line of Way) across the Main Line of the *Belfast and County Down* Railway to the *Holywood* Branch of the *Belfast and County Down* Railway, and to use so much of the Main Line of the *Belfast and County Down* Railway as is necessary for that Purpose free from any Toll or Charge by or Payment to the same Company, excepting such Charges and Payments as shall be necessary for the Maintenance and Use of Signals, and for the Maintenance and Repair of the Junctions in the Manner provided by the Railways Clauses Act, 1863; and all the Provisions in Part 1 of the same Act relating to Construction of a Railway shall apply not only to a Junction with the Main Line of the *Belfast and County Down* Railway, but also to the Junction with the *Holywood* Branch thereof.

Limiting Time for Completion.

17. Subject to the other Provisions of this Act, the Railway and Tramways herein-before authorized to be constructed shall be completed within Four Years from the passing of the Act of 1864, and upon the Expiration of the Period by this Act limited for the Completion of such Railway and Tramways all the Powers by this Act granted for making the said Railway and Tramways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the same as shall then be completed.

Security for Completion of Railway

18. For the Purpose of securing the Completion of the Railway by this Act authorized within the Time hereby limited Section 31 of

of the Act of 1864 shall extend and apply to the Railway by this Act authorized as if such Railway had been Part of the Railway authorized by the Act of 1864. within Time limited.

19. Upon and in respect of the Railway and Tramway by this Act authorized to be made by the Company the Company may demand and take the Tolls, Rates, and Charges by the Act of 1864 authorized to be demanded and taken. Tolls.

20. The Railway, Tramway, and Works by this Act authorized to be constructed by the Company, and all Lands acquired by the Company under the Authority of this Act, shall be deemed Part of the Undertaking of the Company, and the Byelaws, Rules, and Regulations for the Time being of the Company shall extend and apply thereto. New Works to be Part of Undertaking.

21. The Company shall abandon and relinquish the Construction of a Portion of Railway No. 1 authorized by the Act of 1864 from the Termination of that Railway to the intended Commencement of Railway No. 1 by this Act authorized. Company to abandon Part of authorized Line.

22. If in any Case before the passing of this Act any Contract has been entered into or Notice given by the Company to purchase any Lands which they were by the Act of 1864 empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, or any Part thereof, the Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, or other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided in "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained. Compensation to be made where Contracts have been entered into or Notices given.

23. Subject to the Provisions of this Act, the Company may run over and use, with their Engines and Carriages, Officers and Servants, and Power to Company to use Parts of other Railways.

and Horses, and for the Purposes of Traffic of every Description, the Terminus and Goods Station and Portions of Railways following; (that is to say,)

The Terminus and Goods Station of the *Belfast and County Down* Railway Company in the Borough of *Belfast*;

So much of the *Belfast and County Down* Railway as extends from the aforesaid Terminus thereof to the proposed Junction of Railway (No. 1) authorized by this Act with the *Belfast and County Down* Railway, and for a Distance of Five hundred Yards beyond the last-mentioned Point measured Eastward along the *Belfast and County Down* Railway;

So much of the *Belfast and Holywood* Branch of the *Belfast and County Down* Railway as extends from the Terminus of the same Branch Railway at *Belfast* to a Point Five hundred Yards Eastward of the Junction therewith of Railway No. 1 as hereinbefore authorized;

And all Junctions, Sidings, Platforms, Booking and other Offices, Warehouses, Watering Places, and Supplies of Water Approaches, Turntables, Telegraphs, Signals, Works, and Conveniences necessary for such Traffic in, upon, or connected with the said Terminus or Goods Station and Portions of Railways respectively:

And the *Belfast and County Down* Railway Company, and the Parties respectively for the Time being owning or working the said Terminus and Goods Station and Portions of Railways respectively which the Company are hereby authorized to run over and use, shall render all requisite Facilities and Services for those Purposes.

Use of Railway by Belfast and County Down and Belfast, Holywood, and Bangor Companies.

24. Subject to the Provisions of this Act, the *Belfast and County Down* Railway Company and the *Belfast, Holywood, and Bangor* Railway Company may run over and use, with their respective Engines and Carriages, Officers and Servants, and for the Purposes of Traffic of every Description, so much of the Railway of the Company as shall lie between the respective Points of Junction of Railway No. 1 authorized by this Act with the Lines of the *Belfast and County Down* Railway and of the *Belfast and Holywood* Branch of the *Belfast and County Down* Railway and the Central Station and Goods Depôt respectively of the Company, together with the said Central Station and Goods Depôt, and all other Stations on the said Portion of the Railway of the Company, and also all Junctions, Sidings, Platforms, Booking and other Offices, Warehouses, Watering Places, and Supplies of Water, Approaches, Turntables, Telegraphs, Signals, Works, and Conveniences necessary for such Traffic on or upon or connected with the said Portion of Railway and Stations of the Company.

25. The

Terms of such User.

25. The Terms, Conditions, and Regulations to be observed and fulfilled, and the Tolls, Charges, Rents, or other Considerations to be paid to or by the Company for and in respect of the Exercise of the said Powers of User, shall be such as are from Time to Time agreed upon between the Companies interested, or, failing such Agreement, as, subject to the Proviso next herein-after mentioned, may from Time to Time be determined by an Arbitrator to be appointed by the Board of Trade, on the Application of either of the Companies interested, and the Costs of Arbitration shall be in the Discretion of such Arbitrator, and his Decision shall be final and binding on all Parties.

Power to the Board of Trade to restrain or limit the Exercise of such Powers.

26. Provided always, That it shall be lawful for the Board of Trade, on the Application of the *Belfast and County Down* Railway Company, or, as the Case may be, of the *Belfast, Holywood, and Bangor* Company, which Two Companies are herein-after called the Two Companies, or of the Company, to inquire whether the Exercise of the respective Powers of User by this Act granted to the Two Companies or either of them, and to the Company, is calculated to endanger or obstruct the Traffic of the Company owning the Railway or Portion of Railway, Terminus, or Station intended or proposed to be used by the Two Companies or either of them, or by the Company, as the Case may be; and the Board, in case they shall find that the Exercise of such Powers is calculated so to endanger or obstruct such Traffic, may in their Discretion either wholly restrain the Exercise of such respective Powers of User, or any of them, or may limit the Exercise of such Powers respectively in such Manner as the Board think fit; and in such Event the Board may make such Rules and Regulations as they think fit with respect to the Times at which, and the Extent and Manner and the Terms and Conditions in and according to which, such Powers shall be exercised; and every Order of the said Board made in the Event aforesaid in relation to the Matters aforesaid, or any of them, shall be binding and obligatory on the said Companies, or such of them as are referred to in the Order.

Other Companies not to take up and deliver at Stations of Company.

27. In exercising the Powers herein-before granted it shall not be lawful for either of the Two Companies acting under the Powers of this Act, unless with the Consent in Writing of the Company, to take up at any Station of the Company upon the Portion of Railway herein-before specified any Passengers, Parcels, Animals, or Goods, and to deliver the same at another Station of the Company; and if either of the Two Companies violate this Enactment the Company so violating shall for every such Violation pay to the Company Twenty Pounds by way of Penalty.

Extending Provisions of 27 & 28 Vict. c. ccliv. as

28. The Provisions of the Act of 1864 and the incorporated Acts relating to Contracts and Arrangements which the Company are

to Working Agreements to Railway and Tramways authorized by this Act.

are thereby authorized to enter into and carry into effect with the *Belfast and Northern Counties* Railway Company and the *Ulster* Railway Company, or either of them, shall extend and be applicable to the Railway and Tramway by this Act authorized to be constructed by the Company.

Working Arrangements with Belfast and County Down Railway Company.

29. The Company may from Time to Time enter into and carry into effect Contracts and Arrangements with the *Belfast and County Down* Railway Company with respect to all or any of the following Matters; (that is to say,)

The Use by either of the contracting Companies of the Railways, Tramways, Stations, Works, and Conveniences of the other of them, or any Part thereof, and the Regulation, Management, and Transmission of the Traffic thereon:

The Interchange of Traffic between the contracting Companies, and the Fixing, Collection, Payment, Division, and Appropriation of the Tolls and other Income and Profits arising from the Railways, Tramways, and Works of the contracting Companies, or either of them, or any Part thereof:

The Payments, Tolls, Deductions, and Allowances to be paid or made by either of the contracting Companies to the other of them:

The Employment of Officers and Servants:

And all Matters incidental or necessary to any of those Purposes.

Contracts and Arrangements between Company and Belfast Harbour Commissioners.

30. The Company may from Time to Time enter into and carry into effect Contracts and Arrangements with the *Belfast* Harbour Commissioners with respect to all or any of the following Matters; (that is to say,)

The Maintenance, Working, and Use by both or either of the contracting Parties of the Railways and Tramways of the Company, or any Part thereof, and any Tramway or Tramways which may be constructed by the said Commissioners in the Borough of *Belfast*, and which may communicate with any Railway or Tramway belonging to the Company:

The Regulation, Management, and Transmission of the Traffic on such Railways and Tramways:

The Supply and Maintenance of Engines, Stock, and Plant for the same:

The Fixing, Collection, Payment, Division, and Appropriation of the Tolls, and other Income and Profits arising therefrom, and the Rents, Tolls, Contributions, Allowances, and Payments to be paid or made by either of the contracting Parties to the other of them:

The Employment of Officers and Servants:

The Appointment of a Joint Committee for all or any of the Purposes aforesaid.

31. Nothing

Railway not exempt from Provisions of present and future General Acts.

31. Nothing in this Act shall exempt the Railway by this Act authorized from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this or any other Act.

Expenses of Act.

32. The Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.