CHAPTER clxxiv.

An Act for making a railway from the Portadown, Dungannon, and Omagh Junction Railway, near the town of Dungannon, in the county of Tyrone, to the Belfast and Northern Counties Railway, near the town of Cookstown in the same county; and for other purposes. A.D. 1874.

[30th July 1874.]

WHEREAS the making of a railway from the Portadown, Dungannon, and Omagh Junction Railway, herein-after called the Portadown Railway, near the town of Dungannon, in the county of Tyrone, to the Belfast and Northern Counties Railway, herein-after called the Belfast Railway, near the town of Cookstown 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 Portadown Railway Company and the Belfast Railway Company, and that the Company and the Portadown Railway Company and the Ulster Railway Company should be empowered to enter into agreements for the working and use of the railway hereby authorised:

And whereas it is expedient that the Ulster Railway Company and the Portadown Railway Company should be authorised to subscribe towards the undertaking, and to raise additional capital in their undertakings for such purpose:

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 of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the counties

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of Tyrone and Londonderry, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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 advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Dungannon and Cookstown Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Acts, 1863 and 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 Railways Clauses Act, 1863," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and the Railways Traverse Act, shall (except where expressly varied by this Act) be 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 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."

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

4. 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 shall mean any person or persons by whom the power 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 costs relating to such nomination and appointment, inspection, and certificate, shall be paid by the Company as the Commissioners shall direct.

Owners of land may accept payment in shares.

5. It shall be lawful for the owners of such lands (if they think fit) to accept fully paid-up ordinary shares of the Company in payment of the whole or any part, as shall be agreed upon between such owners and the Company, of the purchase money for such lands, and in that event the name of the owner thereof for the time being shall be inserted in the share register of the Company as the proprietor of such shares.

Incorporation of Company.

6. Thomas A. Dickson, James Brown, Francis Hale, James R. Martin, Robert Stevenson, John Stevenson, J. H. Aitkin, J. Patchell, Alexander Staples, John Gray, William Irwin, D. Acheson, James Creigh, John J. Kelly, John Eccles, 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 Dungannon and Cookstown 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,

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and their undertaking shall be called "The Dungannon and Cookstown Railway."

Power to make railways.

7. 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 Tyrone and Londonderry, and are,—

A main line of railway thirteen miles five furlongs four seven-tenths chains in length, commencing by a junction with the Portadown Railway, near Dungannon, in the county of Tyrone, and terminating by a junction with the Belfast Railway at Cookstown in the same county:

A branch or spur railway three furlongs four five-tenths chains in length, near the town of Dungannon, county of Tyrone.

Deposit of plans with clerks of unions.

8. With reference to this Act all the provisions of sections 7, 8, and 9 of "The Railways 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 postmasters of the "post towns in or nearest to such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Capital.

9. The capital of the Company shall be one hundred and twenty thousand pounds, divided into twelve thousand shares of ten pounds each.

Shares not to issue until 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.

The Ulster and the Portadown Railway Companies authorised to subscribe ten thousand pounds each.

13. The Ulster Railway Company and the Portadown Railway Company may, with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at a general meeting of either Companies specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole the sum of ten thousand pounds each, and the said Companies may, with the like authority, contribute and apply in or towards payment of their said subscriptions any money which they are already authorised to raise and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise; and the said Companies shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in the Company; provided always, that the Ulster Railway Company and the Portadown Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow money on mortgages under regulations herein described.

14. The Company may from time to time, in manner herein-after provided, borrow on mortgage any sums not exceeding in the whole forty thousand pounds; that is to say, when and so soon as the sum of twenty thousand pounds, part of the capital of one hundred and twenty thousand pounds, shall have been subscribed for 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 twenty thousand pounds shall in like manner have been subscribed for and paid up, the Company may borrow a further sum of ten thousand pounds, until they shall have borrowed the total sum hereby 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 appoint-

15. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on

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ment of receiver.

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 four thousand pounds in the whole.

Debenture stock.

16. 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 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.

Application of moneys.

17. 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.

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

Quorum of general meetings.

19. The quorum of every meeting of the Company shall be ten proprietors holding in the aggregate not less than one twentieth of the nominal capital of the Company.

Number of directors.

20. The number of directors shall be four, 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 Ulster Railway Company and the Portadown Railway Company shall each have subscribed the sum of ten thousand pounds to the undertaking as authorised by this Act, the Ulster Railway Company shall appoint one additional director, but such director need not be a shareholder in the undertaking.

Provisions as to appointment of director by Ulster Railway Company.

21. Every appointment of director made by the Ulster 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 Ulster 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 Ulster Railway Company at any time they think fit. The omission of the Ulster Railway Company to appoint a director shall not invalidate the acts of the Company.

Qualification of directors.

22. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

23. 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.

First directors.

24. Richard Nugent, Arthur Pratt Barlow, Thomas Alexander Dickson, and James Brown 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 place of those not continued in office, the directors appointed by this Act 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.

Election of directors.

Land for extraordinary purposes.

25. 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 eight acres.

Powers for compulsory purchases limited.

26. 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.

Notice before taking houses of the labouring classes.

27. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

The Ulster and the Portadown Railway Companies

28. Each of them, the Ulster Railway Company and the Portadown Railway Company, may from time to time raise for the purpose of their subscription to the undertaking any sum or sums of money, not exceeding in the whole the amount which such

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empowered to raise additional capital.

Company may as herein-before provided agree to subscribe by issue, at their option, of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of those modes respectively, and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; that is to say,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part 1 (relating to cancellation and surrender of shares) and Part 2 (relating to additional capital) of the Companies Clauses Act, 1863, shall extend and apply to the Ulster Railway Company and Portadown Railway Company, and to the additional capital which they are by this Act authorised to raise.

The Ulster and the Portadown Railway Companies not to issue shares until one fifth paid up.

29. Neither the Ulster Railway Company nor the Portadown Railway Company shall issue any share under the authority of this Act of less nominal value than ten pounds, 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.

Application of moneys raised under this Act.

30. All moneys which the said Ulster Railway Company and the said Portadown Railway Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

The Ulster and the Portadown Railway Companies to appoint representatives to

31. The Ulster Railway Company and the Portadown Railway Company, whilst shareholders of the Company, may respectively, by writing under their common seals, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in

respect of the capital held by the Company on whose behalf he attends such meeting.

attend meetings.

32. 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 five thousand four hundred and ten pounds consolidated 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 five thousand four hundred and ten pounds consolidated three per cent. Bank annuities so transferred as aforesaid in respect of the application for this Act shall not be 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 this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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

33. 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

Providing for application of deposit.

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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.

Period for completion of works.

34. 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.

Tolls.

35. 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:

Passengers.

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:

Animals.

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 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:

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:

Tolls for goods.

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 stones 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:

Class IV. For all coke, culm, charcoal, and cinders, ironstone, iron ore, and pig iron, bricks, salt, sand, fireclay, and 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), dye-woods, 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.

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Tolls for propelling power.

36. 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.

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

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:

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:

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

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

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

Tolls for small parcels and single articles of great weight.

38. 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,

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:

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.

39. 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.

40. 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 fourpence:

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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.

41. 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.

Terminal station.

42. 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.

Restrictions as to charges not to apply to special trains.

43. 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.

Company may take increased charges by agreement.

44. 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.

Running powers to Company and certain

45. 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 railways 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,) other companies.

So much of the Portadown Railway as lies between the junction therewith of the railway authorised by this Act and the station at Dungannon, together with the said station:

So much of the Belfast and Northern Counties Railway as lies between the junction therewith of the railway authorised by this Act, near the town of Cookstown, and the Cookstown passenger station, together with the said passenger station.

Regulation of traffic—Cookstown Station.

46. The Belfast and Northern Counties Railway Company shall retain the full and entire control, regulation, and management of their passenger station at Cookstown, and the Company shall not employ their own clerks, officers, and servants therein, but the Belfast and Northern Counties Railway Company shall perform all such services and duties as may be necessary or reasonable for the convenient conduct of the traffic of the Company in the said passenger station 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 to be 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 Portadown Railway.

47. For the protection of the Portadown Railway and the protection of the Ulster Railway Company, be it enacted as follows:

(*a.*) The junction between the railway and the Portadown Railway shall be made at such spot within the limits of deviation shown upon the deposited plans as the Ulster Railway Company shall reasonably approve:

(*b.*) The Company shall not exercise any powers under the authority of this Act of using any part of the Portadown Railway until they have laid down, if required by the

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Ulster Railway Company, an additional line of rails alongside such portion of that railway as the Company shall use:

(*c.*) The said additional line of rails, and all other works of the Company upon or in connexion with the Portadown Railway, shall be always from time to time maintained, repaired, and renewed at the expense of the Company, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Ulster Railway Company, and so as not to impede the traffic of the Portadown Railway Company or of the Ulster Railway Company:

(*d.*) The Ulster Railway Company shall make such alterations in and additions to their said station and lines of rail at and near Dungannon, and the conveniences connected therewith, as shall enable the Company to exercise the powers hereby granted to them in respect of such station and conveniences, or the user thereof, and shall construct such sidings or other conveniences as such exercise may render necessary for the accommodation of the traffic of the Company and of the Portadown Railway, and the expense of and attending all such alterations, additions, and works respectively, including the purchase of the additional necessary land, shall be repaid by the Company to the Ulster Railway Company on demand:

(*e.*) The Company shall not be bound to lay the additional line of rail herein-before mentioned beyond the limits of deviation shown on the deposited plans unless upon lands provided by the Ulster Railway Company or the Portadown Railway Company:

(*f.*) The Company shall not purchase and take any part of the land or property of the Portadown 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 Ulster Railway Company for such easement shall, in default of agreement, be settled by arbitration in manner herein-after mentioned:

(*g.*) Any difference which may from time to time arise between the Company and the Ulster 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 Ulster 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 "Railways 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.

Byelaws of Ulster Company to be observed.

48. In using or traversing under the powers of this Act the said portion of the Portadown Railway and the said station at Dungannon, and the conveniences connected therewith respectively, the regulations and byelaws of the Ulster Railway Company shall, so far as the same are applicable to the company or persons exercising the said powers, be at all times observed.

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

49. The terms, conditions, and regulations to which the Company or the said companies and persons shall be subject in respect of the use by them respectively of the railways and undertakings, or portion 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.

Working and traffic arrangements with Ulster and Portadown Railway Companies.

50. The Company on the one hand, and the Ulster Railway Company, the Portadown Railway Company, or one of the said last-mentioned Companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by the "Regulation of Railways Act, 1873,"

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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 working Companies of the railways of the Company, or any one or more of them, or any part thereof respectively, and of the works connected therewith respectively, or any of them:

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 and collection or apportionment of the tolls, rates, charges, receipts, and revenues, 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 conveyed partly on the railways and partly on the railways of the working Companies.

51. 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 working Companies, the railways of the Company and of those Companies respectively 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 railways and partly on the railways of the working Companies 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 working Companies.

Interest not to be paid on calls paid up.

52. No Company shall, out of any money by this Act authorised to be raised, 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 any 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."

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

53. No Company shall, out of 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 railways, or execute any other work or undertaking.

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

54. 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 of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

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

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