CHAPTER xcvi.

An Act to confirm an agreement between the Lord Mayor Aldermen and Citizens of the City of Belfast and the Belfast Street Tramways Company and for other purposes. [29th June 1893.]

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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 completing and maintaining certain street tramways in the borough of Belfast which by an order of the Lord Lieutenant of Ireland in Council made on the twenty-second day of December one thousand eight hundred and seventy-one William Morris and Jorgen-Daniel Larsen had been authorised to make and maintain and which are particularly described in the Act of 1872:

And whereas various Acts of Parliament have from time to time been passed in relation to the Company authorising amongst other things the construction of additional tramways:

And whereas by the Act of 1872 and subsequent Acts the lord mayor aldermen and citizens of the city of Belfast (herein-after called "the Corporation") are empowered to purchase the undertaking of the Company within that city within six months after the expiration of twenty-one years from the passing of the said Act and within six months after the expiration of every succeeding period of seven years:

And whereas such period of twenty-one years will expire on the tenth day of August one thousand eight hundred and ninety-three:

And whereas an agreement (a copy of which is set forth in the schedule to this Act) has been entered into between the Corporation of the one part and the Company of the other part with respect to the use and occupation of the tramways by the Company for a further period of fourteen years from the said tenth day of August

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one thousand eight hundred and ninety-three and it is expedient that such agreement be confirmed:

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 1893.

Confirming scheduled agreement.

2. The agreement between the Corporation and the Company as set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto and may and shall be carried into effect accordingly and the use by the Company of the tramways of the Company within the city of Belfast shall during the period named in such agreement be subject to the terms and the conditions therein specified.

Within three months from the date of the passing of this Act a Queen's printers copy of this Act shall be produced to the Commissioners of Inland Revenue stamped with ad valorem duty as a security for sixty-three thousand pounds and in case of delay of payment the amount of duty so chargeable shall be a debt due to Her Majesty by the Corporation and shall be paid with interest thereon at the rate of five pounds per centum per annum from the expiration of the said three months until the day of payment.

As to commutation of additional allowance.

3. If at the expiration of the period of fourteen years computed from the tenth day of August one thousand eight hundred and ninety-three the Corporation exercise the powers of purchasing the undertaking of the Company within the city of Belfast conferred upon them by the Act of 1872 the Corporation shall have the option of commuting the additional allowance to which the Company would be entitled under section 39 of the Belfast Street Tramways Act 1888 by the payment of three thousand pounds or of having the amount of such additional allowance determined by a referee appointed in accordance with section 82 of the Act of 1872.

Costs of Act.

4. 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.

The SCHEDULE referred to in the foregoing Act.

Memorandum of Agreement made the third day of December one thousand eight hundred and ninety-two between the Lord Mayor Aldermen and Citizens of the City of Belfast (herein-after called "the Corporation") of the one part and the Belfast Street Tramways Company (herein-after called "the Company") of the other part.

Whereas by the Belfast Street Tramways Act 1872 section 82 the Corporation (being then the mayor aldermen and burgesses of the borough of Belfast) were empowered within six months after the expiration of twenty-one years from the passing of said Act and within six months after the expiration of every succeeding period of seven years with the approval of the Commissioners of Public Works in Ireland to purchase on the terms therein mentioned the undertaking of the Company authorised by that Act or so much of the same as was within the said borough And by section 106 of the said Act the Corporation were also empowered to purchase simultaneously the Company's connecting line or lines and extension lines or so much thereof as they might have constructed on the same terms as those for the purchase of the rest of the Company's undertaking authorised by said Act:

And whereas under the Belfast Street Tramways Acts 1873 1875 1878 1884 and 1888 the tramways of the Company were authorised to be extended and by the said Act of 1873 the provisions of said section 82 and by the said Acts of 1875 and 1878 the provisions of said sections 82 and 106 and by the said Act of 1884 the provisions of said section 106 of the said Act of 1872 were (amongst others) respectively made applicable to the extensions authorised by those Acts and it was provided by the said Act of 1878 that the provisions of said sections 82 and 106 and by the said Act of 1884 that the provisions of said section 106 (amongst others) should not apply to such parts of the tramways as would be situate outside the borough And by section 21 (sub-section 2) of the said Act of 1884 it was provided that the expression "undertaking" in said section 82 of the Act of 1872 should be deemed to include all the tramways and works of the Company whether authorised under that Act or any Act subsequently passed or by the said Act of 1884 or otherwise laid down and constructed by the Company within the borough as it might by law be defined at the time when the Corporation should so require to purchase And (sub-section 3) that if the Corporation should so require the Company to sell to them their undertaking the Company should be entitled to an additional allowance in respect of any tramways constructed by them under the said Acts of 1878 or 1884 but no such

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allowance should be made in respect of the doubling of any existing tramway or part or parts thereof And (sub-section 4) that such additional allowance should consist of a sum of money by way of compensation to the Company for loss of profits which might have been obtained by them from the tramways authorised by the said Acts of 1878 and 1884 respectively if such tramways had remained in their possession for twenty-one years from the passing of the Act by which they were respectively authorised such allowance in case of difference to be determined as therein mentioned And by section 39 of the said Act of 1888 the provisions of sub-sections 3 and 4 of said section 21 of the Act of 1884 were extended and made applicable to the tramways authorised to be constructed by the Company under the said Act of 1888:

And whereas by the Belfast Street Tramways Order 1892 the Company (therein called "the promoters") were authorised to construct additional tramways within the city and in the counties of Antrim and Down and it was thereby (amongst other things) provided (section 20) that the tramways thereby authorised should form part of the general undertaking of the Company and that the provisions of (amongst others) said section 82 of the Act of 1872 and the provisions of certain sections of the said other Acts should respectively include and apply (mutatis mutandis) to the several tramways authorised by said Order so far as the same respectively should be situate within the city providing that in construing said section 82 of the Act of 1872 the periods thereby limited for the purchase of the tramways therein referred to should with respect to the purchase of the tramways authorised by said Order be counted from the time of the passing of the said Act of 1872 and that the word "undertaking" in said section 82 should for the purposes of said Order be deemed to include all the tramways and works of the promoters whether authorised by said Order or by any Order which might thereafter be passed or otherwise laid down and constructed by the promoters within the city and that nothing contained in said Order should affect increase or diminish the provisions as to an additional allowance in section 21 of the said Act of 1884 and section 39 of the said Act of 1888 so far as the same related to the lines authorised by those Acts:

And whereas under the said section 82 of the Act of 1872 the Corporation could exercise their said powers of purchase of the Company's undertaking as defined by the said Acts and Order within six months after the tenth day of August next and it has been agreed between the Corporation and the Company that the Corporation shall not save as herein-after provided exercise such powers of purchase then or during a period of fourteen years from the tenth day of August one thousand eight hundred and ninety-three for the considerations and upon the conditions herein-after mentioned:

Now it is hereby mutually agreed and declared between and by the Corporation and the Company and they hereby respectively covenant the one with the other for themselves their successors and assigns as follows:—

1. In consideration of the Corporation not exercising their said powers of purchase under the said Belfast Street Tramways Act 1872 for a period of fourteen years to be computed from the tenth day of August one thousand eight hundred and ninety-three the Company shall pay to the Corporation

the sum of four thousand pounds per annum for and during the first seven years of the said period of fourteen years and the sum of five thousand pounds per annum for and during the succeeding seven years thereof ending the tenth day of August one thousand nine hundred and seven the said annual sums to be respectively payable half-yearly on every tenth day of February and tenth day of August in each year during the said period of fourteen years clear over and above all deductions whatsoever except property tax the first half-yearly payment of the said sum of four thousand pounds to be due and be made on the tenth day of February one thousand eight hundred and ninety-four and the first half-yearly payment of said sum of five thousand pounds to be made upon the tenth day of February one thousand nine hundred and one.

2. The said yearly sums of four thousand pounds and five thousand pounds respectively shall be a first charge upon the undertaking of the Company.

3. If the Company shall at any time during the said period of fourteen years make default in paying to the Corporation the said sums of four thousand pounds and five thousand pounds respectively on the days hereinbefore appointed for the payment thereof respectively this agreement shall if the council of the said Corporation so decide by resolution determine and thereupon the Corporation shall have during a period of twelve months from the date of such determination the same powers of purchasing from the Company as are by the said Act of 1872 and the Acts incorporated therewith given to the Corporation during the period of six months from the tenth day of August next with this variation that in ascertaining the additional allowance to be paid the Company under section 21 of the said Act of 1884 and the Acts incorporated therewith the time during which the Company shall have been in occupation under this agreement prior to such determination thereof shall be reckoned against the Company for the purpose of extinguishing or diminishing pro tanto as the case may be the right of the Company to such additional allowance.

4. The Company and their assigns or lessees in the event of their assigning or leasing the tramways or any part or parts thereof shall not at any time during the said period of fourteen years without the consent in writing of the Corporation increase the present fares tolls or rates for passengers conveyed on any tramway of the Company which said fares tolls and rates are set forth in the schedule hereunto annexed.

5. All the provisions of the said Act of 1872 and the Acts incorporated therewith and of the said Order of 1892 shall respectively remain in force and be applicable to the Company and the tramways without alteration save and except as provided in clause 3 of these presents and save and except that in ascertaining the amount of any additional allowance to be paid the Company under section 21 of the Belfast Street Tramways Act 1884 the time during which the Company shall be in occupation under this agreement shall be reckoned against the Company for the purpose of extinguishing or diminishing pro tanto as the case may be the right of the Company to such additional allowance.

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6. Nothing contained in this agreement shall prejudice or affect the Corporation's right of purchase on or after the expiration of the said period of fourteen years.

7. This agreement to be subject to confirmation by Parliament and a Bill for the confirmation thereof will be promoted by the Company in the coming session of Parliament.

In witness whereof the Corporation have hereunto affixed their corporate seal and the Company have hereunto affixed their common seal the day and year first above written.

Present when the corporate seal of the city of Belfast was affixed hereto

Seal of the City of Belfast.

SAML. BLACK
Town Clerk.

Present when the common seal of the Belfast Street Tramways Company was affixed hereto

Seal of the Belfast Street Tramways Company.

GEO. RICHARDSON Director.
J. BARBER GLENN Secretary.

SCHEDULE.

FARES—PENNY STAGES—

Castle Junction to or from College Gardens.
Castle Junction to or from Springfield Road.
Castle Junction to or from Shankhill Graveyard.
Castle Junction to or from Brookfield Mill.
Castle Junction to or from Brookvale Avenue.
Castle Junction to or from Northern Counties Railway
Castle Junction to or from Mountpottinger.
Castle Junction to or from Agincourt Avenue.
Castle Junction to or from Beersbridge Road.
Castle Junction to or from Botanic Gardens.
Donegall Pass to or from Windsor Park.
College Gardens to or from Malone Park.
Model School to or from Broadway.
Springfield Road to or from Falls Park.
Carlisle Circus to or from Chichester Park.

FARES—Penny Stages—*continued.*

Short Strand to or from Holywood Arches.
Mountpottinger to or from Gelston's Corner.
Holywood Arches to or from Belmont Church Road.
Gas Works Junction to or from Saint Jude's Church.
Oxford Street to or from Ravenhill Avenue.
Queen's Hotel to or from Cooke Statue Ulster Hall Station Street or Town Hall.
Station Street or Town Hall to or from Cooke Statue or Ulster Hall.
University Street to Annadale.

Twopenny Stages—

Malone Park to or from Queen's Hotel or Station Street.
Falls Park to or from Queen's Hotel or Station Street.
Shankhill Graveyard or Brookfield Mill to or from Mountpottinger College Gardens or Botanic Gardens.
Chichester Park to or from Cooke Statue Ulster Hall Station Street or Town Hall.
Northern Counties Railway to or from Botanic Gardens College Gardens Springfield Road or Agincourt Avenue.
Belmont Church Road to or from Queen's Hotel Cooke Statue or Ulster Hall.
Annadale to or from Queen's Hotel.
Botanic Gardens to or from Northern Counties Railway Brookvale Avenue Shankhill Graveyard Brookfield Mill or Mountpottinger.
College Gardens to or from Mountpottinger Brookvale Avenue Shankhill Graveyard or Northern Counties Railway.
Springfield Road to or from Northern Counties Railway or Mountpottinger.
Brookvale Avenue to or from Mountpottinger Botanic Gardens College Gardens or Agincourt Avenue.
Mountpottinger to or from Botanic Gardens College Gardens Shankhill Graveyard Brookfield Mill Brookvale Avenue or Springfield Road.
Agincourt Avenue to or from Brookvale Avenue or Northern Counties Railway.
Ravenhill Avenue to or from Queen's Hotel.

Threepenny Stages—

Malone Park to or from Connswater or Chichester Park.
Windsor Park to or from Shankhill Graveyard or Northern Counties Railway.
Falls Park to or from Northern Counties Railway.
Broadway to or from Belmont Church Road.
Shankhill Graveyard to or from Windsor Park.
Brookfield Mill to or from Connswater.
Chichester Park to or from Annadale Malone Park Botanic Gardens or Belmont Church Road.
Northern Counties Railway to or from Windsor Park Annadale or Falls Park.
Belmont Church Road to or from Chichester Park Windsor Park or Broadway.

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FARES—THREEPENNY STAGES—*continued.*

Annadale to or from Chichester Park or Northern Counties Railway.
Connswater to or from Malone Park Chichester Park or Brookfield Mill.
Ravenhill Avenue to Brookfield Mill.

FOURPENNY STAGE—

Malone Park to or from Belmont Church Road.

Seal of the City of Belfast.

Seal of the Belfast Street Tramways Company.

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