CHAPTER lxxvii.

An Act for making a Railway to connect the Belfast and Northern Counties Railway with the Harbour of Carrickfergus; and for other purposes. [3rd July 1882.]

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WHEREAS the making of a railway to connect the railway of the Belfast and Northern Counties Railway Company (herein-after called the "Belfast Company") with the harbour of Carrickfergus would be of local and public advantage:

And whereas the persons herein-after named with others are willing at their own expense on being incorporated into a company (in this Act referred so as "the Company") to carry the proposed undertaking into effect:

And whereas it is expedient that the Belfast Company and the municipal commissioners of the borough of Carrickfergus (herein-after called "the Municipal Commissioners") or either of them should be authorised to subscribe towards and hold shares in the capital of the Company or to lend the Company money on mortgage and to apply their corporate funds for such purposes and that the Company of the one part and the Belfast Company of the other part should be authorised to enter into agreements and arrangements as herein-after expressed:

And whereas the said railway will tend to develop the trade of the port and harbour of Carrickfergus and will render remunerative the large sums which have been expended thereon by the Carrickfergus Harbour Commissioners (herein-after called "the Harbour Commissioners") and it is expedient that the Harbour Commissioners be authorised when and so soon as the whole of the railway is completed and opened for public traffic to pay to the Company the sum of one penny per ton for all goods conveyed upon the railway or any part thereof either to or from the harbour of Carrickfergus and upon which goods the Harbour Commissioners shall have received harbour dues.

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And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act were duly deposited with the clerk of the peace of the county of the town of Carrickfergus and are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the Carrickfergus Harbour Junction Railway Act 1882.

Provisions of General Acts herein named incorporated.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
14 & 15 Vict. c. 70.
8 & 9 Vict. c. 20.
23 & 24 Vict. c. 106.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
31 & 32 Vict. c. 70.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Act 1845 as amended by the Railways Act (Ireland) 1851 the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 and the Railways Traverse Act and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act The expression "the railway" means the railways by this Act authorised.

As to deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions "within which such parishes are included in Ireland" or the words "clerks of the unions" (as the case may be) had been used and inserted in such sections in lieu of the expression "the postmasters

" of the post towns in or nearest such parishes in Ireland " or in lieu of the word " postmasters " (as the case may be).

Company incorporated.

5. Marriott Robert Dalway John Jellie Alexander Johns James Taylor Reid James Logan and David Gray 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 " Carrickfergus Harbour Junction 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.

Power to make railways.

6. Subject to the provisions of this Act the Company may make and maintain in the lines 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 are—

Railway No. 1 Three furlongs six chains and eighteen yards or thereabouts in length commencing on the west pier of the harbour of Carrickfergus now in the course of construction at a point four hundred and twelve yards south-east of the door of the salt store at the shore end of the said west pier in the townland of the town of Carrickfergus and terminating at a point thirty yards westward of the west corner of the south-west gable of the Roman Catholic chapel in the townland of West Division :

Railway No. 2 Three furlongs nine chains and five yards or thereabouts in length commencing at the termination of the railway No. 1 herein-before described and terminating at a point on the line of the Belfast and Northern Counties Railway one hundred and thirty-three yards eastward of the eastern end of the southern parapet wall of the bridge carrying the said Belfast and Northern Counties Railway over the Woodburn river :

Railway No. 3 (delineated on the deposited plans and described in the deposited books of reference as Railway No. 4) Two furlongs and seventeen yards in length commencing on the

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old quay of Carrickfergus Harbour at a point one hundred and thirty-five yards south-east of the south-west corner of the old Independent meeting house at Carrickfergus and terminating by a junction with Railway No. 1 at a point two furlongs and eighteen yards from the commencement of railway No. 1:

For the protection of the Windmill Hill property.

7. Whereas the railways Nos. 1 and 2 by this Act authorised will be constructed through the Windmill Hill property now belonging or claimed to belong to George McAuliffe therefore for the protection of the said George McAuliffe his heirs and assigns or other the owner or owners for the time being of the field numbered on the deposited plans [1] in the townland of West Division and parish of Saint Nicholas all of whom are herein-after included in the expression "the owners" the following provisions shall have full force and effect:—

1. The Company shall not purchase any land except by consent further west of the east boundary of the owners' property (marked 1 on the deposited plans) in the townland of West Division and parish of Saint Nicholas than as herein-after expressed videlicet (1) At the point three furlongs five chains from the commencement of Railway No. 1 sixty-five feet west of the eastern boundary (2) At the point two chains and a-half from the commencement of Railway No. 2 one hundred and thirty-five feet west of the eastern boundary (3) At the point seven chains from the commencement of Railway No. 2 forty-five feet west of the eastern boundary:
2. If the owners shall by notice in writing require the Company to erect a bridge over the railway at some point in the Windmill Hill property to be indicated in such notice the Company shall construct such bridge accordingly with all reasonable despatch after the receipt of such notice:
3. The said bridge shall be of the clear width of thirty-five feet or any such less width as may be required by such notice and the said bridge shall be constructed with a span sufficient to clear the railway of the Company and with a clear headway which shall not be less than the headway of the nearest existing bridge upon the Carrickfergus and Larne Railway The proper cost of constructing such bridge in the event of such notice shall be repaid to the Company by the said owners on demand Provided also that one-half of the estimated cost of such bridge shall be paid to the Company before they are required to commence the work and when and so soon as the work shall be completed to the extent of

one-half the owners shall pay to the Company the remaining one-half of such estimated cost before the Company shall be required to proceed with the remainder of such work Provided that the Company shall not be obliged to acquire any land in addition to that by this Act authorised to be taken:

4. The Company shall in constructing their railway on the property of the said owners make all reasonable and proper provision for the drainage thereof under the railway and if at any time after the opening of the railway the owners shall require to construct any additional sewers drains or pipes under the railway they shall be at liberty so to do under the supervision and to the reasonable satisfaction of the engineer of the Company Provided that the owners as aforesaid shall at all times save harmless and indemnify the Company from and against all loss costs damages and expenses which they may sustain or be put to by reason of any injury to their property or the property of adjoining owners in consequence of the construction of any such sewers drains or pipes:

5. Any portions of the railway by this Act authorised to be constructed on or over the works or property of the Carrickfergus Harbour Commissioners shall be carried out as may be agreed on between the said Commissioners and the Company and failing such agreement the same shall be carried out in such manner as may be ordered by an officer to be appointed by the Board of Works on the application of either party:

6. Nothing in this Act shall be deemed to prejudice or affect any claim of the owners as aforesaid to compensation or further accommodation works.

As to alteration of certain road.

8. Notwithstanding anything shown on the deposited plans and sections in altering for the purposes of this Act the public road numbered on the deposited plans and sections 13 in the townland of the town of Carrickfergus and parish of Saint Nicholas otherwise Carrickfergus the Company shall not lower the surface of the said road to any greater extent than one foot and shall not alter the inclinations of such road so as to make them greater than one foot in fifty feet Provided that the Company shall not be compelled to construct the bridge for carrying the railway over the road with an arch of a greater height than thirteen clear feet.

Capital.

9. The capital of the Company shall be seven thousand five hundred pounds in seven hundred and fifty shares of ten pounds each.

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Shares not to be issued until one-fifth part thereof shall have been paid up.

10. The Company shall not issue any share created under the authority of this Act, nor shall any 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 shall have been 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 least shall be the interval between successive calls, and four-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Power to Belfast Company to subscribe to undertaking of Company.

12. The Belfast Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose from time to time subscribe any sum which they think fit towards the undertaking of the Company not exceeding in the whole the sum of five thousand pounds and may with the like authority contribute and apply in payment of the said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking And the Belfast Company shall in respect of any sums so subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided always that the Belfast Company shall not sell dispose of or transfer any shares so held by them.

Power to Belfast Company to lend money in lieu of subscribing.

13. The Belfast Company in lieu of subscribing to the capital of the Company as herein-before provided may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose from time to time lend to the Company on the security of mortgages or debenture stock any sum which they think fit not exceeding in the whole the sum of five thousand pounds upon such terms and subject to the payment of such rate of interest as may be agreed upon and the Belfast Company may with the like authority for the purposes of such loan apply any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking.

Power to Belfast Company to appoint directors of theCompany.

14. If the sum subscribed by the Belfast Company shall amount to three thousand pounds the directors of that company may from time to time appoint two of their own body to be directors of the Company or if the sum so subscribed shall amount to five thousand pounds the directors of that company may from time to time

appoint three of their own body to be directors of the Company and no other qualification than being a director of the Belfast Company shall be requisite and the Belfast Company may at pleasure revoke any such appointment and the persons so from time to time appointed by them shall accordingly be directors of the Company and be entitled to vote at meetings of the Company on all questions not relating to the election of directors and in all other respects the directors so appointed shall have the same powers and be subject to the same regulations and provisions except as to retiring from office by rotation as the other directors of the Company Provided always that all such appointments and revocations shall be testified in writing under the hand of the secretary of the said Belfast Company which shall be delivered to the directors of the Company and shall be kept with their records and an entry of every such appointment or revocation shall be made in the minutes of their proceedings.

Municipal Commissioners may subscribe.

15. The Municipal Commissioners may subscribe and contribute funds not exceeding one thousand pounds towards the making and maintaining of the railways or any of them or any part or parts thereof respectively and may in respect of such subscription and contribution take and hold shares in the capital to be created under the powers of this Act Provided that the Municipal Commissioners shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

And may apply funds.

16. The Municipal Commissioners may apply any funds and revenues in their hands not specifically applicable to any other purpose in carrying into effect any of the powers conferred on them by this Act.

And may appoint a director.

17. If the Municipal Commissioners shall subscribe the said sum of one thousand pounds they may if they think fit nominate and appoint one person (being one of the Municipal Commissioners) to be a director of the Company in addition to the other directors of the Company for the time being under this Act and may from time to time remove any such director and appoint another person to be a director of the Company in his stead Every such appointment and removal of a director shall be by writing under the corporate seal of the Municipal Commissioners and the Municipal Commissioners shall in the event of any vacancy in the directorate arising by reason of death resignation or otherwise of their nominee have power from out of the remaining members of the Municipal Commissioners to immediately fill up the vacancy.

Power to borrow.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds but no

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part thereof shall be borrowed until the whole capital of seven thousand five hundred pounds by this Act authorised is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same 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 shall be sufficient evidence thereof.

Appointment of receiver.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest, due on their mortgages by the appointment of a receiver 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 be not less than one thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages are authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

23. The number of directors shall be eight inclusive of any named by the Belfast Company or the Municipal Commissioners

and as appointments of directors are respectively made by the Belfast Company and the Municipal Commissioners an equivalent number of the directors shall retire by ballot.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

25. The quorum of a meeting of directors shall be five.

First directors.

26. Marriott Robert Dalway Thomas Greer John Jellie Alexander Johns James Taylor Reid William Gorman James Logan and David Gray 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 any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act being if qualified eligible for re-election And 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 elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

27. 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 four acres.

Period for compulsory purchase of lands.

28. 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.

Deposit money not to be repaid except so far as railway is opened.

29. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty a sum of three hundred and seventy-five pounds being equal to five per centum upon the amount of the estimate in respect of the railway authorised by this Act has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall

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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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made open the said railway for the public conveyance of goods Provided that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of goods then on production of a certificate of the Board of Trade specifying the length of the portion of the said railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said railway so opened bears to the entire length of the said railway hereby authorised the said Chancery Division shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application of deposit.

30. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made complete the said railway and open it for the public conveyance of goods then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 said railway 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 said Chancery Division may seem fit And if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as

aforesaid shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor to 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 said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund shall have been repaid to the depositors or shall have 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 depositors.

Period for completion of works.

31. If the railway is not completed before the expiration of 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 railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for use of railway.

32. It shall be lawful for the Company to demand any tolls for the use of the railway not exceeding the following (that is to say):

Tonnage for articles of merchandise.

In respect of the tonnage of all articles conveyed upon the railway or any part thereof as follows:

Class 1. For all coals salt rock salt coke culm charcoal and cinders all stones for building pitching and paving all bricks tiles slates sand other than sea sand ironstone and iron ore pig iron bar iron rod iron hoop and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise and for all copper ore lead ore antimony manganese and all other ores minerals and metals not exceeding one penny per ton per mile;

Class 2. For all dung compost and all sorts of manure lime and limestone sea sand and all undressed materials for the repair of public roads or highways not exceeding one penny per ton per mile;

Class 3. For all sugar grain corn flour hides dye wood earthenware timber staves and deals nails anvils vices and chains not exceeding twopence per ton per mile;

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Class 4. For all cotton and other wools fish drugs manufactured goods and all other wares merchandise articles matters or things not exceeding threepence per ton per mile;

Class 5. 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 carried or conveyed on a truck or platform per mile not exceeding fourpence and the sum of one penny per mile for every additional quarter of a ton or fractional part of a quarter of a ton up to four tons which any such carriage may weigh:

Tolls for animals.

In respect of animals conveyed in carriages upon the railway:

Class 6. For every horse mule ass or other beast of draught or burden conveyed in or upon any carriage not exceeding twopence halfpenny per mile;

Class 7. For every ox cow bull or head of neat cattle conveyed in or upon any carriage not exceeding twopence per mile;

Class 8. For every calf or pig sheep lamb or other small animal conveyed in or upon any carriage not exceeding one penny per mile:

Tolls for passengers.

In respect of passengers conveyed in carriages upon the railway:

For every person conveyed in or upon any carriage not exceeding one penny halfpenny per mile.

Tolls for use of carriages.

33. In respect of all articles matters things animals and persons conveyed on the railway or any part thereof in carriages provided by the Company the Company may in addition to the other tolls by this Act authorised to be taken demand for the use of such carriages any tolls not exceeding the tolls following (that is to say):

For all articles matters and things not exceeding one halfpenny per ton per mile:

For every animal herein-before comprised in Class 6 or in Class 7 not exceeding one penny per mile:

For every animal herein-before comprised in Class 8 not exceeding one farthing per mile:

For every passenger not exceeding one penny per mile.

Tolls for use of propelling power.

34. The toll which the Company may demand for the use of engines for drawing or 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 matters or things in addition to the several other tolls by this Act authorised to be taken.

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Maximum charges.

35. The maximum charges to be made by the Company for the conveyance of articles matters and things animals and passengers upon the railway including the tolls for the use of the railway and of carriages and trucks and for locomotive power and for every other expense incidental to such conveyance shall not exceed the following rates (that is to say):

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

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

For every passenger conveyed in a third-class carriage one penny per mile:

For all articles comprised in Class 1 per ton per mile one penny halfpenny:

For all articles comprised in Class 2 per ton per mile twopence:

For all articles comprised in Class 3 per ton per mile threepence:

For all articles matters and things comprised in Class 4 per ton per mile fourpence:

For every carriage comprised in Class 5 and not weighing more than one ton carried or conveyed on a truck or platform per mile sixpence and for every additional quarter of a ton or fractional part of a quarter of a ton beyond one ton which any such carriage may weigh the further sum of one penny halfpenny per mile:

For every animal comprised in Class 6 per mile fourpence:

For every animal comprised in Class 7 per mile threepence: and

For every animal comprised in Class 8 per mile one penny halfpenny.

Regulations as to tolls.

36. The following provisions and regulations shall be applicable to the fixing of such tolls (that is to say):

In respect of passengers and animals and articles matters and things conveyed upon the railway for a less distance than three miles the Company may demand tolls and charges as for three miles:

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 matters and things except stone and timber the weight shall be determined according to the usual avoirdupois weight:

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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 greater or smaller quantity.

Tolls for small parcels and articles of great weight.

37. With respect to small parcels and single articles of great weight notwithstanding the rate of tolls prescribed by this Act the Company may lawfully demand any tolls not exceeding the tolls following (that is to say):

For the carriage of small parcels on the railway or any part thereof (as follows):

If not exceeding seven pounds in weight threepence;

If exceeding seven pounds in weight but not exceeding fourteen pounds in weight fivepence;

If exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight sevenpence;

If exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight ninepence;

And for parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit:

Provided always that articles sent in large aggregate quantities although made up of 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 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 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.

Company may take increased charges by agreement.

38. Nothing herein contained shall prevent the Company from taking any increased charges over and above the charges hereinbefore limited for the conveyance of goods of any description by agreement with the owners of or persons in charge of such goods either in respect of the conveyance of such goods (except small parcels) by passenger trains or by reason of any other special service performed by the Company in relation to such goods.

Passengers' luggage.

39. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for each first-class passenger one hundred pounds in weight for each second-class passenger and sixty pounds in weight for each third-class passenger without any charge being made for the carriage thereof.

Terminal station.

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

Foregoing charges not to apply to special trains.

41. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway 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 railway.

Harbour Commissioners may pay a toll of one penny per ton in respect of goods conveyed to or from harbour.

42. The Harbour Commissioners may after the opening of the whole of the railway for public traffic pay to the Company a toll of one penny per ton in respect of all goods conveyed upon the railway or any part thereof either to or from the Harbour of Carrickfergus and upon which goods the Harbour Commissioners shall have received harbour dues.

Power to run over portion of Belfast Company's railway.

43. The Company and all other companies from time to time lawfully using the railway of the Company or any part thereof may run over and use with their engines and carriages waggons and trucks and with their officers and servants and for the purposes of traffic of every description so much of the railway of the Belfast Company as lies eastwards of the Woodburn railway bridge hereinbefore referred to and also all works and conveniences on or connected or used with the portion of railway to be run over and used as aforesaid and the Belfast Company shall afford all requisite facilities for that purpose.

Terms and conditions of use.

44. The terms and conditions on which the Company shall be entitled to run over and use such portion of railway and the works and conveniences connected therewith shall be such terms and conditions as the companies from time to time agree on or as failing agreement between them are from time to time determined by arbitration in accordance with the Railway Companies Arbitration Act 1859.

22 & 23 Vict. c. 59.

Byelaws to be observed.

45. The Company in using any portion of the railway of the Belfast Company and the said works and conveniences shall at all times observe the regulations and byelaws of the Belfast Company

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for the time being in force so far as such byelaws shall be applicable to the Company.

Working and traffic arrangements with Belfast Company. 36 & 37 Vict. c. 48.

46. The Company on the one hand and the Belfast Company on the other hand may (subject to the provisions of this Act and of Part III. of the Railways Clauses 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 contracting company of the railway of the Company or any part thereof and of the works connected therewith:

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

The supply during the continuance and for the purposes of any agreement for the use or working of the railway of any rolling or working stock and machinery and the employment of officers and servants:

The fixing and collection and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic:

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

Tolls on traffic conveyed partly on the railway and partly on the railway of the Belfast Company.

47. During the continuance of the exercise of the running powers by this Act conferred on the Company or 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 purposes 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 railway of the Belfast Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three 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 three 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 railway and partly on the railway of the Belfast Company.

Classification table to be open to inspection

48. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during

all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling : and copies to be sold.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified :

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Saving rights of the Crown in the foreshore.

49. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Interest not to be paid on calls paid up.

50. 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.

Deposit for future bills not to be

51. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any

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paid out of capital.

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 to execute any other work or undertaking.

Provision as to future railway Acts.

52. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made 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 of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

53. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company.

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