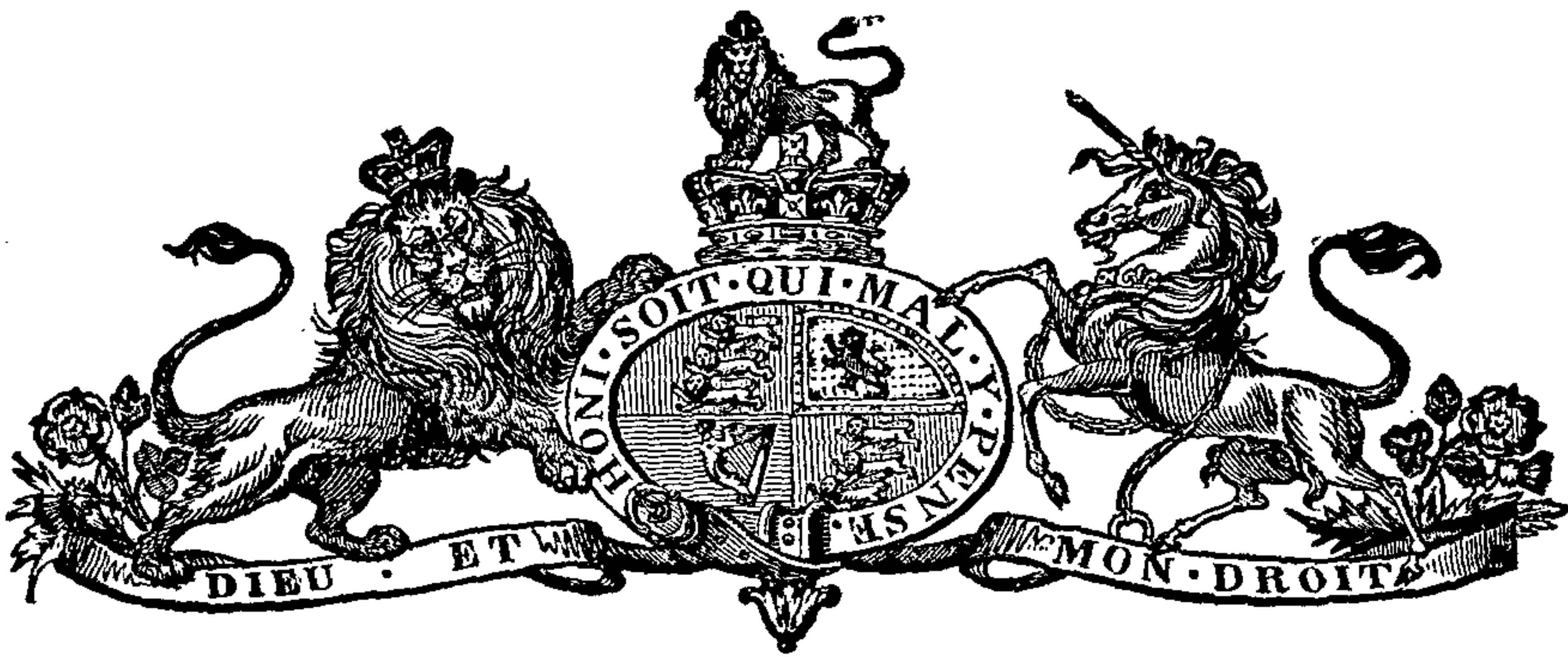




ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xliv.

An Act to consolidate and amend the Acts relating to the *Londonderry and Enniskillen* Railway Company, and to grant further Powers to the said Company for the Extension and Completion of the Railway, and for other Purposes.

[28th May 1852.]

WHEREAS the *Londonderry and Enniskillen* Railway Company was incorporated by an Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, and having the Short Title of "*The Londonderry and Enniskillen* Railway Act, 1845," and was thereby authorized to make and maintain a Railway from the City of *Londonderry* to the Town of *Enniskillen* in the County of *Fermanagh*: And whereas by another Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, and having the Short Title of "*The Londonderry and Enniskillen* Railway Act Amendment, 1846," the said Company was authorized to alter the Line of the said Railway, and to extend the same from the Terminus thereof near the City of *Londonderry* to the Bridge over the River *Foyle*: And whereas by another Act passed in the Session of

8 & 9 Vict.
c. 98.

9 & 10 Vict.
c. 318.

[*Local.*] 7 E of

Londonderry and Enniskillen Railway Consolidation Act, 1852.

11 & 12 Vict.
c. 79.

of Parliament held in the Eleventh and Twelfth Years of the Reign of Her said Majesty, and having the Short Title of “The *Londonderry and Enniskillen* Amendment Railway Act, 1848,” the said Company was authorized to abandon the Formation of so much of the said Line of Railway as lay between the Town of *Omagh* in the County of *Tyrone* and the said Town of *Enniskillen*, and also to enlarge the Station of the said Railway at the said City of *Londonderry*: And whereas by the first-recited Act the said Company was authorized to raise a Capital of Five hundred thousand Pounds in Ten thousand Shares of Fifty Pounds each; and by the thirdly-recited Act the said Capital was reduced to Three hundred and forty thousand Pounds, and certain Powers for the Creation of Shares, in substitution for those created and issued under the Provisions of the first-recited Act, were conferred upon the Company: And whereas by another Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her said Majesty, having the Short Title of “The *Londonderry and Enniskillen* Railway Acts Amendment, 1850,” further Powers were granted to the said Company for the Completion of the said Railway between the City of *Londonderry* and the Town of *Omagh*: And whereas the Abandonment of the Portion of the said Railway between *Omagh* and *Enniskillen*, as authorized by the thirdly-recited Act, was rendered necessary by the Defalcation of many of the original Shareholders of the said Company, and the Inability of the Company at that Time to raise the whole of the said Capital of Five hundred thousand Pounds; but a Portion of the Railway between *Londonderry* and *Strabane* having been for some Time past open to the Public, and the Residue thereof, between *Strabane* and *Omagh*, being now in course of Construction, it is expedient that the same should be extended to the said Town of *Enniskillen*, and that further Powers for the Completion of the Railway, as originally projected, should be granted to the Company: And whereas the whole of the Share Capital of Three hundred and forty thousand Pounds has been subscribed or taken, and the Sum of One hundred and eighty-seven thousand three hundred and sixty-five Pounds has been paid up in respect thereof: And whereas, in addition to the said Share Capital, the said Company has been authorized, under and by virtue of the thirdly-recited Act, to borrow on Mortgage or Bond a further Sum of One hundred and thirteen thousand Pounds, of which the Sum of Twelve thousand five hundred Pounds has been borrowed: And whereas, under the Provisions of the thirdly-recited Act, a preferential Right of Dividend at the Rate of Five Pounds *per Centum per Annum* hath been granted or confirmed in respect of the Portion of the Capital of the said Company represented by Half Shares of Twelve Pounds Ten Shillings each, and amounting to the Sum of One hundred and seventy thousand Pounds: And

13 & 14 Vict.
c. 14.

Londonderry and Enniskillen Railway Consolidation Act, 1852.

And whereas the estimated Expense of completing the said Railway between *Strabane* and *Omagh* is One hundred and twelve thousand four hundred and seventy-five Pounds, and the estimated Expense of extending the Line of Railway from *Omagh* to *Enniskillen* is One hundred and fifty-two thousand Pounds: And whereas it is expedient that Facilities should be afforded to the said Company for connecting their Undertaking with the *Londonderry and Coleraine* Railway, the Terminus whereof is on the opposite Shore of the River *Foyle* at *Londonderry* aforesaid, by enabling them to contribute towards a new Bridge proposed to be erected across the said River, and to arrange with the Persons or Corporations in whom the Control and Management of the said Bridge may be vested for the Passage across the same, when constructed, of the Engines and Carriages travelling on the *Londonderry and Enniskillen* and *Londonderry and Coleraine* Railways: And whereas the Formation of a new Line of Quay at the City of *Londonderry*, and of a Tramway thereon, would be attended with great public Advantage, and would materially increase the Traffic on the said Railway, and it is therefore expedient that the said Company should also be empowered to raise the necessary Funds and to subscribe towards the Construction of the said new Line of Quay and Tramway, and to enter into such Arrangements as may be necessary for the Transit of Passengers, Goods, Wares, and Merchandise to, from, and upon the said Railway, Quay, and Tramway: And whereas it is expedient that certain of the Provisions of the said Acts should be explained, amended, and enlarged, and it would be attended with Convenience if the said Acts so to be amended, and with such further Powers as aforesaid, were consolidated into One Act; but the several Objects aforesaid 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,)

I. From and after the passing of this Act the *Londonderry and Enniskillen* Railway Company incorporated as herein-before mentioned shall be and the same is hereby dissolved, and the several Acts relating to the said Company herein-before recited shall be and the same are hereby repealed. Recited Acts repealed.

II. Nothing in this Act contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions, not herein-after specified and reserved or otherwise expressly provided for by this Act, which under or by virtue of the said repealed Acts or any of them were given, Saving Rights.

Londonderry and Enniskillen Railway Consolidation Act, 1852.

given, granted, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making of or maintaining or otherwise on account of the Undertaking by the same Acts respectively authorized to be made and maintained, or to which such Persons or Corporations are or may be, or but for the Repeal of the said Acts would have been, otherwise entitled, under or by virtue of such Acts or any of them, and which Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions were subsisting or capable of being exercised at the Time of the passing of this Act, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said Acts were not repealed; and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions, and such or so many of them, as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if the said Acts had not been repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the Company, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Accommodations, and Exemptions, as under the Provisions of the said repealed Acts they had or were or might have been entitled to against the Company hereby dissolved, in case the said Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expenses as under the Provisions of the said repealed Acts or any of them would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid, by and from the Company hereby dissolved, in case the same Acts had not been repealed, shall and may be payable by and recoverable from the Company, in such Manner and by such Ways and Means (except where otherwise provided for by this Act) as the same are respectively made payable and recoverable under the Provisions of the said repealed Acts.

Provisions of
8 & 9 Vict.
cc. 16. 18.
and 20., and
14 & 15 Vict.
c. 70, incor-
porated with
this Act.

III. Except where otherwise provided in "The Railways Act (*Ireland*), 1851," or in this Act, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railway Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and shall form Part of this Act.

Re-incorpo-
ration of the
London-
derry and

IV. From and immediately after the passing of this Act, the several Persons and Corporations who at the Time of the passing thereof were Proprietors of Shares in the Company hereby dissolved,
and

Londonderry and Enniskillen Railway Consolidation Act, 1852.

and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making, completing, maintaining, and working the Railway and other Works authorized to be constructed, completed, maintained, and worked by the said repealed Acts and this Act, and which are herein-after referred to as the Undertaking of the Company; and for the Purposes aforesaid, and subject to the Powers and Authorities by this Act conferred, shall be incorporated by the Name of "The *Londonderry and Enniskillen Railway Company*," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purposes of or in relation to the said Undertaking, and the Common Seal of the Company hereby dissolved shall continue to be the Common Seal of the Company hereby incorporated, unless and until the same be altered pursuant to the Powers in that Behalf conferred on the Company.

Enniskillen
Railway
Company.

V. The Railway, Tramways, Wharves, Roadways, Lands, Stations, Buildings, Works, and Appurtenances, and all Rents, Tenements, Rights, Privileges, Exemptions, and Real Estate whatsoever, and also all Right of Action, and all Personal Estate and Effects whatsoever, which were respectively vested in or belonged to or were capable of being exercised or enjoyed by the Company hereby dissolved, immediately before the passing of this Act, shall and from and after the passing of this Act be and become vested in and belong to and be available for and to the Company hereby incorporated, in the same Manner and to the same Extent as they were vested in and belonged to or were available for the Company hereby dissolved.

Railway, &c.
vested in
new Com-
pany.

VI. All Acts of Parliament and Provisions of Acts, other than and except the Acts and Provisions of Acts hereby specially repealed, and all Gifts, Grants, Conveyances, Leases, Assignments, Assurances, Purchases, Sales, Titles by Possession or otherwise, Covenants, Contracts, Agreements, Rents, Annuities, Debts, Mortgages, Bonds, Securities, Liabilities, Verdicts, Judgments, Decrees, Orders, Processes, Awards, Consents, Approvals, Certificates, Notices, and other Matters and Things made, executed, entered into, acquired, obtained, issued, incurred, made payable, served, published, or given to, with, from, by, upon, in favour of, against, or in reference to the Company hereby dissolved, shall from and after the passing of this Act be as good, valid, and effectual upon or in favour of or against or in reference to the Company hereby incorporated as the same respectively were good, valid, and effectual, immediately before the

Grants,
Convey-
ances, Con-
tracts, &c. to
continue in
force.

[Local.]

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passing

Londonderry and Enniskillen Railway Consolidation Act, 1852.

passing of this Act, upon or in favour of or against or in reference to the Company hereby dissolved, and the Company hereby incorporated shall be considered identical with the Company hereby dissolved in reference to all such Matters, as well as in reference to all other Transactions of and Matters relating to the said dissolved Company.

Actions, &c.
not to abate.

VII. No Action, Suit, Prosecution, Appeal or Notice of Appeal, Arbitration, Submission, Order or Decision, Distress, Execution, or other Proceeding whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the said dissolved Company, previously to the passing of this Act, shall abate or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect in favour of or against or in reference to the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in favour of or against or in reference to the said dissolved Company if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the said hereby repealed Acts or any of them, or against any Byelaw or Regulation of or concerning the said dissolved Company, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the said repealed Acts or any of them, or any such Byelaw or Regulation, may be prosecuted in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects considered identical with the Company hereby dissolved.

Rights of
Action
saved.

VIII. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy, which the Company hereby dissolved had against any Person or Corporation, or which any Person or Corporation had against the said Company hereby dissolved, at the Time of the passing of this Act, but all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Company hereby incorporated in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the Company hereby dissolved if this Act had not been passed.

Act not to
affect Reso-
lutions, &c.
of Meetings

IX. Nothing in this Act contained shall be held or construed to annul, prejudice, or affect any Resolution or Order of any Meeting of the Proprietors of the Company hereby dissolved, or of the Directors,
or

Londonderry and Enniskillen Railway Consolidation Act, 1852.

or of any Committee of the Directors of the same Company, nor any Call, Notice of Call, Register of Shareholders, Shareholders Address Book, Register of Transfers, Shares, Mortgages, Bonds, Books of Account, or other Register or Book whatsoever, of or relating to the same Company, but all such Resolutions and Orders, Calls, Notices, Registers, and Books respectively, shall, notwithstanding the passing of this Act, continue in full Force and Effect and be applicable to the Company hereby incorporated, in like Manner and to the like Extent as they would have continued and been applicable to the Company hereby dissolved if this Act had not been passed.

of Proprietors, Directors, &c.

X. In all Cases in which any Sum of Money has already been paid by the Company hereby dissolved into any Bank, or to any Trustee or Trustees, on account of the Purchase of any Land or Interest therein, or of any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been so paid into such Bank, or to such Trustee or Trustees as aforesaid, or pursuant to the Act or Acts under which the same would have been applied and disposed of if this Act had not been passed; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts respectively in relation to such Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, shall for the Purposes of this Act remain in full Force.

Monies belonging to Incorporations or Persons to be applied according to Provisions of Acts under which Purchases made.

XI. All Arbitrators, Umpires, Valuers, Surveyors, Receivers of Tolls or Rates, Constables, and also all Auditors, Officers, Clerks, Servants, and other Persons whatsoever, appointed by or for or relating to the Company hereby dissolved at the Time of the passing of this Act, shall continue in and hold their respective Appointments, Offices, and Employments, according to the Terms and Conditions thereof, until the Determination thereof by the Company hereby incorporated, or otherwise in due Course of Law, and all such Arbitrators, Umpires, Valuers, Surveyors, Receivers, Constables, Officers, Clerks, Servants, and others shall have the same Duties, Powers, Privileges, and Advantages, and shall be liable to the same Responsibilities, Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act, and all Acts, Matters, and Things made, done, and permitted by them respectively, in their respective Appointments, Offices, and Employments, before the passing of this Act, shall be as good, valid, and effectual, to all Intents and Purposes, and shall have reference to the Company hereby incorporated, in the like Manner and to the like Extent as they would have been

Present Officers, &c. continued until removed.

Londonderry and Enniskillen Railway Consolidation Act, 1852.

been good, valid, and effectual and had reference to the Company hereby dissolved if this Act had not been passed.

Officers
under former
Acts to
account.

XII. All Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects, under or by virtue of any of the said repealed Acts relating to the Company hereby dissolved, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Persons as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officer or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Existing
Byelaws to
remain in
force.

XIII. All Byelaws, Rules, and Regulations which immediately before the passing of this Act were in force upon, concerning, or in respect of the Undertaking of the Company hereby dissolved, shall after the passing of this Act continue and be in full Force and Effect upon, concerning, or in respect of the Undertaking of the Company hereby incorporated, subject nevertheless as the same may be specially repealed or altered by this Act, or in conformity with any Power by this Act or any other Act granted or to be granted.

Saving
Rights of
Shareholders
to unpaid
Dividends
and Interest.

XIV. All Dividends and Interest which have accrued or were accruing to the Proprietors of Shares in the Company hereby dissolved, out of the Funds of the same Company, at the Time of the passing of this Act, and which shall not have been previously paid to them, shall be paid to such Proprietors, notwithstanding the Repeal by this Act of the Act or Acts under which the same had accrued or were accruing.

Books to be
Evidence.

XV. All Share Registers and other Registers, Books, Decrees, Verdicts, and other Matters of Record and Documents whatsoever, and all Byelaws, Rules, and Regulations, and all certified and other authenticated Copies or Extracts of or from Registers, Records, Documents, Byelaws, Rules, and Regulations, made, kept, recorded, certified, and authenticated under or in pursuance of the several Acts hereby repealed, and which by any or either of such Acts or otherwise were made Evidence, or authorized to be given in Evidence, shall, notwithstanding the Repeal of such Acts, and the Dissolution and Re-incorporation by this Act of the *Londonderry and Enniskillen* Railway Company, be admitted as Evidence in all Courts

Londonderry and Enniskillen Railway Consolidation Act, 1852.

Courts of Law and elsewhere, as fully and effectually as the same respectively would or might have been admitted if this Act had not been passed.

XVI. The several Maps, Plans, Sections, and Books of Reference which prior to or in pursuance of the said repealed Acts or any of them have been deposited with any Clerks of the Peace of the several Counties to which the same relate, or with the Clerks of the Unions in which any Parishes and Places to which the same also relate are situate or adjoining, or with any other Persons, shall remain in the Custody of the said Clerks of the Peace and Clerks of Unions and other Persons respectively, to the end that all Persons interested in any Manner therein may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their respective Pleasure, such Persons paying to such Clerks of the Peace, Clerks of Unions, and other Persons from whom such Inspection or Copies or Extracts may be demanded respectively such Fee or Fees as may be legally payable; and the said Maps, Plans, Sections, and Books of Reference, or any Copy thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the respective Clerks of the Peace, Clerks of Unions, or other Persons who have made the same, shall be admitted as Evidence in all Courts of Law or elsewhere, as fully and for all the like Intents as if this Act had not been passed.

Deposited
Plans, &c. to
remain with
Clerks of the
Peace, &c.,
and to be
open to In-
spection.

XVII. The Capital of the Company shall consist of the said Capital Sum of Three hundred and forty thousand Pounds so authorized to be raised as aforesaid, and of the further Sum of Forty thousand Pounds, the additional Capital herein-after mentioned, required for the Purposes of extending the said Line of Railway from *Omagh* to *Enniskillen*, and of the Works connected therewith, and of enabling the Company to contribute towards the Construction of a new Bridge, Quays, and other Works at *Londonderry* aforesaid; and the same shall be applied only towards carrying all or any of the Purposes of the Company into execution.

XVIII. With respect to the said Capital of Three hundred and forty thousand Pounds which hath already been created or issued, the same shall, until otherwise determined on under the Provisions of this Act, continue to be divided into Shares and Half Shares of the respective Amounts heretofore determined on by the said dissolved Company.

Capital
issued to be
divided as at
present.

[*Local.*]

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XIX. Every

Londonderry and Enniskillen Railway Consolidation Act, 1852.

Shares to
vest in the
Proprietors
of Shares of
the dissolved
Company.

XIX. Every Person or Corporation who immediately before the passing of this Act was possessed of or entitled to any Share or Shares in the said Capital of Three hundred and forty thousand Pounds shall in respect thereof be possessed of or entitled to the like Number of Shares of equal Amount in the Capital of the Company hereby incorporated, and such Shares are hereby vested in such Persons and Corporations accordingly, and shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed in respect thereof if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

Certificates
of old Shares
to apply to
the new
Shares.

XX. The Certificates of the Shares created under the Powers of the several Acts hereby repealed, and which shall be existing at the Time of the Time of the passing of this Act, shall, until called in, continue to be the Certificates of the Shares created by this Act in substitution of such former Shares; and it shall not be necessary or required for the Company to issue fresh Certificates in respect of such Shares, except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged, or lost or destroyed, but the Company may, if they think fit, at any Time call in such Certificates, and grant others in lieu thereof.

New Shares
to be subject
to the same
Trusts as old
Shares.

XXI. All Persons and Corporations in whom any of the said Shares are or may be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the Trusts, Powers, and Provisions, Declarations and Agreements, Charges and Incumbrances, upon and to which the Shares held by them in the Capital of the dissolved Company, and for which such Shares in the Capital of the Company hereby incorporated was or were substituted, was or were held, or was or were subject and liable, immediately before the passing of this Act.

Calls paid up
on former
Shares to be
considered as
paid upon
the substi-
tuted Shares.

XXII. All Sums of Money which at the Time of the passing of this Act shall have been called up and paid, or called up but not paid, for or on account of any Shares in the said Capital of Three hundred and forty thousand Pounds, shall be considered as having been called up and paid, or called up and not paid, (as the Case may be,) for or on account of the Shares in the Company hereby incorporated which shall be substituted for such former Shares by virtue of this Act, and all Rights and Remedies to or in respect of any Shares in the said Capital of Three hundred and forty thousand

Londonderry and Enniskillen Railway Consolidation Act, 1852.

sand Pounds on which Shares any Call shall remain unpaid at the Time of the passing of this Act, or which Shares shall have been forfeited for Nonpayment of Calls or otherwise affecting any such Shares, and whether such Rights and Remedies were Rights and Remedies of the Holders or Persons interested in such Shares, or of the said Company hereby dissolved, shall continue and be applicable to the Shares which shall be substituted for such former Shares by virtue of this Act, such substituted Shares being considered in all respects with reference to such Rights and Remedies as identical with the Shares for which they were substituted, and the Company hereby incorporated as identical with the Company hereby dissolved.

XXIII. For the Purpose of extending the Line of Railway from *New Capital. Omagh* to *Enniskillen*, it shall be lawful for the Company to raise by the Creation of new Shares the Sum of Twenty-five thousand Pounds, and such additional Capital shall be divided into Shares of such Amount and shall be apportioned and allotted to such Persons and in such Manner as may have already been agreed upon, or as may be determined by the Order of any General Meeting of the Company specially convened for the Purpose, and it shall be lawful for the Company, if they shall think fit, with the Consent of Three Fifths of the Proprietors present at a General Meeting by themselves or by Proxy, to guarantee Dividend or Interest upon such Shares at a Rate not exceeding Six Pounds *per Centum per Annum*.

XXIV. It shall be lawful for the Company to subscribe towards the Construction of a new Bridge across the River *Foyle*, and of a new Line of Quay and Tramway thereon, to be used in connexion with the said Railway, all at the City of *Londonderry*, any Sums of Money not exceeding Fifteen thousand Pounds, and, with the Consent of Three Fifths of the Shareholders at a General Meeting convened for that Purpose, to raise, in addition to the said Sum of Twenty-five thousand Pounds by this Act authorized to be raised, the further Sum of Fifteen thousand Pounds, in such and the like Manner as is herein-before directed respecting the Sum of Twenty-five thousand Pounds.

XXV. It shall be lawful for the Company from Time to Time, with the previous Consent and Approbation of the Lords of the Committee of the Privy Council for Trade, to be signified in Writing under the Hand of their Secretary or other authorized Officer for the Time being, to enter into Contracts with the Persons or Corporations in whom the Control and Management of the said Bridge, Quay, Tramway, and Works may be vested, for the Use thereof, and for the

Power to
subscribe
towards a
new Bridge
over the
River Foyle
and other
Works at
London-
derry.

Power to
enter into
Contracts for
the Use of
the Bridge,
Quays, &c.

Passage

Londonderry and Enniskillen Railway Consolidation Act, 1852.

Passage over and along the same, or any or either of them, of any Engines, Carriages, or Waggon's belonging to the Company, upon the Payment of such Tolls and under such Conditions and Restrictions as may be mutually agreed upon.

Power to
appoint Per-
sons to attend
and vote at
Meetings of
the Trustees
of the new
Bridge.

XXVI. In the event of the Company contributing towards the Construction of such new Bridge as aforesaid, it shall be lawful for the Company, under their Common Seal, to appoint One or more Person or Persons, whether or not Shareholders in the Company, to attend and vote upon their Behalf at any Meeting of the Trustees or other Persons or Corporation in whom the Control and Management of the said Bridge may be vested as aforesaid, and the Person or Persons so appointed shall and may attend any such Meeting for the Purposes aforesaid, any Law or Usage to the contrary notwithstanding.

Calls.

XXVII. The greatest Amount of any One Call which the Company may make on the Shares by this Act authorized to be created shall be One Fifth Part of a Share, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made in any Year upon any One Share shall not exceed Four Fifths of the Amount of such Share.

Power to
Directors to
agree with
Shareholders
for Surren-
der of their
Shares, in-
stead of
forfeiting the
same.

XXVIII. The Directors, in Cases where, in their Opinion, any Shares, if sold, would not produce a sufficient Sum to discharge the Arrears of Call thereon, or in any other Cases where they may deem it for the Advantage of the Company, may agree, if authorized to do so by Three Fifths of the Shareholders present at a Special Meeting of the Company called for the Purpose of considering such Agreement with the Proprietors thereof, for the Sale or Surrender of the same to the Company, on such Terms as the Directors shall think fit, and after such Sale or Surrender the Shares so sold or surrendered shall merge in and form Part of the Capital of the Company.

As to Shares
surrendered
on Terms.

XXIX. In all Cases where after the passing of this Act the Company hereby dissolved, or the Directors thereof acting under the Authority of a General Meeting of the Company, may agree with the Holders of any Shares for the Surrender or Forfeiture of such Shares in respect of which Calls may be in arrear at the Time of such Agreement, the Shares surrendered or forfeited in pursuance of such Agreement shall be deemed and taken to be lawfully surrendered or forfeited, in like Manner as though such Forfeiture had taken place by a Vote of a Meeting of Proprietors, after due Notice, as required by "The Companies Clauses Consolidation Act, 1845," and such Shares shall,

Londonderry and Enniskillen Railway Consolidation Act, 1852.

as from the Date of such Agreement, be deemed to have merged in the Capital of the Company.

XXX. In all Cases where any Share or Shares shall have prior to the passing of this Act been or shall hereafter be forfeited, and such Forfeiture has been confirmed at a General Meeting of the Company hereby dissolved, or shall be confirmed at a General Meeting of the Company according to the Provisions of "The Companies Clauses Consolidation Act, 1845," and Notice of such Forfeiture shall have been or shall be given to the Owner of the Share forfeited, by Letter from the Secretary of the Company hereby dissolved, or from the Secretary of the Company, as the Case may be, either delivered to such Owner, or sent by Post to or left at his Place of Abode or Business as described in the Shareholders Address Book, the Directors of the Company, if they shall be unable to sell the said Share for a Sum equal to the Arrears of Calls and Interest due in respect thereof, may declare the same to be merged in the general Capital Stock of the Company, and the same shall thenceforth merge accordingly in the said Capital; and a Declaration in Writing, made by some credible Person not interested before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest in respect of such Share could not be obtained for the same at the Time of such Merger, shall be *primâ facie* Evidence of the Facts therein stated, and the Proprietor of such Share or Shares shall from and after the making of such Declaration be precluded from all Right, Title, or Interest therein.

Forfeited Shares which cannot be sold may merge in the Company.

XXXI. The Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting of the Company specially convened for that Purpose, re-issue Shares which may be surrendered, or which have been or may be forfeited and merged as aforesaid, upon such Terms, and in such Manner, and with such preferential Rights as by such Meeting shall be determined: Provided always, that the Rate of Interest which may be guaranteed upon such Shares shall not exceed Six Pounds *per Centum per Annum*; provided also, that any Shares which may be re-issued under the Powers lastly herein-before contained shall be entitled to the same Priority as regards the Payment of any preferential Interest or Dividend as the Shares in lieu of which they may be created; provided also, that the full Value of any Shares representing the additional Capital by this Act authorized to be raised, which may be surrendered or forfeited, and merged in the Capital Stock of the Company, and re-issued under the Powers of this Act, shall not exceed

Company may issue new Shares merged in the Company.

[Local.]

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Londonderry and Enniskillen Railway Consolidation Act, 1852.

the total Amount remaining unpaid upon the Shares so surrendered or forfeited and merged as last aforesaid.

Order of
Dividends.

XXXII. The Revenues and Income of the Company applicable to the Payment of Interest or Dividends upon Shares in the Capital of the Company shall be applied in the Order following; that is to say,

First, in Payment of the preferential Interest or Dividend on the Shares created under the Authority of the said thirdly-recited Act:

Subject to such First Payment, in Payment of such preferential Interest or Dividend as may be agreed to be paid upon any other Shares in the Capital of the Company, pursuant to the Provisions of this Act:

Subject to such First and Second Payments respectively, in Payment of Dividends to the Holders of the remaining Shares in the Capital of the Company, *pari passu*, and according to the Amounts paid on such Shares.

Former
Grants of
Preference
not to be
prejudiced.

XXXIII. No Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any Share in pursuance hereof, nor anything in this Act contained, shall prejudice or affect any Priority or Preference in the Payment of Interest or Dividend on any other Shares which may have been granted by the Company hereby dissolved, by or in pursuance of any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Interest not
to be paid on
Calls paid
up.

XXXIV. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company; nevertheless, nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls already made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," contained.

Deposits of
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XXXV. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an

Londonderry and Enniskillen Railway Consolidation Act, 1852.

an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

XXXVI. The Company may borrow on Bond or Mortgage of their Undertaking any Sum or Sums which, together with the Sums already borrowed under the Provisions of the said recited Acts or any or either of them, shall not exceed in the whole One hundred and twenty-five thousand Pounds; and all Monies which may have been borrowed or may hereafter be borrowed by the Company shall be applied only towards carrying all or any of the Purposes of the Company into execution: Provided always, that the said Company shall not borrow any Sums of Money exceeding, together with the Sums already borrowed, the Sum of One hundred and thirteen thousand Pounds, until the whole of the said Capital of Forty thousand Pounds shall have been subscribed for, and One Half thereof shall have been paid up.

Power to
borrow on
Bond, &c.

XXXVII. Nothing herein contained shall extend to prejudice the Rights and Interests of the present Mortgagees of the Company, or be held or construed to affect the Validity of any Mortgage or Bond on the Undertaking of the Company hereby dissolved which shall be subsisting at the Time of the passing of this Act, but all such Mortgages or Bonds shall while they subsist continue as if this Act had not been passed, the Company hereby incorporated being in respect of such Mortgages and Bonds substituted for or considered identical with the Company hereby dissolved.

Act not to
affect Vali-
dity of exist-
ing Loans.

XXXVIII. The Mortgages and Bonds already granted by the said Company, and all Renewals thereof, shall, according to the Tenor and Effect thereof respectively, have Priority over all Mortgages and Bonds to be granted after the passing of this Act.

Priority of
existing
Mortgages.

XXXIX. The respective Holders of any Mortgages, Bonds, or other Securities for Monies borrowed, which may be created by the Company hereby incorporated after the passing of this Act, shall not be entitled to any Preference one above another by reason of the Priority of the Date of any such Mortgage or Bond or Security, or of the Meeting at which the same was authorized, or otherwise howsoever, but shall rank *pari passu* one with the other.

Mortgages
to rank
equally.

XL. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* or *March*, and in the Months of *August* or

First and
other Meet-
ings

Londonderry and Enniskillen Railway Consolidation Act, 1852.

or *September*, and all Meetings of the Company, whether ordinary or extraordinary, shall be held in *London*.

Number and
Qualification
of Directors.

XLI. The Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Company.

First Di-
rectors of the
Company.

XLII. The several Persons who at the Time of the passing of this Act are Directors of the Company hereby dissolved shall be the First Directors of the Company hereby incorporated.

Power to
vary the
Number of
Directors.

XLIII. It shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Six.

Quorum.

XLIV. The Quorum of a Meeting of Directors shall be Three.

Committee
of Directors.

XLV. The Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Six, and the Quorum of such Committees shall be Two Thirds in Number of the same.

Resident
Directors.

XLVI. The Directors shall have the Power from Time to Time to appoint from among the Directors a Resident Director, upon such Terms as they may think fit, and to remove him from the Office when and as they may from Time to Time determine.

Qualification
of Auditors.

XLVII. The Qualification of any Auditor appointed under this Act shall be the Possession in his own Right of Ten Shares in the Company.

Newspapers
for Insertion
of Adver-
tisements.

XLVIII. The Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be any Newspaper published in the City and County of *Londonderry*, and a daily Newspaper published in the City of *London*.

Power to
make Works
authorized.

XLIX. Subject to the Provisions and Restrictions in the said "Lands Clauses Consolidation Act, 1845," and the said "Railway Clauses Consolidation Act, 1845," and in this Act respectively contained, the Company may continue to make or complete, in so far as not already made or completed, and to maintain, the Railway and other Works which the said dissolved Company were authorized to make and maintain, in, through, and upon the Lands delineated on the Plans and described in the Books of Reference deposited with the several Clerks of the Peace of the Counties within which the said
Railway

Londonderry and Enniskillen Railway Consolidation Act, 1852.

Railway and other Works are authorized to be made, and according to the Directions and Levels shown on the said Plans and on the Sections deposited therewith, or according to such Alterations thereof as may be authorized by the said "Railway Clauses Consolidation Act, 1845," and they may enter upon, take, and use such of the said Lands as they may require for the Purposes aforesaid: Provided always, that the compulsory Powers of taking the said Lands shall not be exercised in respect of the Lands authorized to be taken by the said repealed Acts after the Thirty-first Day of *May* One thousand eight hundred and fifty-five, being the Period limited by the fourthly-recited Act.

Powers for compulsory Purchase of Lands limited.

L. The Period limited for the Construction of the several Works authorized by this Act to be completed shall expire on the Thirty-first Day of *May* One thousand eight hundred and fifty-five, being the Time limited for their Completion by the said fourthly-recited Act, and from and after the said Thirty-first Day of *May* One thousand eight hundred and fifty-five the Powers granted for executing the same shall cease to be exercised, except as to so much of the said Works as shall then have been completed.

Time for Construction of Works limited.

LI. As regards all the Works in, over, or affecting Tidal Water which have been already executed or commenced by the Company without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, it shall be lawful for the Lord High Admiral or the said Commissioners, if he or they shall think fit, to order a Survey thereof, at the Cost of the Company, and it shall be lawful for him or them to abate and remove all the same, or such Part or Parts thereof as he or they may deem objectionable, and restore the Site thereof to its or their former State and Condition, and the Cost thereof and of the Survey shall be a Debt due from the Company to the Crown, and if not paid be recoverable, with Costs of Suit.

Works affecting Tidal Water, already commenced or executed, may be abated or removed, if Admiralty think fit.

LII. Previously to constructing the said Railway, or erecting any Structure or Work connected therewith below High-water Mark, the Company shall deposit at the Admiralty Office, *Whitehall*, detailed Plans and Sections of all such Structures or Works, for the Approval of the said Lord High Admiral or the said Commissioners, and such Structures or Works shall be erected or constructed only according to such detailed Plans and Sections as shall be so approved of, such Approval to be signified under the Hand of the Secretary of the Admiralty; and if any such Structures or Works shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and

Plans, &c. to be deposited at Admiralty Office.

[*Local.*]

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remove

Londonderry and Enniskillen Railway Consolidation Act, 1852.

remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty
may order
local Survey,
at Cost of
Company.

LIII. If, after Working Drawings of the Works hereby authorized which affect any Tidal Water or navigable River shall have been submitted to the Lord High Admiral of the United Kingdom or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Abandoned
Works may
be abated or
removed.

LIV. If any Work already constructed or commenced or which may be commenced or constructed by the Company in or across any Tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River or Access thereto shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

As to cross-
ing of Roads
on the Level.

LV. Subject to the Provisions in the said "Railway Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, the Company may carry the said Railway and Works, so far as the same are not already completed, across and on the Level of the several Highways and Roads which were authorized to be so crossed by the said repealed Acts, and which several Highways and Roads are delineated on the Plans and Sections deposited in the Year One thousand eight hundred and forty-nine with the Clerk of the Peace for the County of *Tyrone*, and are on the said Sections described or mentioned as to be crossed on the Level; and the said Company shall, in respect of such several Highways and Roads, be liable and subject to the like Directions, Rules, Regulations, and Penalties as are respectively made applicable to the Highways and Roads between *Omagh* and *Enniskillen* by this Act authorized to be crossed on the Level.

LVI. The

Londonderry and Enniskillen Railway Consolidation Act, 1852.

LVI. The Company may purchase, for the Purpose of the Railway and Works by this Act authorized to be completed, such Quantity of Land as may be necessary for extraordinary Purposes, not exceeding, together with what they may have already purchased, Twenty Acres.

Land for extraordinary Purposes.

LVII. Subject to the Provisions and Restrictions in this Act, and in "The Lands Clauses Consolidation Act, 1845," so far as the same are now applicable to *Ireland*, and in "The Railways Clauses Consolidation Act, 1845," and in "The Railways Act (*Ireland*), 1851," contained, it shall be lawful for the Company to make and construct a Railway, in extension of their present Line of Railway, upon the Lands delineated on the Plan and described in the Book of Reference thereto deposited with the Clerks of the Peace for the Counties of *Tyrone* and *Fermanagh*, and according to the Levels defined on the Section deposited therewith, and to enter upon, take, and use such of the Lands delineated on the said Plan and described in the said Book of Reference as shall be necessary for such Purpose; and it shall be lawful for the Company to enter upon, take, and use, for the Purposes of their Railway between *Londonderry* and *Strabane*, the Lands delineated on the Plan and described in the Book of Reference thereto deposited with the Clerk of the Peace for the City and County of *Londonderry*.

Power to extend Railway.

LVIII. The Railway to be made under the Authority of this Act shall commence by a Junction with the present authorized Line of Railway at a Point close to the Road leading from the said Town of *Omagh* to *Drumquin*, on the authorized Line of the *Londonderry and Enniskillen* Railway, near to the Town of *Omagh* in the Townland of *Gortmore* and Parish of *Drumragh* in the County of *Tyrone*, and shall terminate in the Townlands of *Tonystick* and *Breandrum* in the Parish of *Enniskillen* at or near to the Fairgreen on the South Side of the Town of *Enniskillen* in the County of *Fermanagh*.

Commencement and Termination of Railway.

LIX. Subject to the Provisions in the said "Railways Clauses Consolidation Act" contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized, to carry the same across the several Highways herein-after mentioned on the Level thereof; (that is to say,)

As to Roads crossed on a Level.

The Highways numbered as follows on the Plans herein-before lastly referred to,—

In the Townland of *Edergoole Upper* and Parish of *Drumragh*, 31 :

In

Londonderry and Enniskillen Railway Consolidation Act, 1852.

In the Townland of *Kiltamnagh* and Parish of *Drumragh*, 23:

In the Townland of *Racrane* and Parish of *Donacavey*, 9:

In the Townland of *Galbally* and Parish of *Dromore*, 47:

In the Townland of *Shanmullagh East* and Parish of *Kilskeery*, 3:

In the Townland of *Stranagummer* and Parish of *Kilskeery*, 18:

In the Townland of *Drumclay* and Parish of *Enniskillen*, 38.

Company to
abide by
Regulations
of Board of
Trade with
regard to
level Cross-
ings.

LX. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend any such level Crossing, or shall fail to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of
Trade may
require
Bridges
instead of
level Cross-
ings.

LXI. Provided always, That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Lords shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Lords the best adapted for removing or diminishing the Danger arising from any such level crossing.

Lands for
extraordi-
nary Pur-
poses.

LXII. It shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Extension Line of Railway by this Act authorized to be constructed, not exceeding Twenty Acres.

LXIII. The

Londonderry and Enniskillen Railway Consolidation Act, 1852.

LXIII. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of the said Extension Line of Railway shall not be exercised after the Expiration of Five Years from the passing of this Act.

Limiting
Time for
compulsory
Purchase of
Lands.

LXIV. The Extension Line of Railway by this Act authorized, and the Works connected therewith, shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Limiting
Time for
Completion
of Works.

LXV. The Undertaking of the Company shall consist of the Railway, Tramways, Lands, Buildings, Wharves, Stations, Property, and Works, and the Appurtenances thereto respectively belonging, which at the Time of the passing of this Act were vested in, acquired by, or authorized to be acquired, constructed, completed, and maintained by the Company hereby dissolved, and also of the Railway, Tramways, Lands, Buildings, Stations, Property, and Works, and the Appurtenances thereto respectively belonging, which are by this Act authorized to be acquired, constructed, completed, and maintained by the Company.

The Under-
taking of the
Company
defined.

LXVI. The Company may lawfully demand and receive for the Use of the Railway and Works comprised in their Undertaking any Tolls not exceeding the following; (that is to say,)

Tonnage of
Articles of
Merchan-
dize.

1. In respect of all Tonnage of all Articles conveyed upon the Railway or any Part thereof as follows:

For all Coals, Stones for building, pitching, and paving, Clay, Sand, Dung, Compost, and all Sorts of Manure, Lime, and Limestones, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Coke, Culm, Charcoal, and Cinders, all Bricks, Tiles, Slates, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings, all Lead Ore, Calamine, Black Jack or Blend Ore, Pig and Bar Lead, Sheet Lead, Litharge, Brass and Spelter in Ingots, Copper Ore, burnt or roasted Copper Ore, Regule of Copper, Precipitate of Copper, Cake Copper, Tile Copper, Sheet Copper, or other Articles of Metal not manufactured into Utensils or other Articles of Merchandise,

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per

Londonderry and Enniskillen Railway Consolidation Act, 1852.

per Ton per Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

And for every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence:

And a like Sum of Twopence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Twopence.

Tolls for
Passengers
and Cattle.

2. In respect of Passengers and Animals conveyed upon the Railway, as follows:

For any Person conveyed in or upon any Carriage not belonging to the Company, *per Mile* not exceeding One Penny Halfpenny; and if conveyed in or upon any One Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* not exceeding Threepence; and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Calf, Pig, or Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Farthing.

Tolls for
propelling
Power.

LXVII. The Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized so to be taken.

LXVIII. The

Londonderry and Enniskillen Railway Consolidation Act, 1852.

LXVIII. The following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,) Regulations
as to the
Tolls.

For Persons conveyed in First and Second Class Carriages, or for any Articles conveyed on the Railway for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles :

For a Fraction of a Mile beyond Six Miles or beyond any greater Number of Miles the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile ; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

And with respect to small Packages, and single Articles of great Weight, the Company may lawfully demand and receive the Tolls following ; (that is to say,) Tolls for
small Parcels,
and Articles
of great
Weight.

For the Carriage of any Parcel not exceeding Seven Pounds in Weight, for any Distance not exceeding Twenty Miles, Fourpence ; and where the Distance shall exceed Twenty Miles, Sixpence :

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, for any Distance not exceeding Twenty Miles, Eightpence ; and where the Distance shall exceed Twenty Miles, One Shilling :

For any Parcel exceeding Fourteen Pounds in Weight and not exceeding Twenty-eight Pounds in Weight, for any Distance not exceeding Twenty Miles, One Shilling and Fourpence ; and where the Distance shall exceed Twenty Miles, Two Shillings :

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, for any Distance not exceeding Twenty Miles, Two Shillings ; and where the Distance shall exceed Twenty Miles, Three Shillings :

For

Londonderry and Enniskillen Railway Consolidation Act, 1852.

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregated Quantities, although made up in separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile*:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Maximum
Rates of
Charges for
Passengers.

LXIX. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence Halfpenny *per Mile*:

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Three Farthings *per Mile*:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per Mile*.

For Cattle,
Goods, &c.

LXX. The maximum Rate of Charge to be made by the Company for the Conveyance of Horses, Cattle, Carriages, and Goods, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company), shall not exceed the following Sums:

For every Horse or other Beast of Draught or Burden, except Cattle before classed with Horses, Fourpence *per Mile*:

For Neat Cattle, Threepence *per Head per Mile*:

For every Calf or Pig, One Penny Halfpenny *per Mile*:

For every Sheep, Lamb, or other small Animal, One Penny *per Mile*:

For every Four-wheel Carriage, Sixpence *per Mile*:

For every Two-wheel Carriage, Fourpence *per Mile*:

For

Londonderry and Enniskillen Railway Consolidation Act, 1852.

For Coal, and other Articles herein-before classed therewith, the Sum of Twopence *per Ton per Mile* :

For Coke, and other Articles herein-before classed therewith, the Sum of Twopence Halfpenny *per Ton per Mile* :

For Sugar, and other Articles herein-before classed therewith, the Sum of Threepence *per Ton per Mile* :

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per Ton per Mile*.

LXXI. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company.

Restriction as to Charges not to apply to special Trains.

LXXII. Nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description (other than small Parcels), by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Company may take increased Charges by Agreement.

LXXIII. It shall be lawful for every Passenger travelling upon or along the said Railway in a First-class Carriage to take with him, without Charge, his ordinary Luggage, not exceeding One hundred Pounds in Weight ; and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage, not exceeding Sixty Pounds in Weight ; and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage, not exceeding Forty Pounds in Weight.

Passengers Luggage.

LXXIV. Nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the several Acts respectively herein-after referred to ; (that is to say,) First and Second *Victoria*, Chapter Ninety-eight ; Third and Fourth *Victoria*, Chapter Ninety-seven ; Fifth and Sixth *Victoria*, Chapter Fifty-five ; Seventh and Eighth *Victoria*, Chapter Eighty-five ; Ninth and Tenth *Victoria*, Chapter Fifty-seven ; and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four ; but the Provisions of the said Acts respectively shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway to be subject Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LXXV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the

Railway not exempt from Provisions

[*Local.*]

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Provisions

Londonderry and Enniskillen Railway Consolidation Act, 1852.

of future
General Acts.

Provisions of any General Act relating to this Act, or of any General Act relating to the Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Rates for small Parcels and of the maximum Rates of Fares and Charges authorized by this Act.

Saving the
Rights of the
Irish Society.

LXXVI. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish Society*, the Governors and Assistants, *London*, of the New Plantation of *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Expenses of
Act.

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

Interpreta-
tion of
Terms.

LXXVIII. In this Act the Words "the Company" alone, or "the Company hereby incorporated," shall respectively mean "the *Londonderry and Enniskillen Railway Company*" incorporated by this Act, and "the Undertaking" shall mean the several Railways and other Properties and Rights before defined and vested in or belonging to the Company.

Short Title.

LXXIX. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Londonderry and Enniskillen Railway Consolidation Act, 1852.*"

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