CHAPTER cxxxii.

An Act to authorise the Belfast Street Tramways Company to construct an additional Street Tramway in the county of Down; and for other purposes. [19th July 1875.]

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WHEREAS by "The Belfast Street Tramways Act, 1872," (in this Act called "the Act of 1872,") the Belfast Street Tramways Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining certain street tramways in the borough of Belfast: 35 & 36 Vict. c. cxciii.

And whereas by "The Belfast Street Tramways Act, 1873," (in this Act called "the Act of 1873,") the Company were authorised to construct additional street tramways in the counties of Antrim and Down: 36 & 37 Vict. c. ccxxxiii.

And whereas the construction of the additional tramway by this Act authorised would be of public advantage, and it is expedient that the Company be authorised to construct the same:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, 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 Down, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the Company invested the sum of one thousand five hundred and thirty pounds in the purchase of one thousand six hundred and fifty-one pounds sixteen shillings and eightpence consolidated three pounds per cent. annuities, and transferred the same into the names of Philip Johnston and John Thomson, the then mayor and treasurer of the said borough, to stand as security for the completion of certain tramways and works authorised by an Order in Council of the Lord Lieutenant of Ireland in Council made on the twenty-second day of December one thousand eight hundred and seventy-one:

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And whereas by a resolution dated the 1st day of September 1873 the mayor, aldermen, and burgesses of the borough of Belfast (herein-after called the corporation) agreed not to insist on the Company making certain small portions of the lines of tramways by the Act of 1872 authorised, and to the transfer to the Company of the said annuities:

And whereas by the Act of 1872 the said Order of the Lord Lieutenant of Ireland in Council was repealed, and by section 39 of the Act of 1872 it was enacted that the said sum of money should become and was thereby forfeited to the corporation in the event of the Company failing to complete within the time by the said Act of 1872 limited the said tramways and works by that Act authorised or any part or parts thereof:

And whereas the whole of the tramways and works by the Act of 1872 authorised, except as aforesaid, were completed by the Company within the time limited by the Act of 1872:

And whereas it is expedient that section 39 of the Act of 1872 should be repealed, and that other provisions should be made in lieu thereof, and that the said annuities should be returned to the Company, together with all interest or dividends thereon:

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 Street Tramways Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845" (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking) "and 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the several words or expressions in the Acts of 1872 and 1873 shall have the same respective meanings where used in this Act.

Power to make tramway accord-

4. Subject to the provisions of this Act, the Company may form, lay down, work, use, and maintain the tramway herein-after

described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. ing to deposited plans.

The tramway herein-before referred to and authorised by this Act is,—

A tramway (No. 1D), one furlong two chains and sixteen yards in length, consisting of a single line throughout, except at one passing place, at which it will consist of a double line, wholly situate in the townland of Ballymacarrett, in the parish of Knockbreda, in the county of Down, commencing by a junction with tramway No. 1C, authorised by the Act of 1873, in Bridge End, at a point one chain west of the junction of Bridge End with Station Street, and thence passing in a northerly direction along Station Street, and thence passing into and terminating in the road leading to the station of the Belfast and County Down and Belfast, Holywood, and Bangor Railway Companies, at a point about four and a half chains north of the north-east corner of Station Street aforesaid :

Provided always, that for the length of eighty-five yards from and to the termination tramway No. 1D shall not be constructed without the consents in writing under their respective common seals of the Corporation of Belfast, the Belfast and County Down Railway Company, the Belfast, Holywood, and Bangor Railway Company, and the Belfast Harbour Commissioners, and if constructed shall be constructed only in accordance with a plan to be approved by those authorities; and in the event of any difference arising as to such consents, or as to the mode of construction or the position of the said portion of tramway No. 1D, the same shall be settled by a referee to be appointed by the Commissioners of Public Works in Ireland in manner provided by the Acts of 1872 and 1873.

5. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum equal to five per centum upon the amount of the estimate in respect of the tramway has been deposited with the Court of Chancery in Ireland in respect of the application to Parliament for this Act; be it enacted, that, notwithstanding anything contained in the said Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the Deposit money not to be repaid until line opened or half the capital paid up and expended.

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period limited by this Act for completion of the tramway, either open the tramway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by the Acts of 1872 and 1873 authorised to be raised by means of shares, and have expended for the purposes of this Act and the Acts of 1872 and 1873 a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit to compensation to parties injured.

6. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramway, or any portion thereof, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the 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 Court of Chancery in Ireland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the

Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Errors and omissions in plans to be corrected.

7. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the deposited plans or books of reference, it shall be lawful for the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county in which the lands affected thereby shall be situate, and shall also be deposited with the clerk of the union within which any parish is included in which the lands affected thereby shall be situate, and such certificate shall be kept by such clerk of the peace and clerks of unions respectively along with the other documents to which they relate, and thereupon the deposited plan or book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Company to make the works in accordance with such certificate.

Power to apply existing funds.

8. The Company may from time to time apply towards any of the purposes of this Act any money which they have raised or may hereafter raise under the Act of 1872 and the Act of 1873, and which may not be required for the purposes to which by those Acts such moneys are made applicable.

Certain sections of Acts of 1872 and 1873 to apply to additional works.

9. The provisions of the sections of the Act of 1872 numbered 41 to 75 (both inclusive), 77 to 84 (both inclusive), 87 to 100 (both inclusive), 102, and 106, 107, 108, and 109, and sections 3, 8, 10, 16, 19, and 23 of the Act of 1873, shall apply to the additional works by this Act authorised, and to the costs and expenses of and connected therewith and with this Act.

Period for completion of works.

10. The tramway by this Act authorised shall be completed within one year from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be com-

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pleted: Provided always, that with the consent in writing of the corporation the said period may be extended in respect of any part or parts of the tramway for the further period of six months.

Sect. 39 of Act of 1872 repealed.

11. Section 39 of the Act of 1872 is hereby repealed.

Deposit under sect. 39 of Act of 1872 to be repaid to the Company.

12. Notwithstanding anything in the Act of 1872 contained, the sum of one thousand six hundred and fifty-one pounds sixteen shillings and eightpence consolidated three pounds per cent. annuities invested in the names of Philip Johnston and John Thomson, the former mayor and treasurer of the borough of Belfast, shall not be forfeited to the corporation, and the Company shall be entitled at their own costs to a transfer of the said annuities, and to any interest or dividends which have accrued or may accrue thereon.

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

13. The Company shall not 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 tramway, or to execute any other work or undertaking.

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

14. Nothing in this Act contained shall exempt the tramway from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

Expenses of Act.

15. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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