



CHAPTER ccx.

An Act for making certain Railways between the Town of Magherafelt in the county of Londonderry and the Town of Coleraine in the same county; and for other purposes. A.D. 1875.

[11th August 1875.]

WHEREAS the making of certain railways between the town of Magherafelt in the county of Londonderry and the town of Coleraine in the same county would be of local and public advantage, and the persons herein-after named, with other persons and corporations, are willing to undertake the construction of such railway:

And whereas it is expedient that the Company incorporated by this Act should be authorised to run over and use portions of the lines and stations of the Belfast and Northern Counties Railway Company, herein-after called the Belfast Railway Company, or the Belfast Railway, as the case may be, and that the Company and the Belfast Railway Company should be empowered to enter into agreements for the maintenance, working, and use of the railway hereby authorised:

And whereas it is expedient that the Belfast Railway Company should be authorised to construct certain portions of the undertaking:

And whereas plans and sections showing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and 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 clerks of the peace for the counties of Londonderry and Antrim, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas since the said plans and sections were deposited as aforesaid it has been found that it would conduce to the convenience and satisfaction of the owners and occupiers of lands, houses, and other property in and near the town of Kilrea, if the

A.D. 1875. — line of the proposed railway were altered so as to bring it nearer to the said town, and the Company, with the consent of the owners and occupiers of all the lands, houses, and other property that would be required for such alteration, have deposited an amended plan and section showing the line and levels thereof, with books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, with the clerk of the peace for the county of Londonderry, the only county in which such lands are situate, and the said documents are hereinafter referred to as the amended plans :

And whereas the railway will be made through or near to such baronies in the county of Londonderry as are described in the schedule to this Act, and it is expedient that provision be made for a guarantee by those baronies of dividend on a part of the share capital to be raised for construction of the railway (which baronies are in the schedule to this Act referred to as the barony guarantors) :

And whereas it is expedient that the capital should be issued as part preferred capital and part guaranteed capital for a term of twenty-three years after the opening of the whole of the railway as herein-after provided :

And whereas a copy of the Bill for this Act as deposited in the Private Bill Office of the House of Commons was submitted to the grand jury of the city and county of Londonderry, and to the presentment sessions for the baronies named in the said schedule to this Act, and to the Poor Law Guardians of the unions named in that schedule, and was approved by a majority of the members of those respective bodies present at such meetings :

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 by the Queen's most Excellent Majesty, by and with the 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 Derry Central Railway Act, 1875."

Provisions of certain general Acts incorporated. 2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock), of the "Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating

to the construction of a railway) and Part III. (relating to working agreements) of "The Railway Clauses Act, 1863," "The Railways Acts (Ireland), 1851, and 1860, and 1864," and "The Railways Traverse Act," shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

A.D. 1875.

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; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; the word "owner" has in this Act the same definition and meaning as are assigned to the word "landowner" in and by "The Improvement of Land Act, 1864."

Interpre-
tation of
terms.

4. Sir Henry Hervey Bruce, Bart., James Johnstone Clark, Daniel Taylor, John Adams, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Derry Central Railway Company, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Derry Central Railway."

Incorpora-
tion of Com-
pany.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act will be situate in the counties of Londonderry and Antrim, and are—

Power to
make railway
according to
deposited
plans.

Railway No. 1, 28 miles 5 furlongs and $6\frac{3}{4}$ chains in length, commencing by a junction with the Belfast Railway at a point opposite the west end of the goods stores of the Belfast and Northern Counties railway station at Magherafelt, in the townland of the Town parks of Magherafelt in the parish of Magherafelt and county of Londonderry, and terminating by a

A.D. 1875.

junction with the same railway at a point 373 yards measured in a north-westerly direction along the said railway from the centre of a public road level crossing known as the Macfinn Crossing in the townland of Macfinn Lower in the parish of Ballymoney and county of Antrim :

Railway No. 3, 2 furlongs 1 chain in length, commencing by a junction with the Belfast Railway and with Railway No. 2, at its termination aforesaid, and terminating in a field, belonging or reputed to belong to and in the occupation of Doctor Church, at a point 75 yards south of the centre of the western doorway of the booking office hall of the Belfast Railway passenger station at Coleraine in the townland of Coleraine, and suburbs, in the parish of Coleraine, in the county of Londonderry :

Notwithstanding anything contained in the deposited plans, Railway No. 1 shall, from about $1\frac{1}{2}$ chains north of the point marked 15 miles upon the said plans to about 6 chains north-west of the point marked 16 miles one furlong thereon, be made and maintained in accordance with an amended plan and section signed by Henry Cecil Raikes, the Chairman of Ways and Means of the House of Commons, to whom the Bill was referred in its progress through that House, duplicates of which plan and section have been deposited in the Office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons, and in the office of the clerk of the peace for the county of Londonderry.

Deposit of plans with clerk of union.

6. With reference to this Act, all the provisions of sections 7, 8, and 9 of "The Railway Clauses Consolidation Act, 1845," shall be used and construed as if the expression "clerk of the union within which such parishes are included in Ireland," or the words "clerk of the union" (as the case may be) had been used and inserted in such sections in lieu of the expressions "the postmaster of the post towns in or nearest to such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Payment of purchase money to limited owners of shares in certain cases.

7. The Company may, with the consent of any limited owner, pay any purchase money payable to such limited owner in respect of any lands purchased or taken under the authority of this Act by the issue to such limited owner of as many shares in the capital of the Company as shall be equal in nominal amount to such purchase money, and such shares shall be deemed to be shares fully paid up. Such shares shall be held upon the like uses, trusts, and for the same purposes and in the same manner as the lands in respect of the purchase money for which such shares were issued stood settled. The Company shall, with respect to such shares, make an entry or memorial in their registry of shareholders of the uses, trusts, and

purposes aforesaid, and subject to the uses, trusts, and purposes affecting such shares, the limited owner for the time being in respect thereof shall have all the other rights and powers of a shareholder in the Company: Provided always, that the Company shall not be bound to see to the application of any dividend received by such limited owner. The term "limited owner" in this section, and in the following section, shall mean any person or persons by whom the powers of sale conferred by section 7 of "The Lands Clauses Consolidation Act, 1845," may, under the authority of the said section, be lawfully exercised: Provided also, that no such payment by shares to a limited owner under this section shall be made until a certificate approving thereof shall have been granted by an inspecting engineer or engineers, or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such owner, or of the Company, to make such appointment; and the cost relating to such nomination and appointment, inspection and certificate, shall be paid by the Company as the Commissioners shall direct.

A.D. 1875.

8. It shall be lawful for the limited owners (as herein-before defined) of any land which the Company are authorised to take for the purposes of the railway or works which they are authorised to construct, to grant, transfer, or convey the same, or any portion thereof, to the Company free of cost; and such grant, transfer, or conveyance shall confer a good title to the lands described therein: Provided always, that no such grant, transfer, or conveyance by a limited owner under this section shall be made until a certificate approving thereof shall have been granted by an inspecting engineer or engineers, or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such limited owner, or of the Company, to make such appointment; and the costs relating to such nomination and appointment, inspection and certificate, shall be paid by the Company as the Commissioners shall direct.

Limited owners of land may grant same free of cost to the Company with consent of Commissioners of Public Works.

9. The capital of the Company shall be two hundred and twenty thousand pounds, divided into twenty-two thousand shares of ten pounds each, and such shares shall be issued as, and consist of, the following classes, and shall rank and bear interest in the same order:—

Capital.

A, or preferred shares	-	-	£85,000
B, or county guaranteed shares	-	-	£45,000
C, ordinary shares	-	-	£90,000
			<u>£220,000</u>

A.D. 1875.

Shares not to issue till one fifth paid up.

10. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

11. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts of persons not sui juris.

12. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow money on mortgages under regulations herein described.

13. The Company may from time to time, in manner hereinafter provided, borrow on mortgage any sums not exceeding in the whole one hundred thousand pounds; that is to say, when and so soon as the sum of ten thousand pounds, part of the capital of two hundred and twenty thousand pounds, shall have been issued, accepted, and paid up, the Company may borrow on mortgage any sum not exceeding ten thousand pounds; and so often as any further and additional sum of ten thousand pounds shall in like manner have been issued, accepted, and paid up, the Company may borrow a further sum of ten thousand pounds, until they shall have borrowed the total sum thereby authorised to be borrowed, but no part of the said several sums hereby authorised to be borrowed shall be borrowed until the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845" (before he so certifies) that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued, accepted, and paid up; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

14. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Debenture stock.

15. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act,

[38 & 39 VICT.] *The Derry Central Railway Act, 1875.* [Ch. ccx.]

1863," but notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. A.D. 1875.

16. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application of moneys.

17. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

18. The quorum of every meeting of the Company shall be seven proprietors holding in the aggregate not less than one twentieth of the nominal capital of the Company. Quorum of general meetings.

19. The number of directors, other than those nominated by the grand jury and the said Belfast Railway Company, shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three; and when and so soon as the Belfast Railway Company shall have entered into an agreement under section 47 of this Act, the Belfast Railway Company shall appoint one additional director, but such director need not be a shareholder in the undertaking. Number of directors.

20. Every appointment of director made by the Belfast Railway Company shall be in writing, under the seal of that Company, and be deposited with the secretary of the Company, and every director so appointed shall immediately thereupon enter upon his office and continue therein at the will and pleasure of the Belfast Railway Company without being subject to re-election with the other directors, but such appointment may be revoked or annulled and another substituted by the Belfast Railway Company at any time they think fit. The omission of the Belfast Railway Company to appoint a director shall not invalidate the acts of the Company. Provisions as to appointment of director by Belfast Railway Company.

21. The qualification of a director, other than those nominated by the said Belfast Railway Company and the grand jury of the city and county of Londonderry as herein-after provided, shall be the possession in his own right of not less than fifty ordinary shares. Qualification of directors.

22. The quorum of a meeting of directors shall be three, and if the number of directors is reduced to three the quorum shall be two. Quorum of directors.

23. Sir Henry Hervey Bruce, Bart., James Johnstone Clark, Daniel Taylor, and John Adams, and one person to be nominated First directors.

[Ch. ccx.] *The Derry Central Railway Act, 1875.* [38 & 39 VICT.]

A.D. 1875.

Election of directors.

by them, or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act, or nominated as aforesaid, being, if qualified, eligible for re-election; and if at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the powers herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Land for extraordinary purposes.

24. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the "Railways Clauses Consolidation Act, 1845," shall not exceed twenty acres.

Powers for compulsory purchases limited.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

26. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next hereinafter mentioned; (that is to say,)

No. on Plan.	Townland.	Description of Road.
13	Ballyheifer - - - -	Public road.

Height and span of bridges.

27. The Company may make the arches of bridges for carrying the railway over the roads next hereinafter mentioned of any

[38 & 39 VICT.] *The Derry Central Railway Act, 1875.* [Ch. ccx.]

heights and spans not less than the heights and spans herein-after A.D. 1875.
mentioned in connexion therewith respectively; (that is to say,)

No. on. deposited Plans.	Townland.	Description of Road.	Height.	Span.
	Railway No. 1.			
31	Upperland - - -	Public road	—	20 ft.
2	Dunlady - - -	”	13 ft.	—
67	Killygullib Glebe - - -	”	13 ”	—
25	Drumane - - -	”	—	20 ”
3	Ballyagan - - -	”	13 ft.	—
35	Carrowreagh - - -			
12	Ballygawley - - -	”	13 ”	20 ”

28. Whereas, pursuant to the standing orders of both Houses of Parliament, and an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of twelve thousand one hundred and ten pounds New Three per Cent. Bank Annuities, being five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been transferred to 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 of twelve thousand one hundred and ten pounds New Three per Cent. Bank Annuities so transferred 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 period limited by this Act for completion of the railway, either open the railway 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 this Act authorised to be raised by means of shares, and have expended for the purposes of this Act 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 railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, then the said sum of stock transferred 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

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

A.D. 1875. — this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Court of Chancery may order payment of surplus deposit.

29. The Court of Chancery may order that so much of the said sum of twelve thousand one hundred and ten pounds Three Pounds per Centum Bank Annuities as was at the time of the said transfer equal to five per cent. upon the sum of fifteen thousand one hundred and ninety-nine pounds eight shillings and tenpence, being the estimated cost of the construction of a railway not now intended to be constructed by the Company under this Bill, and any dividends thereon, may be transferred and paid to the Company, or to such person or persons as the Company may appoint on that behalf; and upon such order being made, such portion of the said sum of twelve thousand one hundred and ten pounds Three Pounds per Centum Bank Annuities as was at the time of the said transfer equal to five per centum upon the said sum of fifteen thousand one hundred and ninety-nine pounds eight shillings and tenpence, and the dividends thereon, shall be transferred and paid to the Company, or to such person or persons as the Company shall appoint.

Providing for application of deposit.

30. The said sum of stock transferred 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 railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, 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 said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then that the said sum of money, 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, or 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 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: Provided that until the said sum of stock has been re-transferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them. A.D. 1875.

31. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

32. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,) In respect of passengers and animals conveyed in carriages upon the railways or any part thereof, as follows: Tolls.

For every person conveyed in or upon any such carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one halfpenny: Passeng

Class I. For every horse, mule, ass, or other beast of draught or burden, and for any ox, cow, bull, or other cattle conveyed in or upon any such carriage, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny: Animals.

Class II. For every calf, pig, sheep, or other small animal conveyed in or upon any such carriage, per mile one penny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one farthing:

In respect of goods or other things conveyed on the railway:

Class III. For all coal, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads and highways, all stone for building, pitching, and paving, tiles, slates, and clay, per ton per mile one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny: Tolls for goods.

Class IV. For all coke, culm, charcoal, and cinders, ironstone, iron ore, and pig iron, bricks, salt, sand, fire clay and

A.D. 1875.

stone, or other articles of merchandise, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny :

Class V. For all sugar, grain, corn, flour, meal, hides, flax, tow, linen and linen yarns, timber, staves, and deals, nails, sheet iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, 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 :

Class VI. For all cotton and other wools, drugs, manufactured goods, and metals (except iron and tin), dyewoods, earthenware and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

Class VII. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, sixpence per mile; and if weighing more than one ton, a further sum of one penny halfpenny 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 carried or conveyed on a truck or platform belonging to the Company, an additional sum not exceeding twopence per mile.

Tolls for propelling power.

33. The toll which the Company may demand for the use of engines for propelling carriages on the railways 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 authorised to be taken.

Regulations as to tolls.

34. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act; that is to say,

Short distances.

For all passengers, animals, minerals, or goods conveyed on the railways for a less distance than four miles, the Company may demand and receive the before-mentioned tolls as for four miles :

Fractional parts of a mile.

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods 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 : A.D. 1875.

For a fraction of a ton the Company may demand toll according to the number or 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 : Fractional parts of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight : General weight.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

35. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following ; that is to say, Tolls for small parcels and great weights.

For the carriage of small parcels on the railways :

For any parcel not exceeding seven pounds in weight, threepence :

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence :

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, the Company may demand any sum they think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, 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 one shilling per ton per mile ; and if conveyed by carriages belonging to the Company, an additional sum per ton per mile not exceeding sixpence :

A.D. 1875.

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.

The maximum rates for passengers.

36. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways, and of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence a mile :

For every passenger conveyed in a second-class carriage, twopence a mile :

For every passenger conveyed in a third-class carriage, one penny a mile.

Maximum rates for animals and goods.

37. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where any such service is performed by the Company, shall not exceed the following sums ; (that is to say,)

For every animal mentioned in Class I., per mile threepence :

For every animal mentioned in Class II., per mile one penny halfpenny :

For the articles and goods mentioned in Class III., per ton per mile one penny halfpenny :

For the articles and goods mentioned in Class IV., per ton twopence :

For the articles and goods mentioned in Class V., per ton per mile threepence :

For the articles and goods mentioned in Class VI., per ton per mile fourpence :

For any carriage mentioned under Class VII., not weighing more than one ton, sixpence per mile ; if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

38. Every passenger travelling upon the railways may take with him his ordinary luggage, not exceeding one hundred and twenty

pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. A.D. 1875.

39. No station shall be considered a terminal station in regard to any goods conveyed on the railways, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal station.

40. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways. Foregoing charges not to apply to special trains.

41. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

42. The Company and all companies and persons lawfully using the railways of the Company may run over and use, with their engines and carriages of every description, and with their clerks, officers, and servants, the railway and undertakings, or portions of railways and undertakings herein-after mentioned, together with the stations, watering places, and supplies, &c., booking offices, warehouses, landing places, sidings, works, telegraphs, machinery, standing room for engines, and conveniences connected therewith respectively; (that is to say,) Running powers to Company and certain other companies.

So much of the Belfast Railway now existing or hereafter to be constructed as lies between the station of the said railway at Coleraine and the junction of the said railway No. 1 with the Belfast Railway near Macfinn, together with the stations and lines of railway of the said Company at and near the stations of Magherafelt, Macfinn, and Coleraine.

43. The Belfast Railway Company shall retain the full and entire control, regulation, and management of their passenger stations at Magherafelt, Macfinn, and Coleraine, and the Company shall not employ their own clerks, officers, and servants therein, but the Belfast Railway Company shall perform all such services and duties as may be necessary or reasonable for the convenient Regulation of traffic; Magherafelt, Macfinn, and Coleraine stations.

A.D. 1875. — conduct of the traffic of the Company in the said passenger stations, upon payment of such charges for the same as may be agreed upon between the two Companies; and if any difference shall arise between the Companies as to the amount of such payments, or as to the nature, extent, and sufficiency of the services and duties so to be performed, such difference shall from time to time be settled by an arbitrator to be mutually agreed on, or failing agreement by an arbitrator appointed by the Board of Trade, and the arbitrator to whom the matter may be referred may determine the amount of such payments, and prescribe what duties and services shall be performed, and the awards from time to time of the arbitrator shall be binding upon the Companies, and shall be obeyed by them respectively.

Conditions imposed before exercise of powers over the Belfast Railway.

44. For the protection of the Belfast Railway Company and their undertaking, be it enacted as follows:

(a.) The several junctions between the railway and the Belfast Railway shall be made at such spots within the limits of deviation shown upon the deposited plans as the Belfast Railway Company shall reasonably approve:

(b.) The Belfast Railway Company shall make such alterations in and additions to their said stations and lines of rail at or near Magherafelt, Macfinn, and Coleraine, or between Macfinn and Coleraine, and the conveniences connected therewith, as shall enable the Company to exercise the powers hereby granted to them in respect of such lines, stations, and conveniences or the user thereof, and shall construct such sidings, and in particular the sidings called in this Act railway No. 3, and such other conveniences as such exercise may render necessary for the accommodation of the traffic of the Company and of the Belfast Railway; and the Company in respect of the expenses of and attending all such alterations, additions, and works respectively, including the purchase of the additional necessary land, shall make such payment and compensation to the Belfast Railway Company as shall be agreed upon, or if not agreed, be settled by arbitration:

(c.) The Company shall not purchase and take any part of the land or property of the Belfast Railway Company, but the Company may purchase and take an easement or right of using so much of the land of that Company as may be required for the purposes and subject to the conditions herein-before mentioned; and the consideration to be paid by the Company to the Belfast Railway Company for such

easement shall, in default of agreement, be settled by arbitration in manner herein-after mentioned :

A.D. 1875.

- (d.) Any difference which may from time to time arise between the Company and the Belfast Railway Company concerning the necessity for or nature of such increased accommodation, or concerning the cost thereof, inclusive of the purchase of land necessary for the purpose thereof, or concerning any other matter provided for in this enactment, or incidental thereto, shall be determined by the arbitration of some person to be agreed upon between the Company and the Belfast Railway Company, or, if they cannot agree upon an arbitrator, then of some person to be nominated by the Board of Trade, on the application of either party; and the provisions of the "Railway Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration shall apply so far as the same are applicable to every such arbitration.

45. In using or traversing under the powers of this Act the said portion of the Belfast Railway, and the said stations at Magherafelt, Macfinn, and Coleraine, and the conveniences connected therewith respectively, the regulations and byelaws of the Belfast Railway Company shall, so far as the same are applicable to the Company or persons exercising the said powers, be at all times observed.

Byelaws of Belfast Company to be observed.

46. The terms, conditions, and regulations to which the Company and the said Belfast Railway Company shall be subject in respect of the use by them respectively of the railways and undertakings or portions of railways and undertakings under the powers conferred upon them respectively by this Act, and the tolls or other consideration to be paid by them for the same shall, if not agreed upon between them respectively, be from time to time determined by an arbitrator to be appointed by the common consent of the parties in difference, or in default of such consent to be appointed by the Board of Trade on the application of any such party, and the decisions of such arbitrator shall be binding and conclusive on the said parties, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct; and either of the said parties who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other party any sum not exceeding fifty pounds for every such offence, and not exceeding twenty pounds for every day during which such offence shall continue.

Terms on which powers conferred by preceding section to be exercised.

47. The Company and the Belfast Railway Company may, subject to the provisions of Part III. of "The Railway Clauses

Working and traffic arrange-

A.D. 1875.

ments with
Belfast
Railway
Company.

Act, 1863," as amended or varied by the "Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management by the Belfast Company of the railways of the Company, or any one or more of them, or any part thereof respectively, and the respective rights of each company for user and enjoyment of such railways and works :

The use or working of the railways, or of any part thereof, and the conveyance of traffic thereon :

The supply of any rolling or working stock and machinery, and the employment of officers and servants :

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, revenues, and levies, taken or arising in respect of traffic :

The payment and allowances to be made, and the conditions to be performed, with respect to the matters aforesaid.

Tolls on
traffic con-
veyed partly
on the rail-
way and
partly on
the railways
of the Belfast
Company.

48. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Belfast Company, the railways of the Company and of the Belfast Company shall, for the purpose of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the Belfast Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods, partly on the railways and partly on the railways of the Belfast Company.

Appropriation of the receipts.

49. The net receipts of the undertaking, after defraying the management and working expenses thereof, with the interest upon all debenture stock and mortgages and rentcharge (if any), shall be apportioned to the purposes and in the order following; that is to say,

1st. In paying interest not exceeding five per cent. upon the preference capital, or A shares	£ 85,000
2nd. In paying interest not exceeding five per cent. upon the county guaranteed capital, or B shares	45,000
3rd. In paying interest not exceeding five per cent. upon the ordinary capital, or C shares	90,000
	<hr/> £220,000 <hr/>

A.D. 1875.

If any surplus remains after the payment in full of a dividend of five per cent. upon all the three classes of shares herein-before mentioned, and the baronies shall have at any time previously contributed as herein-after provided any sums of money to make up the dividends guaranteed as aforesaid upon the B shares, such surplus shall be paid over to the said baronies until the amount so paid to the said baronies shall be equal to the full amount received from them for the purposes aforesaid; and in the further event of any additional surplus remaining after all the sums received from such baronies shall have been repaid, such surplus shall be apportioned among the ordinary shareholders.

50. It shall be lawful for the baronies following, that is to say, the town and liberties of Coleraine, the half barony of Coleraine, and the barony of Loughinshollen, all in the county of Londonderry, severally and respectively, and they are hereby required, for the period of twenty-three years after the opening of the whole of the railway for public traffic, in the circumstances and on the conditions herein-after mentioned, to contribute such sums as may be required to make up a dividend at the rate of five pounds per cent. per annum upon a total of forty-five thousand pounds B shares, part of the capital of two hundred and twenty thousand pounds herein-before authorised.

Contributions by grand jury of city and county.

(a.) If and whenever in any half year after the railway has been opened, and the net receipts arising therefrom apportioned as herein-before provided, the said net receipts shall not be sufficient to pay a dividend at the rate of five per cent. per annum upon the said "B" shares guaranteed by the baronies as aforesaid, the said baronies shall contribute half-yearly such sums as may be required to make up a dividend at the rate of five per cent. per annum upon the said B shares, and the sum so required shall be raised and levied by the grand jury on and from the baronies aforesaid:

Provided always, that nothing in this Act contained shall authorise the levy in any one year of a rate exceeding threepence per pound on the rateable value of property in such baronies for the purposes of this Act.

51. For the purpose of ascertaining what are the net profits from the said railway, and what sum of money (if any) the said several baronies in the county of Londonderry are to contribute for the purposes aforesaid, the Board of Trade and the grand jury for the city and county of Londonderry shall, upon the request of the Company from time to time, after the opening of the said railway,

Appointment of arbitrators for ascertaining total amount to be paid by the baronies.

A.D. 1875. — each appoint, by writing under the hands of their respective secretaries for the time being, one person to act as arbitrator, and respectively supply the place of any such arbitrator dying, resigning, or refusing, or failing or becoming incapacitated to act.

Duties of arbitrators.

(a.) And such arbitrators shall from time to time ascertain and determine for each half year the amount of the net receipts from such railway applicable to the payment of dividends in the manner herein-before provided, and shall also assess and determine the total amount in which any half-yearly sums required for these purposes shall be paid and made up by the baronies liable to pay the same, and the several matters so ascertained and determined shall be set forth in a certificate in writing under their hands, and (in case they are unable to agree) under the hands of any umpire to be appointed by such arbitrators; and such certificate shall be delivered to the Company, and the Company shall thereafter pay to such arbitrators and umpire their costs and expenses, and any remuneration for their trouble in regard thereto as the Board of Trade shall order and direct; and immediately after the delivery of any such certificate to the Company, the Company shall cause to be delivered a copy thereof certified in like manner to the secretary of the grand jury of the city and county of Londonderry, as by this Act directed; and every such certificate shall be in all respects final and binding on the said city and county and baronies, and all lands and hereditaments or premises therein respectively shall be and the same are hereby charged and made chargeable with the payment of such half-yearly sums specified and set forth in such certificate.

(b.) If the said grand jury fails to appoint an arbitrator at the assizes next after such request of the Company made in writing under the hand of their secretary, ten days at least previous to the first day of such assizes, the Board of Trade, upon the request of the Company, shall appoint a person to act as such arbitrator on their behalf, and the Board shall have the like powers as to any remuneration for his trouble in all respects as if he had been appointed by the said grand jury.

Accounts to be rendered by the Company.

52. For the purpose of ascertaining the receipts from the said railway, and the working expenses thereof, and the profits of the same (if any) applicable to the payment of dividend as aforesaid, the Company shall from time to time, on or before the first day of

May and the first day of November in every year, make out and render to the arbitrators a full, true, and distinct account of all the receipts of every nature and kind arising in any manner from the railway, and of the expenditure thereof, for the then preceding half-year ending the thirty-first day of December and the thirtieth day of June in each year, which account the said arbitrators or umpire shall and they are hereby authorised and empowered to examine, with the documents and vouchers evidencing the same, and all books, papers, and accounts in the custody and control of the Company relating to the business of the Company, and all such accounts, documents, vouchers, books, and papers shall be kept by the Company, who shall, upon the request of the said arbitrators or umpire, from time to time produce the same to such arbitrators or umpire for examination, and such arbitrators or umpire may (if they or he think fit) employ an actuary or accountant to assist them or him in such examination from time to time at the costs and expenses of the Company, and the Company shall at all times keep proper and correct books of account to show the receipts and profits on the railways, and the expenditure thereof, and the arbitrators or umpire, so long as the said barony contributions may continue, shall at all reasonable times have access to such books of account, and may take extracts therefrom, and the Company shall during the said period send duplicate returns to the said arbitrators or umpire of the accounts which they are bound by any Act of Parliament now in force, or that may hereafter be in force, to transmit to the secretary of the grand jury. And the said arbitrators or umpire shall adjust and balance the said accounts, and as to all matters relating to the said accounts, or what shall be considered as gross receipts from traffic or net profits from traffic, their decision, or the decision of the umpire to be appointed by them as aforesaid, shall in all respects be final and conclusive on all points.

A.D. 1875.

53. The arbitrators or umpire shall from time to time deliver the certificates by this Act directed to be prepared by them to the secretary of the grand jury of the city and county of Londonderry, who shall lay the said certificates or copies thereof before the said grand jury at the assizes next after he shall have received the same; and it shall be lawful for the said grand jury, and they are hereby required from time to time and without application to presentment sessions, to present the sum mentioned in such certificates to be raised and levied off such baronies, and the same shall be assessed, raised, and levied in like manner as and together with and as part of any presentment made under the authority of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter 116,

Treasurer of
the city and
county to
pay over
contribu-
tions.

A.D. 1875.

and any Act or Acts amending the same. And the treasurer of such city and county shall out of the first moneys collected and remaining in his hands after repayment of government advances, gaol expenses, and salaries of public officers payable by him, pay the sums so presented by the said grand jury to the secretary of the Company, or in such other manner as the said Company shall direct; and if the said grand jury shall fail to present the sum or any part thereof contained in any such certificate, the treasurer of the said county shall and he is hereby required to insert such sum or such omitted parts thereof in his warrant for raising the moneys presented at the same assizes as if such sum had been duly presented by such grand jury to be raised in manner herein-before mentioned off such baronies as aforesaid, and the same shall be raised and levied off such baronies accordingly as if the same had been so presented, and the said treasurer shall pay over the amounts when by him received as herein-before provided, as if such moneys had been presented by such grand jury.

Cessation of barony contributions.

54. After the expiration of twenty-three years from the opening of the whole of the said railway for public traffic, or when and as soon as the Company by deed under their common seal (which with the consent in writing of the holders for the time being of the said guaranteed capital, or of such part or parts thereof as shall have been subscribed for, they are hereby empowered to execute) shall have relieved the said baronies from all further liability (whichever shall first happen) the liabilities of the said baronies therein shall cease.

Grand jury of city and county of Londonderry may appoint director.

55. Provided also, that at any assizes after the passing of this Act it shall be lawful for the grand jury of the city and county of Londonderry (if they think proper so to do) to nominate and appoint by presentment one person, who need not be a shareholder of the Company, to be a director of the said Company; and the said grand jury shall at all times thereafter during the liability of the said baronies in the said county to contribute, nominate and appoint (if they think fit so to do) any other person to be a director in the place of any director appointed by such grand jury who may die or resign, or become disqualified or incompetent to act as a director, or cease to be a director from any other cause whatever.

Conditions of bond by collectors of grand jury.

56. The defeasance of every bond of a collector of grand jury cess within any or either of the baronies liable to the barony contributions to be hereafter given or executed by way of security for duly collecting and paying public money, shall contain a condition for his duly collecting and paying to the treasurer of the said county, on or before each next succeeding assizes, all such money

as he shall from time to time be authorised to levy under this Act and such bonds shall be subject to all provisions now applicable to bonds given or executed by collectors of grand jury cess.

A.D. 1875.

57. The grand jury of the said city and county of Londonderry shall also present such sum of money to be levied off every such barony as aforesaid, and to be paid to any such collector as aforesaid as his remuneration for collecting such assessment, as is payable in the case of the collection of grand jury cess.

Remuneration to collectors.

58. In all cases where any moneys are, under the provisions of this Act, made payable by the Company to the treasurer for the time being of the said city and county, or to the baronies, such treasurer, in default of payment thereof by the Company, may recover the same with full costs of suit by action in any court of competent jurisdiction; and in any such action the treasurer for the time being of the said city and county shall be the nominal plaintiff, and as such entitled to sue on behalf of the county; and no such action shall abate or be discontinued by reason of the death, removal, or resignation of any such treasurer; and all moneys received or recovered by such treasurer, under the provisions of this Act, shall be carried by him to the credit of the baronies, in proportion to the amounts paid by them respectively under the provisions of this Act.

As to actions by treasurer of city and county.

59. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on calls paid up.

60. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or execute any other work or undertaking.

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

61. Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates

Railways not exempt from provisions of present and future general Act.

[Ch. ccx.] *The Derry Central Railway Act, 1875.* [38 & 39 VICT.]

A.D. 1875. — of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

62. All the 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.

SCHEDULE herein-before referred to.

BARONIES GUARANTORS.

COUNTY OF LONDONDERRY.

The following baronies in the county of Londonderry:—

The half barony of Coleraine,

The town and liberties of Coleraine and Loughinshollen.

The following Poor Law Unions or part of Unions in the same county; that is to say,

Magherafelt,

Coleraine,

Ballymoney.