

[41 & 42 VICT.] *Draperstown Railway Act, 1878.* [Ch. clxxviii.]



### CHAPTER clxxviii.

An Act for making certain Railways between the town of Magherafelt, in the county of Londonderry, and Draperstown, in the same county ; and for other purposes. A.D. 1878.

[22d July 1878.]

**W**HEREAS the making of railways between the town of Magherafelt, in the county of Londonderry, and the town of Draperstown, in the same county, would be of local and public advantage, and the persons herein-after named, and the Belfast and Northern Counties Railway Company, together with other persons and corporations, are willing to undertake the construction of such railways :

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

And whereas the Worshipful Company of Drapers and the Worshipful Company of Salters of the city of London, and other persons who are or claim to be owners of land through or near which the railways will be made, are willing to guarantee a dividend on certain portions of the capital of the Company, and it is expedient that provision should be made to that effect :

And whereas plans and sections showing the line and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes 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 :



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A.D. 1878. — 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, 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 Draperstown 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.

Interpretation of terms.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to the cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, 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.

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 railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Company incorporated.

4. The Honourable Robert Torrens O'Neill, Henry Edmund Cartwright, and James Henry, 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 railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Draperstown 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 Draperstown Railway."

Power to make railways accord-

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown



on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act will be situate in the county of Londonderry; that is to say,

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ing to deposited plans.

Railway No. 2, 6 miles 3 furlongs 300 feet in length, commencing by a junction with Railway No. 1 at a point in a field in the townland of Motalee, parish of Desertmartin, the said field being on the west side of the farm road leading to Motalee schoolhouse, and the said point being 360 feet, measured in a south-westerly direction, from the south end of the said schoolhouse, and 70 feet from the said farm road, and terminating in a field in the possession of John Bradley, at a point on the edge of the county road leading from Draperstown to Dungiven and Feeney, 300 feet or thereabouts, measured in a north-westerly direction, from the north end of the dwelling-house of John Bradley, in the townland of Moykeeran, parish of Ballynascreen, in the county of Londonderry, and passing in and through the townlands, townships, parishes, and extra-parochial places following, or some of them; that is to say, Motalee, Luney, Roshure, Ballynagowan, Knocknagin, Stranagard, Annagh, and Moneysterlin, in the parish of Desertmartin; Coolsaragh, Gortahurk, Tullyroan, Brackaghlistlea, Tamnyaskey, and Mormeal, in the parish of Kileronaghan; Gornaskey, Moyheeland, and Moykeeran, in the parish of Ballynascreen, all in the county of Londonderry:

Railway No. 3, 3 furlongs 250 feet in length, commencing by a junction with the Belfast and Northern Counties Railway at the west face of the bridge, over the said railway called Bowman's Bridge in the townland of Motalee, and terminating by a junction with Railway No. 2 at a point in a field in the said townland of Motalee, the said field being on the west side of the farm road leading to Motalee schoolhouse, and the said point being 360 feet, measured in a south-westerly direction, from the south end of the said schoolhouse and 70 feet from the said farm road, the said railway being altogether in the said townland of Motalee, parish of Desertmartin, and county of Londonderry.

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

Deposit of plans with clerk of union.



A.D. 1878.  
8 & 9 Vict.  
c. 20.

within which such parishes are included in Ireland," or the words "clerks of the union" (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).

Power to  
take ease-  
ments, &c.  
by agree-  
ment.  
8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.

7. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Capital.

8. The capital of the Company shall be forty thousand pounds, divided into four thousand shares of ten pounds each, and such shares shall be issued as and consist of the following classes :

		£	
A or preference capital	-	-	10,000
B or ordinary capital	-	-	30,000
		<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>
		£40,000	
		<hr style="width: 50%; margin: 0 auto;"/>	

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

9. 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.

10. 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.

Receipts of  
persons not  
sui juris.

11. 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 Com-  
pany to  
subscribe.

12. 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 eight thousand pounds, B or ordinary shares, and the said Company may, with the like authority, contribute and apply in or towards payment of their 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, 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 of, or transfer any of the shares in the Company for which they may subscribe.

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**13.** The Company may from time to time, in manner hereinafter provided, borrow on mortgage any sums not exceeding in the whole twenty thousand pounds; that is to say, when and so soon as the sum of twenty thousand pounds, part of the capital of forty thousand pounds, shall have been issued and accepted, and fifteen thousand pounds paid up, the Company may borrow on mortgage any sum not exceeding ten thousand pounds, and when a further sum of ten thousand pounds shall in like manner have been issued and accepted, and one half thereof paid up, the Company may borrow a further sum of ten thousand pounds, 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 and accepted, and the respective portions thereof herein-before mentioned paid up, either on calls or in advance of the same, and that not less than one-fifth part of the amount of each separate share in the portion of capital in respect of which the borrowing power is to be exercised has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Power to borrow on mortgages under certain regulations.

8 & 9 Vict. c. 16.

**14.** The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the appli-

As to appointment of a receiver.



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cation for a receiver shall be made shall not be less than two thousand pounds in the whole.

Debenture stock.

26 & 27 Vict. c. 118.

**15.** 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 money.

**16.** 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.

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

Quorum of general meetings.

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

Number of directors.

**19.** The number of directors shall be five, whereof four shall be appointed by the Company and one by the Belfast Railway Company, so soon as that Company have subscribed for eight hundred shares as herein-before provided, but the Company may from time to time reduce the number, provided that the number be not less than four, inclusive of the director of the Belfast Railway Company, but the director appointed by the Belfast Railway Company need not be a shareholder in the undertaking.

As to appointment of a director by Belfast Railway Company.

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

Qualification of directors.

**21.** 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 twenty shares.

Quorum of directors.

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



**23.** The Honourable Robert Torrens O'Neill, Henry Edmund Cartwright, and James Henry, with one person to be nominated by them, or the majority of them, and consenting to such nomination, and one other person 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 provisions of clause 21, either continue in office the directors appointed by this Act, or nominated as aforesaid, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act, or nominated as aforesaid, being, if qualified, eligible for re-election; and 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 power 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.

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First directors.

Election of directors.

8 & 9 Vict. c. 16.

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

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

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

Period of compulsory purchase of lands.

**26.** Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained, in reference to the crossing of roads on the level, the Company may in the construction of the railways carry the same with a single line only whilst the railways 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,)

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

No. on plan.	Townland.	Description of road.
22	Coolsaragh	Public.



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

27. 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 two thousand three hundred and fifty-five pounds seven shillings and threepence Consolidated Bank Annuities, being five per cent. upon the amount of the estimate in respect of the railways, 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 of stock 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 limited by this Act for completion of the railways, open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers, then on production of a certificate of the Board of Trade specifying the length of the portion of the said railways 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 railways so opened bears to the entire length of the railways, the 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.

28. If the Company do not, previously to the expiration of the period limited for the completion of the railways, complete the same and open them 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 railways, 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 to 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 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.

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

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



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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 railways:

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 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 half-penny 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.

**31.** 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.



**32.** The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act; that is to say, A.D. 1878.

For passengers, animals, minerals, or goods conveyed on the railways for a less distance than three miles, the Company may demand and receive the before-mentioned tolls as for three miles: Regulations  
as to tolls.  
Short  
distances.

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  
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: Fractional  
parts of a  
ton.

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

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

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

For the carriage of small parcels on the railways:

For any parcel not exceeding seven pounds in weight, three-pence;

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,



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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 in 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.

Maximum  
rates for  
passengers.

**34.** 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.

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

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

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

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



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For the articles and goods mentioned in Class IV., per ton A.D. 1878.

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.

**36.** 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. Passengers luggage.

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

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

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

**40.** The Belfast Railway Company may from time to time raise for the purpose of their subscription to the undertaking any capital, not exceeding in nominal amount eight 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, Power to Belfast Company to raise money by creation of new shares or stock.

The distribution of the capital of the Company into shares ; 8 & 9 Vict. c. 16.



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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 ;  
The giving of notices ; and  
The provision to be made for affording access to the special Act

26 & 27 Vict.  
c. 118.

by all parties interested ;  
and Part I. (relating to cancellation and surrender of shares) and Part II. (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.

Shares of  
Belfast Com-  
pany not to  
issue until  
one-fifth part  
paid up.

**41.** 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 such 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.

**42.** 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 Com-  
pany at  
general  
meetings.

**43.** 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 meetings, and may vote thereat in respect of the capital held by the Belfast Railway Company.

Use of  
station and  
railway of  
Belfast  
Company.

**44.** The Company, and all companies and persons lawfully using the railways of the Company, may run over and use with their engines and carriages of every description, and with their clerks, officers, and servants, the railway and undertaking herein-after mentioned, together with the station, watering-places, and supplies, &c., booking-offices, warehouses, landing-places, sidings, works, telegraphs, machinery, standing room for engines, and conveniences connected therewith ; that is to say, so much of the Belfast Railway now existing or hereafter to be constructed as lies between the junction



therewith of Railway No. 3 at Bowman's Bridge in the townland of Motalee, and the station at Magherafelt, and including the said station. The Company shall pay to the Belfast Railway Company the sum of sixty pounds per annum for the user of their railway between Bowman's Bridge and the Magherafelt Station, and if the Belfast Railway Company should be obliged to incur any additional outlay upon their railway between the points aforesaid for the accommodation of such user, the Company shall pay to the Belfast Railway Company a further sum of three per cent. per annum upon any such additional outlay beyond the sum of two thousand pounds.

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45. The Belfast Railway Company shall retain the full and entire control, regulation, and management of their passenger station at Magherafelt, 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 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 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.

Regulation  
of traffic.

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

Condition as  
to exercise of  
powers over  
Belfast  
Railway.

(a.) The several junctions between the railways 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 station at Magherafelt, 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, shall



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make such payment and compensation to the Belfast Railway Company as shall be agreed upon, or, if not agreed, be settled by arbitration.

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

(d.) Any difference which may from time to time arise between the Company and the Belfast Railway Company concerning the necessity for or nature of such increased accommodation, or concerning the cost thereof, or concerning any other matter provided for in this enactment, or incidental thereto, shall be determined by the arbitration of some person to be agreed upon between the Company and the Belfast Railway Company, or if they cannot agree upon an arbitrator, then of some person to be nominated by the Board of Trade, on the application of either party; and the provisions of the 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.

8 & 9 Vict.  
c. 20.

Byelaws of  
Belfast  
Railway  
Company  
to be  
observed.

47. In using under the powers of this Act the said portion of the Belfast Railway, and the said station at Magherafelt, and the conveniences connected therewith, 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.

Working and  
traffic ar-  
rangements  
with Belfast  
Railway  
Company.  
26 & 27 Vict.  
c. 92.  
36 & 37 Vict.  
c. 76.

48. 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 working, use, management, and maintenance of the railways and works, or any part or parts thereof respectively:

The supply during the continuance of any such agreement and for the purposes thereof of rolling stock and machinery, and of officers and servants for the conduct of the traffic of the railways:



The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance :  
The interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

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49. The Company may accept from the Worshipful Company of Drapers, the Worshipful Company of Skinners, the Worshipful Company of Salters, and any other landowners or other persons, in such manner and form as they respectively and the Company from time to time agree, by way of charge on lands or otherwise, a guarantee of a dividend at the rate of five per cent. per annum upon any of the B shares, defining such shares by their numbers, such guarantee to be for twenty-three years after the issue of such shares, or from the date of such agreement.

Guarantee of dividend on B shares by landowners.

50. All shares issued under a guarantee as aforesaid shall be endorsed with the terms and conditions of such guarantee and the dates when such guarantee will expire.

Guaranteed shares to be endorsed.

51. The nett receipts of the undertaking after defraying the management and working expenses thereof, with the interest on all debenture stock and mortgages and rentcharges, if any, shall be apportioned to the purposes and in the order following; that is to say,

Appropriation of receipts.

First, in paying dividend not exceeding five per cent. upon the A or preference shares :

Second, in paying dividend not exceeding five per cent. upon the B or ordinary shares :

Third, in repaying to the guarantors referred to above pro rata any amounts previously paid by them to make up a dividend of five per cent. upon any of the said B or ordinary shares :

Fourth, in paying further dividend on the B shares.

If after the payment in full of a dividend of five per cent. upon the two classes of shares before mentioned any surplus remains and the said City of London companies, landowners, and other persons shall have at any time previously contributed any sums of money to make up the dividends upon any portion of B shares as aforesaid, such surplus shall be paid over to the said City of London companies, landowners, and other persons until the amount so paid shall be equal to the full amount received from them for the purposes aforesaid, and in the further event of any additional surplus remaining after all the sums received for such purposes shall have been repaid, such surplus shall go to pay a dividend upon the B or ordinary shares generally.



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Interest not  
to be paid on  
calls paid up.

**52.** 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.

**53.** 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.

Railways not  
exempt from  
provisions of  
present and  
future  
general rail-  
way 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 incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.