CHAPTER cxxxix.

An Act for making a railway between the town of Limavady, in the county of Londonderry, and the town of Dungiven, in the same county; and for other purposes. A.D. 1878.

[4th July 1878.]

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

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

And whereas 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 clerk of the peace for the county of Londonderry, and are herein-after 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; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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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 Limavady and Dungiven Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71. 14 & 15 Vict. c. 70. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

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 Act, 1863, the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Acts (Ireland), 1851, 1860, and 1864, and the Railways Traverse Act, 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, 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.

Company incorporated.

4. Samuel Maxwell Alexander, Samuel Martin Macrory, and Archibald Frederick Paull, 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 Limavady and Dungiven Railway Company, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "the Limavady and Dungiven Railway."

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway 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 railway herein-before referred to and authorised by this Act will be situate in the county of Londonderry; that is to say,

A railway, 10 miles 2 furlongs and $\frac{1}{2}$ chain in length, commencing by a junction with the Belfast Railway at a point about 40 feet north of its termination at Limavady, in the townland of Rathbradybeg, in the parish of Drumachose, and county of Londonderry, and terminating in a field belonging to the Worshipful Company of Skinners, London, and in the occupation of Francis O'Kane, in the townland of Dungiven, and parish of Dungiven, immediately at the end of New Street, and about 400 feet north of the house forming the angle of New Street and Main Street, in the town of Dungiven.

Deposit of plans with clerk of union. 8 & 9 Vict. c. 20.

6. With reference to this Act, all the provisions of sections 7, 8, and 9 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 to such parishes in "Ireland," or in lieu of the word postmasters, as the case may be.

Capital.

7. The capital of the Company shall be seventy-five thousand pounds, divided into seven thousand five hundred shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

8. 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.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at 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.

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

Power of Belfast Railway Company to subscribe to undertaking.

11. The Belfast Railway 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 the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole eighteen thousand pounds, and the said Company may, with the like authority, contribute and apply in or towards payment of their

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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 also any money which they are by this Act authorised to raise, and the said Company 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), and be subject to all the obligations and liabilities, of proprietors of shares in the Company: Provided always, that the said Company shall not sell, dispose, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow on mortgage under certain regulations.

12. The Company may from time to time, in manner hereinafter provided, borrow on mortgage any sums not exceeding in the whole twenty-five thousand pounds; that is to say, when and so soon as the sum of fifteen thousand pounds, part of the capital of seventy-five thousand pounds, shall have been issued, accepted, and one half thereof paid up, the Company may borrow on mortgage any sum not exceeding five thousand pounds, and so often as any further and additional sum of fifteen thousand pounds shall in like manner have been issued, accepted, and one half thereof paid up, the Company may borrow a further sum of five 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 one half thereof 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.

8 & 9 Vict. c. 16.

For appointment of a receiver.

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

Debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; 26 & 27 Vict. c. 118.

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 money.

15. 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.

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

Quorum of general meetings.

17. The quorum of every meeting of the Company shall be seven proprietors, holding in the aggregate not less than one thirtieth of the nominal capital of the Company.

Number and qualification of directors.

18. The number of directors shall be five, whereof three shall be appointed by the Company and two by the Belfast Railway Company, but the Company may from time to time reduce the number, provided that the number be not less than three, but the directors appointed by the Belfast Railway Company need not be shareholders in the undertaking.

As to appointment of a director by the Belfast Railway Company.

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

Qualification of directors.

20. The qualification of a director, other than those nominated by the said Belfast Railway Company, shall be the possession in his own right of not less than thirty ordinary shares.

Quorum of directors.

21. 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.

Election of directors.

22. Samuel Maxwell Alexander, Samuel Martin Macrory, and Archibald Frederick Paull, with two persons to be appointed by the Belfast Railway Company, 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, subject to the

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provisions of clause 18, 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 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.

8 & 9 Vict. c. 16.

Notice to be given of taking houses of labouring classes.

23. 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.

Company to procure accommodation for persons of the labouring classes to be displaced.

24. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Land for extraordinary purposes. 8 & 9 Vict. c. 20.

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 two acres.

Period of compulsory purchase of lands.

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.

Power to cross certain roads on the level. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

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

No. of Plan.	Townland.	Description of Road.
26	Scriggan - - -	Public.

Inclination of roads.

28. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; that is to say,

No. on deposited Plan.	Townland.	Description of Road.	Intended Inclination.
13	Edenmore -	Public Road -	1 in 17 on one side and level on the other.
31	Ballyleagry -	Public Road -	1 in 12.

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 of the ninth year of the reign of Her present Majesty, cap. 20, a sum of three thousand five hundred and eighteen pounds, being five per cent. upon the amount of the estimate in respect of the railway by this Act authorised, has been transferred into the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act, which sum is referred to in this Act as "the deposit fund:" Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (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

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limited by this Act for completion of the railway open the same for the public conveyance of passengers: Provided that, if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the 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 railway so opened bears to the entire length of the railway, the said Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall 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 above-mentioned Act to the contrary notwithstanding.

Application of deposit.

30. If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, 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 has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who 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 has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in Ireland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has 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 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 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 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 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 depositors.

Period for completion of works.

31. If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

32. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed upon the railway 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 any such carriage, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

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 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 stone for building, pitching, and paving, tiles, slates, and clay, per ton per mile one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

Class IV. For all coke, culm, charcoal and cinders, ironstone, iron ore and pig iron, bricks, salt, sand, fire-clay and stone, or other articles of merchandise, per ton per mile one penny

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halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class V. For all sugar, grain, corn, flour, meal, hides, flax, tow, linen, and linen yarns, timber staves and deals, nails, sheet iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron, and iron castings not manufactured into utensils, anvils, vices, and chains, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding three farthings:

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

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

Tolls for propelling power.

33. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

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

Short distances.

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

Fractional parts of a mile.

For a fraction of a mile beyond three 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;

Fractional parts of a ton.

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;

General weight.

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.

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

For the carriage of small parcels on the railway:

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:

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For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

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

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

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

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

Maximum rates for animals and goods.

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

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

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

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

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

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

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

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

Passengers luggage.

38. Every passenger travelling upon the railway 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.

39. 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.

40. 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.

Company may take increased charges by agreement.

41. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of every description by agreement with the owners or person 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.

Power to Belfast Railway Company to raise money by creation of new shares or stock.

8 & 9 Vict. c. 16.

42. The Belfast Railway Company may from time to time raise for the purposes of their subscription to the undertaking any capital, not exceeding in nominal amount eighteen thousand pounds, by the 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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of shares into stock;

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

The making of dividends;

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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 Belfast Railway Company, and to the additional capital which they are by this Act authorised to raise.

26 & 27 Vict. c. 118.

Shares of Belfast Railway Company not to be issued until one-fifth part paid up.

43. The Belfast Railway Company shall not issue any share under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person or corporation 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 by Company.

44. All moneys which the Belfast Railway Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Votes of Belfast Railway Company at general meetings.

45. The Belfast Railway Company, whilst shareholders of the Company, may, by writing under their common seal, 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 meeting, and may vote thereat in respect of the capital held by the Belfast Railway Company.

Running powers over Belfast Railway.

46. The Company, and all companies and persons lawfully using the railway of the Company, may run over and use, with their engines and carriages of every description, and with their clerks, officers, and servants, so much of the Belfast Railway as may be necessary to secure access to and the use of the passenger and goods stations at Limavady, 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.

Regulation of traffic.

47. The Belfast Railway Company shall retain the full and entire control, regulation, and management of their passenger and goods stations at Limavady, and the Company shall not employ their own clerks, officers, and servants therein, but the Belfast Railway Company shall perform all such services and duties as may be necessary or reasonable for the convenient conduct of the traffic of the Company in the said passenger and goods stations, upon payment of such charges for the same as may be agreed upon between the two Companies; and if any difference shall arise between

the Companies as to the amount of such payments, or as to the nature, extent, and sufficiency of the services and duties so to be performed, such difference shall from time to time be settled by an arbitrator to be mutually agreed on, or, failing agreement, by an arbitrator appointed by the Board of Trade, and the arbitrator to whom the matter may be referred may determine the amount of such payments, and prescribe what duties and services shall be performed, and the awards from time to time of the arbitrator shall be binding upon the Companies, and shall be obeyed by them respectively, and the costs of such reference shall be in the discretion of the arbitrator.

Conditions as to exercise of powers over Belfast Railway.

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

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

(*b.*) The Belfast Railway Company shall make such alterations in and additions to their said stations and lines of rail at or near Limavady, and the conveniences connected therewith, as shall enable the Company to exercise the powers hereby granted to them in respect of such lines, stations, and conveniences, or the user thereof, and shall construct such sidings and other conveniences as such exercise may render necessary for the accommodation of the traffic of the Company, and the Company, in respect of the expenses of and attending all such alterations, additions, and works respectively, including the purchase of such additional land as may be necessary for such purposes, shall make such payment and compensation to the Belfast Railway Company as shall be agreed upon, or, if not agreed, be settled by arbitration:

(*c.*) Any difference which may from time to time arise between the Company and the Belfast Railway Company concerning the cost of such accommodation, inclusive of the purchase of land necessary for the purpose thereof, or concerning any other matter provided for in this enactment or incidental thereto, may be determined by the arbitration of some person to be agreed upon between the Company and the Belfast Railway Company, or, if they cannot agree upon an arbitrator, then of some person to be nominated by the Board of Trade, on the application of

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8 & 9 Vict. c. 20.

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 Belfast Railway Company to be observed.

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

Terms on which above powers are to be exercised.

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

Working and traffic arrangements with Belfast Railway Company.

26 & 27 Vict. c. 92.

36 & 37 Vict. c. 76.

51. The Company on the one hand and the Belfast Railway Company 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, 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 of the railway of the Company and of the works connected therewith, or any of them, and the respective rights of each Company for user and enjoyment of such railway and works;

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

The supply during the continuance of any such agreement of any rolling or working stock and machinery necessary for the purposes thereof, and the employment of officers and servants;

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

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

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

52. 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 Railway Company, the railways of the Company and of the Belfast Railway Company shall, for the purpose of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the Belfast Railway 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 railways of the Belfast Railway Company.

Interest not to be paid on calls paid up.

53. 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.

8 & 9 Vict. c. 16.

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

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

Railway not exempt from provisions of

55. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the

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any present or future general Railway Act.

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.

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

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