ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxxxvii.

An Act for making a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*.

[4th *August* 1845.]

WHEREAS the making of a Railway from the City of *Londonderry* to the Town of *Coleraine* in the County of *Londonderry*, and of a Branch Line of Railway from and out of the Main Line of Railway to the Town of *Newtown Limavady* in the same County, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons hereafter named, together with other Persons, are willing, at their own Expence, to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Second Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for draining and embanking certain Lands in* Lough Swilly *and* Lough Foyle *in the Counties of* Donegal *and* Londonderry, whereby certain Persons therein named, their several and respective Executors, Administrators, and Assigns, were declared to be the Undertakers for executing the Purposes of that Act, so far as the Purposes, Provisions, Matters, and Things in that Act mentioned related to *Lough Foyle*, or the Waste Lands, Mud Banks, or Slobs of, in, or near to *Lough Foyle*; 1 & 2 Vict. c. 87.

Foyle; and by the said Act such Undertakers were authorized and empowered to embank from the Sea, drain and otherwise improve, all and singular and such and so many and such Part and Parts of the said Waste Lands, Mud Banks, or Slobs in *Lough Foyle* as are therein mentioned: And whereas an Act was passed in the Session held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for amending an Act passed in the Second Year of the Reign of Her present Majesty, for draining and embanking certain Lands in* Lough Swilly *and* Lough Foyle *in the Counties of* Donegal *and* Londonderry, *so far as the same relates to the said Lands in* Lough Foyle: And whereas it is proposed to carry a Portion of the said intended Line of Railway upon or across some Parts of the Waste Lands, Mud Banks, or Slobs which the Undertakers named in the said Act of the Second Year of the Reign of Her present Majesty herein-before recited are thereby, or by the said Act of the Sixth and Seventh Year of the Reign of Her said Majesty, empowered to embank and drain from the Sea: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

6 & 7 Vict. c. 100.

Incorporation of Acts 8 & 9 Vict. cc. 16., 18., and 20. with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Proceedings and other Instruments, it shall be sufficient to use the Expression "The *Londonderry and Coleraine* Railway Act, 1845."

Subscribers incorporated.

III. And be it enacted, That *John Lewis Ricardo*, Member of Parliament, *Forster Alleyne M'Geachy* Member of Parliament, *William Rickford Collett* Member of Parliament, *William Edmund Ferrers*, *John Griffith Frith*, *William Henri Thomas*, Esquires, and all Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*, and with proper Works and Conveniences belonging thereto, according to the Provisions of the said before-mentioned Consolidation Acts and of this Act, and for other the Purposes herein and in the said Consolidation Acts contained; and for the Purposes aforesaid, such Company shall be incorporated by the Name of "The *Londonderry and Coleraine* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the Consolidation Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is Five hundred thousand Pounds; be it enacted, That the Capital of the Company shall be Five hundred thousand Pounds.

V. And

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Ten thousand, and the Amount of each Share shall be Fifty Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Power to raise Money.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and sixty-six thousand six hundred and sixty-six Pounds Thirteen Shillings and Four-pence; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Five hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears to be enforced by Appointment of a Receiver.

VIII. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees, by whom Application shall be made, shall not be less than Ten thousand Pounds in the whole.

Meetings to be held in London.

IX. And be it enacted, That all Meetings of the Directors and of the Shareholders of the said Company shall be held in *London*.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors shall be Thirteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the said Railway.

Power to vary the Number of Directors.

XI. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Six.

First Directors.

XII. And be it enacted, That *John Lewis Ricardo* Member of Parliament, *Forster Alleyne M'Geachy* Member of Parliament, *William Rickford Collett* Member of Parliament, *William Edmund Ferrers*, *William Henri Thomas*, *John Griffith Frith*, *Francis Macnaghten*, *George Tyrrell*, *James Clay*, *John Munn*, *William Leathem*, *Patrick Gilmour*, and *Robert Bond* shall be the first Directors of the said Company.

Election of Directors.

XIII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect

elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation Act, 1845, contained; 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 said Companies Clauses Consolidation Act.

Quorum.

XIV. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Remuneration of Directors and Auditors.

XV. And be it enacted, That the Remuneration of the Directors and also of the Auditors to be appointed under the Companies Clauses Consolidation Act, 1845, shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of such Company.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Seven, and the Quorum of such Committees shall be Three, but such Committees shall not have Power to make Calls for Money on the Shareholders.

Newspapers for Insertion of Advertisements.

XVII. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the said Company are to be inserted shall be One Newspaper at least published in the City of *Londonderry*, and One Newspaper at least published in the Town of *Coleraine*, and also One daily Newspaper published in *London*.

Power to make Railway according to deposited Plans.

XVIII. And whereas Plans and Sections of the said Railway and Branch Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers, of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace of the City and County of *Londonderry*; be it enacted, That, subject to the Provisions in this and the said Consolidation Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Branch Railway and Works in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of the Railway.

XIX. And be it enacted, That the said Railway shall commence in the Parish of *Clondermot* otherwise *Glendermott* and Townland of *Clooney* in the City and County of *Londonderry* on the East Side of the River *Foyle*, at or near the Wooden Bridge leading to the City of *Londonderry*, and shall thence pass from, in, through, or into the several Parishes, Hamlets, Townlands, and extra-parochial and

other Places following, or some of them; (that is to say,) *Clondermot* otherwise *Glendermott*, *Clooney*, *Cah*, *Gransha*, *Enagh*, *Lissahawley*, *Culkeeragh*, the Beds and Shores of the Rivers *Foyle* and *Faughan* and *Lough Foyle*, *Tamlaghtard* or *Magilligan*, *Drumahorgan*, *Oughtymore*, *Ballymagoland*, *Middle Drummans*, *Lower Drummans*, *Lower Middle Doaghs*, *Upper Middle Doaghs*, *Upper Doaghs*, *Ballymaclary*, *Benone*, *Umbra*, *Carnowry*, *Dunboe*, *Bennarees*, *Drumagully*, *Downhill*, *Freehall-Dunlop*, *Freehall-Watson*, *Bogtown*, *Liffock*, *Ballywoollen*, *Grangebeg*, *Pottagh*, *Grangemore*, *Bannbrook Lower*, *Farranlester*, *Killowen*, *Kilcranny*, *Ballycairn*, *Waterside*, *Coleraine*, and *Coleraine* and Suburbs, all in the City and County of *Londonderry*; and also through *Lough Foyle*, and the Shores and Bed thereof, through or opposite to the following Parishes, Hamlets, Townlands, and extra-parochial and other Places, or some of them; (that is to say,) *Clondermot* otherwise *Glendermott*, *Culkeeragh*, *Faughanvale*, *Lower Campsie*, *Salt-works*, *Donnybrewer*, *Clanterkee*, *Longfieldmore*, *Cregan*, *Tullybrisland*, *Gresteelbeg*, *Gresteelmore*, *Tullyverry*, *Faughanvale*, *Coolagh*, *Carrickhugh*, *Tullymane*, *Walworth*, *Tamlaght-Finlagan*, *Walworth*, *Ballykelly*, *Drummond*, *Ballyspallan*, *Broharris*, *Broglasco*, *Ballymacran*, *Carrowclare*, *Carrowreagh*, *Carrowmenagh*, *Carrowmuddle*, *Tamlaghtard* or *Magilligan*, *Scotchtown*, *Carrowreagh*, *Minearney*, *Drumnahay*, *Oughtymoyle*, *Ballymultimber*, *Ballyscullion*, *Drumavalley*, *Lenamore*, *Margymonaghan*, *Ballymulholland*, *Drumahorgan*, and *Oughtymore*, all in the City and County of *Londonderry*; and shall terminate in the Parish of *Killowen* on or near to the Banks of the River *Bann*, and in certain Fields or Inclosures of Land distinguished in the said Maps or Plans and Books of Reference by the Numbers 51, 52, 53, 54, and 55, or some One or more of such Fields or Inclosures; and the said Branch Railway from and out of the said Main Line of Railway shall leave the Main Line of Railway at the Embankment across *Lough Foyle* aforesaid about Thirteen Miles from the City of *Londonderry*, and shall pass from thence through *Lough Foyle* aforesaid, and also from, in, through, or into the several Parishes, Hamlets, Townlands, and extra-parochial or other Places following; (that is to say,) *Tamlaght-Finlagan*, *Walworth*, *Ballykelly*, *Drummond*, *Ballyspallan*, *Broharris*, *Glebe*, *Tullyhoe*, *Farlow*, *Rascahan*, *Lisnakilly*, *Shanreagh*, *Ballymacran*, *Broglasco*, *Broighter*, *Back*, *Lomond*, *Burnally*, *Lower Corndale*, *Upper Corndale*, *Ardnargle*, *Drumballydonaghy*, the Bed and Shores of the River *Roe*, *Drummachose*, the Bed and Shores of the River *Roe*, *Newtownlimavady*, and *Killane*, or some of them, and shall terminate at or near the North-east End of *Main Street*, *Newtownlimavady*, in the Townland of *Newtownlimavady* and Parish of *Drummachose*.

Gauge of Rail.

XX. And be it enacted, That the said Railway shall be laid down and for ever thereafter maintained and kept at a Gauge of Five Feet Three Inches.

Limiting Deviation Line on Shores of River Foyle.

XXI. Provided always, and be it enacted, That nothing herein contained shall authorize the said Company to make or construct any Part of the said Railway on the Shores of the River *Foyle* below High-water Mark above the Boundary Line of the Townland of

Lissahawley in the Parish of *Clondermot* in the City and County of *Londonderry*, except at *Ross's Bay*, and at the Wharfs at and near to the Bridge over the said River *Foyle*, at *Londonderry*; and in these Two Instances the Line of Railway shall not deviate to the North beyond the Line of Railway shown on the said deposited Plan.

As to Construction of Portion of Railway below Derry Bridge.

XXII. And be it enacted, That from the Wharfs below *Derry Bridge* the said Railway Line shall be kept Sixty Yards further from the River than the Line shown in the Parliamentary Plan until it reaches the Barracks, where the said Railway may slope gradually into the latter, as shown in the Plan marked (A.) deposited at the Admiralty Office, *Whitehall*; and the Line thus described shall be the centre Line of the Railway, and only Half the Breadth required for the said Railway and Slope shall be taken between it and the River.

Sufficient Crossing to be left over Railway to get to the River.

XXIII. And be it enacted, That, in addition to whatever Crossings it may be expedient for other Purposes, the Owners and adjacent Inhabitants shall have full Power and Facility afforded them at all Times for crossing the said Railway to get to the said River over such Crossings as the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, direct.

For Prevention of Gravel, &c. passing Channel into the River Foyle.

XXIV. And be it enacted, That all proper and necessary Provision shall be at all Times made by the said Company to prevent the Gravel, Silt, Rubbish, Mud, and other Materials which shall from Time to Time be washed down the River *Faughan* from being carried through the Channel which is to pass under the Embankment into the River *Foyle*, and a large Space for the Deposit thereof shall be left, the Sufficiency and Situation of which Space shall be such as the said Commissioners shall approve of in Writing under the Hand of the Secretary of the Admiralty.

Openings to be left for passing the Waters into the Rivers Faughan, Roe, &c.

XXV. And be it enacted, That Openings or Viaducts shall be made by the said Company for passing the Water and for entering the Rivers *Faughan*, *Roe*, and the *Ballikilly* Canal, of such Height and Breadth, and in such Manner, and of such Dimensions and Form, as the said Commissioners shall approve of as aforesaid; and the said Company shall from Time to Time consult such Engineer or other Person as the said Commissioners may appoint relative to the Construction of the said Viaducts or Openings, and his or their Directions followed in respect of the Construction and Dimensions of the said Viaducts or Openings.

Railway to cross the River Roe by a Viaduct.

XXVI. And be it enacted, That the said Railway shall cross the River *Roe* by a Viaduct to be constructed in such Manner as the Commissioners for executing the Office of Lord High Admiral may, in Writing under the Hand of the Secretary of the Admiralty, approve of; and in a suitable and proper Part of the said Viaduct the said Company, if at any Time required by the said Commissioners, shall construct a Drawbridge for the Passage of Vessels through the same,

with such Extent of Opening, and of such Size and Dimensions, as the said Commissioners shall direct as aforesaid.

Company not to detain Vessels longer than necessary in passing Bridges.

XXVII. And be it enacted, That it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat, with fixed Masts, navigating the River *Roe* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Viaduct to cross the said River *Roe*, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Vessel, Barge, or Boat of any Description, each Offender shall in every such Case forfeit and pay the Sum of Five Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Light to be exhibited where Bridges are constructed over navigable Waters.

XXVIII. And be it enacted, That for ever after the Completion of the said Viaducts the said Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a sufficient Light, to be kept burning at the Company's Expence, on or immediately adjoining every Bridge to be constructed by the said Company over navigable Water, for the Navigation and safe Guidance of Vessels, as and where at any Time or Times required by the said Commissioners; and in case the said Company shall neglect to exhibit and keep any such Light burning as aforesaid they shall be liable to forfeit and pay for every such Neglect the Sum of Twenty Pounds.

Regulation for carrying Railway across Lough Foyle.

XXIX. And be it enacted, That the said Railway shall be carried across *Lough Foyle* without deviating from the double Blue Line delineated on the Plan marked (C.), and deposited at the Admiralty Office, unless with the Consent of the said Commissioners, signified in Writing under the Hand of the Secretary of the Admiralty.

Railway not to cross the River Bann below the present Bridge over the same.

XXX. And be it enacted, That the said Railway shall not cross the River *Bann* below the Bridge now erected over the said River; and that all the said Bridges and Viaducts to be erected by the said Company shall have a safe Footpath for the Use of the Public Toll-free, and such Footpath shall be constructed and made in such Manner as the said Commissioners shall approve of as aforesaid.

Lands for additional Stations.

XXXI. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Period within which Lands are to be purchased.

XXXII. And be it enacted, That 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.

XXXIII. And

Period for Completion of Works.

XXXIII. And be it enacted, That th Railway shall be completed within Seven Years from the passing of tnis Act, and on the Expiration of such Period the Power by this or the recited Acts granted to the Company for executing the Railwav, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Roads to be crossed on a Level.

XXXIV. And be it enacted, That it shall be lawful for the Company to construct the said Railway and Branch Railway across and on the Level of the following Turnpike Roads and public Carriage Roads; (that is to say,)

In the Parish of *Clondermot*, the public Roads numbered on the Plans 61[a] and 71:

In the Parish of *Dunboe*, the public Road numbered on the said Plans 37[a]:

In the Parish of *Tamlaght-Finlagan*, the public Road numbered on the said Plans 12.

Tolls:

XXXV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

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

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, Hides, Dyewoods, Earthenware, Timber, Stone, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

For all Cotton and other Wools, Drugs (except Vitriol), manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters,

Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

And a like Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage so conveyed may weigh; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Tolls for Passengers or Cattle.

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

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

For every Horse conveyed in and upon any Carriage belonging to the Company, not exceeding Five-pence *per* Mile; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

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

Maximum Rates of Charge for Passengers.

XXXVI. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of Railway and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First Class Carriage, the Sum of Three-pence *per* Mile:

For every Passenger conveyed in a Second Class Carriage, the Sum of Two-pence *per* Mile:

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

Regulations as to Tolls.

XXXVII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize 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 great Weights.

XXXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels, (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any reasonable Sum: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

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

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

XXXIX. And

Passengers Luggage.

XXXIX. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Providing for Drainage through the Embankment.

XL. And be it enacted, That the said Railway Company shall not in any Manner injure the Drainage of the said Waste Lands, Mud Banks, or Slobs to be embanked and drained by virtue of the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty, or of the Lands adjoining the same; and that the said Company shall not in any Manner interfere with or obstruct the Drainage or Navigation into and from *Lough Foyle* in and through the Rivers *Roe*, *Faughan*, *Muff*, *Faughanvale*, and the *Donnybrewer* and *Ballykelly* and *Broharris* Canals; and that where the said proposed Railway shall cross either of the said Rivers or Canals where the same are proposed to be carried out and embanked under the Provisions of the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty, sufficient Archways or Openings shall be made and constructed under the Railway for the Purposes of such Drainage and Navigation in such Part or Parts of the said Railway as shall be opposite or in front of, in a direct Line from South to North, as far as may be practicable, of the said Rivers and Canals, such Archway or Opening as respects the said Rivers and Canals and each of them to have a clear Waterway of the Width of Twenty Feet at the least.

Company authorized to take Mortgage of Waste Land.

XLI. And be it enacted, That in order to carry the said intended Line of Railway upon or across such Part of the said Lands, Mud Banks, and Slobs as the said Undertakers named in the said respective Acts of the Second and Sixth and Seventh Years of Her said Majesty, or their Assigns, are empowered to embank, it shall be lawful for the said Company to receive and take from the said Undertakers, by way of Mortgage or otherwise, the Estate and Interest of the said Undertakers in the said Waste Lands so authorized to be reclaimed as aforesaid for the Purpose of repaying to the said Company the Capital expended by them in the said Works: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Undertakers or their Assigns, by Mortgage, Assignment, or otherwise, to do any Act or Acts whereby any Estate, Right, Title, Interest, Privilege, Franchise, Power, or Authority which, by virtue of the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty, or either of them, are now or shall or may at any Time or Times hereafter be vested in, or belong to, or be used or exercised by the Commissioners in the said recited Acts mentioned, or by any Person or Persons, Company or Companies, Corporation or Corporations whatsoever, shall or may be lessened, defeated, altered, or prejudiced in any Manner whatsoever.

Saving the Rights of Thomas Isaac Dimsdale.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner alter, vary, weaken, or prejudice any Right, Title, or Interest (if any), whether present, future, reversionary,

sionary, or contingent, or by way of Forfeiture or otherwise, which *Thomas Isaac Dimsdale*, One of the Undertakers named in the said recited Act of the Second Year of Her Majesty, now has or may hereafter have in, to, or upon the Lands, Mud Banks, and Slobs of *Lough Foyle*, or any of them; and that all such Right, Title, and Interest as is now vested in or may hereafter accrue to the said *Thomas Isaac Dimsdale* in or to the said Lands, Mud Banks, Slobs, or any of them, shall not be subject to any Charge created or purporting to be created in or upon the said Lands, Mud Banks, or Slobs, or any of them, for the Purposes of this Act, nor to any Charge in relation to any of the Expenditure to be incurred in constructing the Railway or Embankment hereby authorized to be made; and that it shall and may be lawful from Time to Time and at all Times hereafter for the said *Thomas Isaac Dimsdale*, his Executors, Administrators, or Assigns, to exercise any Right of Entry and all other Privileges or Rights that may hereafter accrue to him or them in, to, upon, or over the said Lands, Mud Banks, or Slobs, or any of them, and to make, assert, and establish such Privileges, and all other his and their Rights of Property therein, as fully and effectually in all respects and by the same Means as he or they might have done if this Act had not been passed.

Power of Railway Company limited to the Period mentioned in recited Acts, or any Extension thereof.

XLIII. And whereas by the said recited Act of the Second Year of the Reign of Her present Majesty it is enacted, that in case the Embankment and Drainage thereby authorized shall not be completed, so that the said Waste Lands, Mud Banks, or Slobs be improved and fit for Use or Occupation within Ten Years to be computed from the passing of that Act, then and in such Case all the Powers, Authorities, and Privileges given by that Act shall absolutely cease and determine, and thereupon the said Waste Lands, Mud Banks, or Slobs shall revert to the respective Owners thereof as if that Act had not been passed; be it enacted, That nothing in this Act contained shall operate or extend to continue to or confer upon the said Railway Company as such Mortgagees or Assignees as aforesaid, or otherwise, or upon any other Person or Persons, any Powers, Authorities, or Privileges, Estate or Interest whatsoever, as respects the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, beyond the Period during which the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty, or any Act for the Amendment of the same, shall continue and be in force and operation, except so much of the same as have been improved and embanked under or by virtue of the said recited Acts or either of them.

Saving of Rights of Persons under recited Acts.

XLIV. Provided always, and be it enacted, That nothing in this Act contained, or in the said Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, or the Railway Clauses Consolidation Act, 1845, shall extend or be deemed or construed to extend in any Manner to lessen, defeat, alter, or prejudice any Contract or Agreement entered into or made by the Undertakers named in the said respective Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty previous to the passing of this Act with any Person or Persons, Company or Companies, Corporation or Corporations, or to lessen, defeat, alter, or pre-

judice the Powers and Authorities of the Commissioners acting for the Time being under the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty in and over the Waste Lands, Mud Banks, or Slobs to be reclaimed by the said Railway, or to lessen, defeat, alter, or prejudice any Estate, Right, Title, Interest, Privilege, Franchise, or Authority whatsoever which by virtue of the said last-mentioned Acts or either of them respectively are now or shall or may at any Time or Times hereafter be vested in, or belong to, or be used or exercised by any Person or Persons, Company or Companies, Bodies Politic or Corporate, Corporations aggregate or sole whatsoever, or to alter, lessen, or prejudice the Liabilities and Requirements imposed by the said last-mentioned Acts or either of them upon the Undertakers therein named, or their Assigns, or to prejudice or affect any Claim of Title whatsoever to the Freehold and Inheritance of the said Waste Lands, Mud Banks, or Slobs, subject to the Estate and Interest which the said Undertakers have therein under and by virtue of the said last-mentioned Acts: Provided also, that the said Waste Lands, Mud Banks, or Slobs, when inclosed and reclaimed by the Completion of the said proposed Railway, shall vest in and become the Property of the Undertakers in the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty mentioned, or their Assigns, and of the Person or Persons, Company or Companies, Corporation or Corporations entitled thereto, under and by virtue of the Provisions of the said last-mentioned Acts, and of their respective Heirs, Successors, Executors, Administrators, or Assigns, in the same Manner as, and no further or otherwise than, and to all Intents and Purposes as if the said Waste Lands, Mud Banks, or Slobs had been inclosed and reclaimed by the said Undertakers under and by virtue of the Powers vested in them by the said recited Acts of the Second and Sixth and Seventh Years of the Reign of Her present Majesty.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XLV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by an Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be enforced in respect to the said Railway and Company so far as the same shall be applicable thereto.

Provision for future general Railway Acts.

XLVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway and Branch by this Act authorized

authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Saving Rights of Her Majesty.

XLVII. Provided always, and be it declared and enacted, That nothing in this Act contained shall extend or be construed to extend to alienate, defeat, lessen, prejudice, or derogate from any Estate, Right, Title, Interest, Franchise, Prerogative, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown or otherwise.

Public Act.

XLVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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