

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.



CHAPTER cci.

An Act to empower the Strabane Raphoe and Convoy Railway Company to construct railways in the counties of Tyrone and Donegal to change the name of the Company and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS it is expedient that the Strabane Raphoe and Convoy Railway Company (hereinafter referred to as "the Company") should be authorised to make and maintain the railways and works hereinafter described and to raise capital for the purposes of this Act and other the general purposes of their undertaking and to abandon a portion of the railway authorised by the Strabane Raphoe and Convoy Railway Act 1903 as hereinafter provided:

And whereas it is expedient that the Company and any company or person for the time being working or using the railways of the Company should be authorised to run over and use the railways hereinafter mentioned:

And whereas it is expedient that the Great Northern Railway Company (Ireland) should be authorised to subscribe towards the capital of the Company as hereinafter provided and for that purpose to apply moneys already authorised to be raised by them and to raise further moneys by the creation and issue of additional capital:

And whereas it is expedient that the Company on the one hand and the said Great Northern Railway Company (Ireland) on the other hand should be authorised to enter into agreements as provided by this Act and that the powers of appointing

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A.D. 1904. directors of the Company and the other powers hereinafter contained should be conferred upon the said Great Northern Railway Company (Ireland):

And whereas the construction of the railways by this Act authorised will greatly benefit the trade and inhabitants of the county of Donegal and the urban district of Letterkenny in that county and it is expedient that provision should be made for the guarantees by the councils of the said county and urban district hereinafter referred to with respect to a portion of the share capital of the Company as increased under the powers of this Act:

And whereas it is expedient that the name of the Company should be changed as by this Act provided:

And whereas it is expedient that the other provisions of this Act should be made:

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

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Tyrone and Donegal respectively and are hereinafter respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 Strabane Raphoe and Convoy Railway (Extension to Letterkenny) Act 1904 and this Act and the Strabane Raphoe and Convoy Railway Act 1903 may be cited together as the Strabane and Letterkenny Railway Acts 1903 and 1904.

Incorporation of Acts.

2. The following Acts and parts of Acts are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act namely The Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 the Railways Act (Ireland)

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1864 the Railways Traverse Act the Tramways (Ireland) Acts 1860 to 1900 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 the Railways Clauses Act 1863 and the Regulation of Railways Act 1868. A.D. 1904.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to— Extending certain provisions of Companies Clauses Acts.

- The distribution of the capital of the Company into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for non-payment of calls;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The conversion of the borrowed money into capital;
- The consolidation of the shares into stock;
- The general meetings of the Company and the exercise of the right of voting by the shareholders;
- The making of dividends;
- The giving of notices; and
- The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the capital and money hereby authorised to be raised by the Company by shares or stock or borrowing and the proprietors thereof.

4. 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. Interpretation.
And for the purposes of this Act—

The expression "the Company" means the Strabane Raphoe and Convoy Railway Company;

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The expression "the Act of 1903" means the Strabane Raphoe and Convoy Railway Act 1903;

The expression "the Great Northern Company" means the Great Northern Railway Company (Ireland);

The expression "the Letterkenny Company" means the Letterkenny Railway Company;

The expression "the railways" and "the railway" mean respectively the railways by this Act authorised;

The expression "the authorised railway" means the railway authorised by the Act of 1903;

The expression "the undertaking" means the railways and the authorised railway;

The expression "the Commissioners" means the Commissioners of Public Works in Ireland.

Interpretation of certain provisions of Railways Clauses Act 1845.

5. 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 district councils within which such parishes are included in Ireland" or the words "clerks of the district councils" (as the case may be) had been used and inserted in such sections instead of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or instead of the word "postmasters" as the case may be.

Power to make railways &c.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works hereinafter 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 deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes and may stop up or divert such roads and footpaths as are shown on the deposited plans of the said railways as intended to be stopped up or diverted The railways and works hereinbefore referred to and authorised by this Act are—

A Railway (No. 1) (9 miles 7 furlongs 4 chains or thereabouts in length) (being in part in substitution for a portion of the authorised railway) wholly in the county of Donegal

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commencing in the townland of Milltown in the parish of Convoy by a junction with the authorised railway at a point $13\frac{1}{2}$ chains or thereabouts south-eastward of the new Presbyterian church of Convoy at present in course of erection and terminating in the townland of Letterkenny in the parish of Conwal in the centre of the public road leading from Letterkenny to Ramelton near the passenger station house at Letterkenny of the Letterkenny Company:

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A Railway (No. 2) (1 furlong 5 chains or thereabouts in length) wholly in the townland of Ballyraine in the said parish of Conwal commencing by a junction with the said Railway No. 1 hereinbefore described at a point near the bridge carrying the Letterkenny Railway over the Port Road and terminating at the quay at Letterkenny Port:

A Railway (No. 3) (8·7 chains or thereabouts in length) wholly in the said parish of Conwal commencing in the townland of Gortlee by a junction with the said Railway No. 1 at a point in the said public road leading from Letterkenny to Ramelton $8\frac{1}{2}$ chains or thereabouts eastward of the carriage shed of the Letterkenny Company at Letterkenny and terminating in the townland of Letterkenny by a junction with the main line of railway of the Letterkenny Company at Letterkenny opposite the said carriage shed.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Power to take easements &c. by agreement.

8. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in 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 after-

Power to cross certain roads on level.

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No. on deposited Plans.	Townland.	Parish.	Description of Road.
2	Milltown - - -	} Convoy - - -	Mail car road.
2	Convoy Townparks - - -		
5	Macmeenstown - - -	Convoy - - -	} Public carriage roads.
22	Treanboy - - -	Convoy - - -	
37	Glenmaquin Lower - - -	Raphoe - - -	
9	Knockbrack - - -	Leck - - -	
27	Listillion - - -	Leck - - -	
16	Drumany - - -	Leck - - -	
6	Ballyraine - - -	Conwal - - -	

Inclination of road.

9. In altering for the purposes of this Act the road numbered on the deposited plans 12 in the townland of Drumnahoagh in the parish of Leck the Company may make the same of any inclination not steeper than one foot in twelve feet.

Height and span of bridges.

10. The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Townland.	Parish.	Description of Road.	Height.	Span.
				Feet.	Feet.
10	Cornagillah - - -	Convoy - - -	Public - - -	12	12
12	Drumnahoagh - - -	Leck - - -	Public - - -	13	20
11	Ballyraine - - -	Conwal - - -	Public - - -	14	25

Width of certain roadways.

11. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Townland.	Parish.	Description.	Width.
				Feet.
24	Convoy Townparks - - -	Convoy - - -	Public - - -	18
65	Glenmaquin Lower - - -	Raphoe - - -	Public - - -	15
15	Lurgy - - -	Leck - - -	Public - - -	12

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12. The Company may divert the roads referred to in the next following table in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road so shown on the said plans (that is to say):—

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 Power to divert roads as shown on deposited plans.

Railway.	Townland.	Parish.	No. on deposited Plans.
Number 1	Milltown - - - }	Convooy - - - {	2
	Convooy Townparks - - }		2
	Convooy Townparks - - -	Convooy - - -	5
	Convooy Townparks - - -	Convooy - - -	24
	Cornagillagh - - -	Convooy - - -	10
	Treanboy - - -	Convooy - - -	10
	Glenmaquin Lower - - -	Raphoe - - -	65
	Lurgy - - -	Leek - - -	15
	Dromore - - -	Leek - - -	7
	Drumany - - -	Leek - - -	16
	Gortlee - - -	Conwal - - -	3
	Gortlee - - -	Conwal - - -	11
Letterkenny - - -	Conwal - - -	8	

13. Where this Act authorises the diversion of a public road and the stopping up of an existing public road or portion thereof such stopping up shall not take place until two justices shall have certified that the new road has been completed to their satisfaction and is open for public use.

Stopping up road in case of diversion.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road is situate seven days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all rights of way over or along the existing road or portion shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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Gauge of
railways.

14. The Company may and shall make and maintain the railways of the gauge of three feet.

Abandon-
ment of por-
tion of autho-
rised rail-
way.

15. The Company shall abandon the construction of so much of the authorised railway as lies between the termination thereof described in the Act of 1903 and the commencement hereinbefore described of the Railway No. 1 by this Act authorised.

Compensa-
tion for
damage to
land by entry
&c. for pur-
poses of por-
tion of autho-
rised rail-
way aban-
doned.

16. The abandonment by the Company under the authority of this Act of the said portion of the authorised railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845.

Compensa-
tion to be
made in re-
spect of por-
tion of autho-
rised railway
abandoned.

17. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of the authorised railway to be abandoned under the provisions of this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to
apply capital
and raise
additional
capital.

18. The Company may apply for any of the purposes of this Act for which capital is properly applicable any moneys raised or authorised to be raised under the Act of 1903 which may not be required for the purposes of that Act and may also subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand

pounds by the issue at their option of new ordinary shares or stock or wholly or partially by either of those modes but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless or until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

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19. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company and the new shares or stock were shares or stock in that capital.

New shares or stock to be subject to same incidents as other shares or stock.

20. The capital in new shares or stock so created shall form part of the capital of the Company.

New shares or stock to form part of capital of Company.

21. Every person who becomes entitled to such new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

22. The Company may in respect of the additional capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any moneys not exceeding in the whole twenty-five thousand pounds Provided that in respect of each of the first two sums of twenty thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole ten thousand pounds and that in respect of the remaining ten thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole five thousand pounds But no part of any of the before-mentioned sums of ten thousand pounds or five thousand pounds shall be borrowed until shares for the said portion of the additional capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before

Power to borrow on mortgage.

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Appoint-
ment of
receiver.

23. Section 20 of the Act of 1903 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture
stock.

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

Application
of moneys.

25. All moneys raised by the Company under this Act whether by shares debenture stock or borrowing shall be applied

only to the purposes of this Act to which capital is properly applicable. A.D. 1904.

26. The Great Northern Company may with the authority of three-fourths of the votes of the holders of stock of the Great Northern Company entitled to vote at ordinary meetings of that company present in person or by proxy at a general meeting of the said company specially convened for the purpose subscribe such moneys as they may think fit towards the capital of the Company not exceeding in the whole the sum of seventy thousand pounds and the Great Northern 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 moneys 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 which shall be as hereinafter provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided always that the Great Northern Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Power to Great Northern Company to subscribe and to apply funds for that purpose.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed twenty acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Lands for extraordinary purposes.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

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 except as to so much thereof as is then completed.

Period for completion of railways.

30. The powers by section 33 of the Act of 1903 conferred upon limited owners as therein defined shall extend and apply to

Extending powers of limited owners

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under Act of
1903 to new
railways.

Running
powers.

and with respect to the railways as fully and effectually for all intents and purposes as to and with respect to the authorised railway.

31.—(1) Subject to the provisions of this Act the Company and any company or person lawfully working or using the railways may run over and use with their engines carriages and waggons and clerks officers and servants whether in charge of or accompanying any engines or trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much of the railway of the Letterkenny Company as lies between the point of junction therewith of Railway No. 3 by this Act authorised and the point at which the Burtonport Extension Railway crosses the Port Road on the level:

Together with so much of the station at Letterkenny of the Letterkenny Company and all roads platforms points signals water watering places engine sheds standing room for engines carriages and waggons booking and other offices warehouses sidings loading and unloading places turntables junctions machinery works and conveniences on or connected with the railway of the Letterkenny Company and the said station as may be agreed to by the Commissioners and together with the station at Strabane of the Great Northern Company and all roads platforms points signals water watering places engine sheds standing room for engines carriages and waggons booking and other offices warehouses sidings loading and unloading places turntables junctions machinery works and conveniences on or connected with the said station:

And as regards traffic of every description conveyed by them the Company or any such company or person as aforesaid may demand and take upon and in respect of such portion of railway and stations the rates and charges which the company owning such portion of railway and stations are entitled to demand and take.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other considerations to be paid by the Company and any other company or person as aforesaid for and in respect of the running over and use of the said portion of railway stations works and conveniences shall be such as may (so far as concerns the undertaking of the Great Northern Company) be agreed upon between that company and the Company or failing agreement as may be determined on the application of either of the said companies by the Railway and Canal Commissioners or

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any two of them and as may (so far as concerns the undertaking of the Letterkenny Company) be agreed upon between the Commissioners and the Company.

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(3) In running over and using the said portion of railway and using the said stations sidings and conveniences in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on the railway so used shall be at all times observed so far as such byelaws shall be applicable.

32. Notwithstanding anything contained in this Act the Company shall not without the previous consent in writing of the Commissioners be entitled to purchase or acquire any property of the Letterkenny Company or their successors in title or enter upon use obtain a wayleave over or interfere with either temporarily or permanently any property of any nature or kind whatsoever of the said company and with such consent only upon such terms and conditions as the Commissioners may consider reasonably necessary for their protection :

For protection of Commissioners of Public Works in Ireland.

Provided always that nothing hereinbefore contained shall authorise the Commissioners to prevent a junction with the Letterkenny line and the construction of Railway No. 3 on plans approved of by the Board of Trade.

33. For the protection of the Letterkenny Company the following provisions shall unless otherwise agreed upon in writing between the Company and the Letterkenny Company have effect (that is to say):—

For protection of Letterkenny Company.

(1) Notwithstanding anything shown upon the deposited plans and sections the Company shall not divert or stop up so much of the public road from Letterkenny to Ramelton numbered 8 on the deposited plans in the townland of Letterkenny as lies between the junction of the said road with the Port Road and a point on the said road to Ramelton sixty feet measured in a westerly direction from the western gable of the existing passenger station at Letterkenny of the Letterkenny Company :

(2) The junction by this Act authorised with the railway of the Letterkenny Company shall be made at such point within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by

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the chief engineer for the time being of the Letterkenny Company or in case of difference as shall be settled by arbitration:

- (3) In constructing the said junction and works aforesaid the Company their agents or contractors or their respective servants or workmen shall as far as may be avoid any obstruction impediment or interference with the free and uninterrupted and safe user of the railway and works of the Letterkenny Company or with the traffic thereon and if any obstruction or interference shall be occasioned to the traffic of or upon the railway of the Letterkenny Company the Company shall pay to the Letterkenny Company full compensation in respect thereof:
- (4) The Company shall at their own expense construct the said junction in all respects according to plans and specifications to be previously submitted to and approved of in writing by the said chief engineer and any difference in respect of such plans or specifications between such chief engineer and the engineer for the time being of the Company shall be settled by arbitration and the Company shall not commence the construction of the said junction or enter on the lands of the Letterkenny Company or in any way interfere with their railway works or property until such plans and specifications have been so submitted and approved or any difference in respect thereof settled by arbitration as aforesaid Provided always that if the said chief engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:
- (5) During the construction of the said junction and works in connection therewith the Company shall bear and on demand pay to the Letterkenny Company the reasonable expense of the employment by the Letterkenny Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway with reference to and during the execution of the works of the Company and for preventing

as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise:

- (6) The Letterkenny Company shall maintain the said junction and works in substantial repair and good order and condition and all necessary and reasonable costs and expenses of or incidental to the said maintenance shall be repaid to the Letterkenny Company by the Company at the end of each half year:
- (7) In case it should be necessary hereafter to alter the railways of the Letterkenny Company so as to make an alteration of such construction reasonably necessary the Letterkenny Company shall before making any such alteration provide and complete at their own cost another and equally convenient junction in manner to be agreed on or failing agreement as shall be determined by the Board of Trade:
- (8) In running over and using any portion of the Letterkenny railway between the said junction and Letterkenny station and in using the Letterkenny station and conveniences of the Letterkenny Company in accordance with the provisions in this Act contained the Company shall be under the reasonable control and direction of the Letterkenny Company and subject to the byelaws and regulations of the Letterkenny Company for the time being in force and in case of any difference arising under this subsection the same shall be settled by arbitration as hereinafter provided:
- (9) The Letterkenny Company shall give all reasonable facilities and accommodation required by the Company and perform at the said Letterkenny Station all necessary station and terminal work in respect of the traffic of the Company using such station. The Company shall make to the Letterkenny Company such payments in respect of such accommodation and for the said work as shall be determined by mutual agreement between the Company and the Letterkenny Company or failing agreement as shall be settled and determined by arbitration in manner hereinafter provided:

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- (10) The Letterkenny Company shall within one month after notice of the Company's desire to exercise running powers into Letterkenny station supply to the Company plans and an estimate of the cost of any enlargement extension or alteration which the Letterkenny Company deem necessary for the purpose of such running powers and if the Company shall be of opinion that the whole or any parts of the works described on the said plans is or are unnecessary or that the estimate of cost thereof is excessive or unreasonable they shall within one month after receipt of such plans and estimate give notice of their objection to the Letterkenny Company and the difference shall be decided by arbitration as hereinafter mentioned and the Letterkenny Company shall on receipt of the award forthwith carry out and complete with all reasonable despatch the works (if any) ordered to be done by or as the result of such award :
- (11) Both the companies shall so far as practicable do all things necessary to insure the completion of the said works (if any) by the Letterkenny Company concurrently with the completion and opening of the Company's line into Letterkenny And such running powers shall upon such completion come into force and be exercised by the Company forthwith and the Company shall thereupon pay to the Letterkenny Company the reasonable actual cost of such works (if any) as aforesaid including the value of the lands required for the enlargement of the said Letterkenny Station :
- (12) If at any time hereafter any enlargement extension or alteration of the said Letterkenny Station is rendered necessary by reason of the said running powers or powers of user such enlargement extension or alteration shall be carried out by the Letterkenny Company but in all things subject to the provisions hereinbefore contained in this section mutatis mutandis so far as the same may be applicable :
- (13) The powers by this section vested in the Letterkenny Company or their chief engineer shall during the continuance of the present working agreement of their railway to the Londonderry and Lough Swilly Railway Company be vested in and may be exercised by the

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway [Ch. cci.]*
(*Extension to Letterkenny*) Act, 1904.

Londonderry and Lough Swilly Railway Company and their chief engineer as the case may be: A.D. 1904.

- (14) All matters which are by this section to be settled by arbitration or any difference which may arise in respect of any matters provided for by this section or as to the true intent and meaning thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either company and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

34.—(1) A complete system of through booking with through rates and fares for passengers merchandise and live stock shall exist between all stations on the Letterkenny Londonderry and Lough Swilly (Letterkenny to Burtonport Extension) and Londonderry and Lough Swilly (Carndonagh Extension) Railways and all stations on the railways of the Company. Mutual traffic facilities.

(2) Through waggons and carriages and all other facilities usually afforded between friendly companies for the accommodation of through traffic shall be given and for the accommodation of the public and the development of the districts between Londonderry Carndonagh and Burtonport and Strabane respectively such arrangement of trains and such direct connection between the trains of the several companies shall be afforded as may be reasonably necessary and as may be mutually agreed upon between the parties or as failing agreement shall be determined by an arbitrator to be appointed by the Board of Trade on the application of any party and the decision of such arbitrator shall be final binding and conclusive on all the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

(3) Nothing in this section contained shall compel the Londonderry and Lough Swilly Railway Company to run trains on the Burtonport Extension Railway in excess of the number provided under their agreement with His Majesty's Treasury scheduled to the Londonderry and Lough Swilly (Letterkenny to Burtonport Extension) Order 1898 or at times to interfere with the connection to Londonderry and stations beyond in Great Britain and Ireland by the railways of the Letterkenny Company and the Londonderry and Lough Swilly Railway Company.

A.D. 1904.

Deposit fund
not to be re-
paid except
so far as
railways are
opened.

35. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 (in this section referred to as "the Act of 1846") a sum of five thousand five hundred and forty-nine pounds was deposited with the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for the Act of 1903 And whereas the sum of two thousand and forty-nine pounds part of the said sum of five thousand five hundred and forty-nine pounds was by the Act of 1903 authorised to be repaid at any time after the passing of that Act to the depositors or whom they might appoint in respect of railways originally proposed but not authorised by that Act and the sum of three thousand five hundred pounds (in this Act referred to as "the existing deposit fund") being the balance of the said sum of five thousand five hundred and forty-nine pounds now remains in court in respect of the authorised railway And whereas pursuant to the said standing orders and to the Act of 1846 a further sum of three thousand two hundred and nine pounds (in this Act called "the new deposit fund") being equal in value to upwards of five per centum on the amount of the estimate in respect of the railways by this Act authorised has been deposited with the said Accountant-General And whereas the existing deposit fund and the new deposit fund making together the sum of six thousand seven hundred and nine pounds are in this Act together referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in the Act of 1903 or in the Act of 1846 the deposit fund shall not be paid 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 Act of 1846 or the survivors or survivor of them (which persons survivors or survivor are in this Act referred to as "the depositors") unless the Company shall previous to the expiration of the period now limited for the completion of the authorised railway and within the period limited by this Act for the completion of the railways by this Act authorised open the same respectively for the public conveyance of passengers and if the Company shall make default in so opening the said railways or any part thereof the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and shall be applied in the manner provided by the next following section of this Act Provided that if within such respective periods as aforesaid the Company open any portion of the said railways 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 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 portion of railway so opened bears to the entire length of the said railways the High Court 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 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 Act of 1846 to the contrary notwithstanding.

A.D. 1904.

36. If the Company do not previously to the expiration of the respective periods limited for the completion of the said railways complete and open the same 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 said 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 the Act of 1903 and this Act respectively 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 High Court 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 if a receiver had been appointed or the Company is insolvent or the undertaking has been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore 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.

Application
of deposit
fund.

A.D. 1904.

Restriction
on taking
houses of
labouring
class.

37.—(1) The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the said Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Guarantee
by county
council of
Donegal and
urban dis-
trict council
of Letter-
kenny.

38.—(1) It shall be lawful for the county council of the county of Donegal and the council of the urban district of Letterkenny in that county or either of them jointly or severally and they are hereby respectively empowered to guarantee the payment of and to pay to the Company by half-yearly instalments such a sum as together with any dividend which may be earned by the Company on their ordinary capital as hereinafter provided shall be sufficient to enable the Company to pay a dividend on the respective proportions hereinafter specified of such ordinary capital at the rate of four per centum in each year.

(2) The proportion of the ordinary capital of the Company to which such guarantees shall respectively relate shall be as follows (namely) :—

As regards the county council of the county of Donegal the sum of one thousand nine hundred pounds; and

As regards the council of the urban district of Letterkenny the sum of one thousand five hundred pounds. A.D. 1904.

(3) As from the date of any resolution of the said respective councils to guarantee as aforesaid such guarantee shall be charged upon the areas hereinafter respectively specified and the council so resolving shall in each half-year after the respective dates of issue of the proportions hereinbefore specified of the capital of the Company to which such guarantees respectively relate pay the sums hereinbefore prescribed.

(4) The said county council may and shall charge and assess such guarantee and payment upon the areas specified in the First Schedule to this Act and the said urban district council may and shall charge and assess such guarantee and payment upon the area in which they are authorised to levy rates.

(5) Such guarantee and payment shall be charged and assessed according to the respective annual values of the said areas as valued under the Acts relating to the valuation of rateable property in Ireland.

(6) For the purpose of ascertaining the sums which shall be payable by the said county council and urban district council respectively or such one of them as shall have resolved to guarantee as aforesaid (in this section referred to as "guaranteeing authorities") and for the purpose of ascertaining the amount of the dividend which shall for the purposes of this section be deemed to have been earned by the Company the Board of Trade shall at the request of the Company and the guaranteeing authorities or authority appoint one person to act as arbitrator and the Board of Trade may from time to time revoke the appointment of such arbitrator and shall thereupon appoint a person in his place and supply the place of any such arbitrator dying or resigning or refusing or failing or becoming incapacitated to act and such arbitrator shall from time to time ascertain the amount for the time being paid up in respect of capital raised by means of guaranteed shares and shall also from time to time ascertain and determine the amount of the net receipts of the Company in each half-year having regard to any working agreement which may have been entered into by the Company under the authority of this Act and also any other matter which to him may appear necessary to inquire into and determine in order to ascertain the amount (if any) which may be applicable out of the net receipts of the Company in or towards the payment of the guaranteed

[Ch. cci.] *Strabane, Raphoe, and Conroy Railway* [4 EDW. 7.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904. dividend and shall assess and determine the amount (if any) of the half-yearly sums to be paid by the guaranteeing authorities respectively and the arbitrator within two months of the receipt by him of the accounts of the Company as in this Act provided shall set forth the several matters so ascertained and determined by him in a certificate in writing under his hand and every such certificate shall be in all respects final and binding on the guaranteeing authorities and the Company and from and immediately after delivery of any such certificate to the respective secretaries or clerks to the guaranteeing authorities such authorities shall become liable for the payment of such half-yearly sum as shall be specified in every such certificate and a copy of every such certificate shall be delivered to the Company and the Company shall immediately thereafter pay to such arbitrator his costs and expenses and such remuneration for his trouble in regard thereto as may be agreed upon or as in default of agreement the Board of Trade shall order.

Account to
be rendered
to arbitrator.

39. For the purpose of ascertaining the amounts for the time being paid up in respect of capital raised by means of guaranteed shares and of ascertaining the net receipts of the Company the Company and any company working the railway by this Act authorised shall from time to time on or before the first day of August and the first day of February in every year make out and deliver to the said arbitrator an account showing the amount for the time being paid up in respect of capital raised by means of guaranteed shares together with full true and distinct and separate accounts of all receipts of every nature and kind of the Company for the then preceding half-year ending the thirtieth day of June and the thirty-first day of December in each year and of the expenditure by the Company which accounts the said arbitrator shall and he is hereby authorised and empowered to examine with the documents and vouchers evidencing the same and all books papers and accounts in the custody and control of the Company relating to the business of the Company and all such accounts documents vouchers books and papers shall be kept by the Company who shall on the request of the said arbitrator from time to time produce the same to such arbitrator for examination and such arbitrator may if he think fit employ an actuary or accountant to assist him in such examination from time to time at the cost and expense of the Company and the Company shall keep proper and correct books of account to show the receipts

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.

expenses and profits of the Company to which books of account the said arbitrator shall have at all reasonable times access and from which he may at all times take extracts and the said arbitrator shall adjust and balance the said accounts and as to all matters relating to the said accounts or what shall be considered for the purposes of this Act as gross receipts from traffic or net receipts from traffic his decision shall in all respects be final and conclusive. A.D. 1904.

40. Section 25 (Number of directors) section 26 (Qualification of directors) and (except as to anything done at any ordinary meeting held before the passing of this Act) section 29 (Election of directors) of the Act of 1903 are hereby repealed. Repeal of certain provisions of Act of 1903.

41. As from the passing of this Act the following provisions shall have effect (that is to say):— As to directors of Company.

(1) The number of directors shall (subject as hereinafter provided) be eight of whom four (in this section referred to as "Great Northern directors") shall be appointed from time to time by the Great Northern Company and four shall be such four members of the present board of directors of the Company as the said board may select (in this section referred to as "Strabane directors"):

(2) As from the date of the death or retirement of such one of the Strabane directors as shall first die or retire the number of directors shall be seven and the place of the Strabane director so first dying or retiring shall not be supplied. Of the said seven directors four shall be the persons being at the said date the Great Northern directors and three shall be the surviving or continuing Strabane directors:

(3) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the retirement and re-election of directors or the election of new directors shall not apply to or in the case of any directors of the Company appointed or to be appointed by the Great Northern Company but at the first ordinary meeting of the Company to be held in every year after the passing of this Act the shareholders present in person or by proxy shall (subject to the powers hereinafter contained for varying the number of directors) elect persons to supply

A.D. 1904.

the places of such of the Strabane directors or their successors in office elected by the Company as shall then be retiring from office agreeably with 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 died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act:

(4) The Company may at any time vary the number of directors provided that the number be not at any time more than twelve or less than five Provided also that so long as all the Strabane directors shall continue in office the number of directors shall always be even and one-half of them shall consist of persons nominated from time to time as directors by the Great Northern Company and the other half shall consist of persons elected from time to time as directors by the Company (including the Strabane directors or any of them) and that as from the date of the death or retirement of such one of the Strabane directors as shall first die or retire the number of directors shall always be uneven and the number of directors who may be appointed by the Great Northern Company shall always exceed by one the number of directors who may be elected by the Company (including the surviving or continuing Strabane directors):

(5) If the Company shall determine to reduce the number of directors—

(a) Notice in writing under the seal of the Great Northern Company of revocation of the appointment of such of the directors appointed by the Great Northern Company as that company may think fit to the number requisite to give to the Great Northern Company their proper proportion of representation under the provisions hereinbefore contained on the reduced board of directors shall before the date at which such reduction shall take effect be given by the Great Northern Company to the secretary of the Company and to the directors named in such notice and as from the date at which such

[4 EDW. 7.] *Strabane, Raphoe, and Convooy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.

reduction shall take effect the persons named in such notice shall cease to be directors of the Company; and

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(b) The continuing Strabane directors and any other directors elected by the Company shall before the date at which such reduction shall take effect select from among themselves the requisite number of directors to retire to give to the Company their proper proportion of representation under the provisions hereinbefore contained on the reduced board of directors and as from the date at which such reduction shall take effect the persons so selected shall cease to be directors of the Company:

- (6) The qualification of each of the Strabane directors and of each of their successors in office elected by the Company shall be the possession in his own right of not less than twenty-five shares but no qualification shall be requisite in the case of a director appointed by the Great Northern Company and it shall be lawful for that company subject to the provisions of this section to appoint any persons as directors of the Company whether they be shareholders of the Company or of the Great Northern Company or not:
- (7) It shall be lawful for the Great Northern Company at any time to revoke the appointment of any director of the Company appointed by them upon giving to the secretary of the Company and to such director notice in writing under the seal of the Great Northern Company of such revocation and as from the date of any such notice the person named therein shall cease to be a director of the Company:
- (8) The directors appointed by the Great Northern Company shall be entitled to the like fees emoluments rights and privileges and shall have and may exercise the like powers and authorities as the directors elected by the Company.

42. The Great Northern Company may raise for the purposes of their subscription to the capital of the Company any capital not exceeding in nominal amount seventy thousand pounds by the issue at their option of new ordinary shares or stock or new preference

Power to Great Northern Company to raise money

A.D. 1904.
—
by creation
of shares or
stock.

shares or stock or wholly or partially by any one or more of those modes respectively And the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

and Part 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 Great Northern Company and to the additional capital which they are by this Act authorised to raise.

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

43. The Great Northern 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.

New shares or stock of Great Northern Company to be subject to same incidents as other shares or stock.

44. The capital in new shares or stock created by the Great Northern Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Great Northern Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Great Northern Company.

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway [Ch. cci.]*
(Extension to Letterkenny) Act, 1904.

45. Every person who becomes entitled to new shares or stock of the Great Northern Company shall in respect of the same be a holder of shares or stock in the Great Northern Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be. A.D. 1904.
Dividends on new shares or stock of Great Northern Company.
46. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock of the Great Northern Company to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares or stock of Great Northern Company.
47. All preference stock authorised to be created and issued by the Great Northern Company under the powers of this Act may with the consent of the holders of three-fourths in value of the amount of Great Northern Railway (Ireland) consolidated four per centum preference stock represented by the votes at a meeting of such holders specially called for the purpose be created and issued as such stock and rank *pari passu* therewith. Preference stock of Great Northern Company may be issued as four per centum consolidated preference stock.
48. Subject to the provisions of any Act already passed by which the Great Northern Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Great Northern Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such former Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock. New shares or stock raised by Great Northern Company under this Act and other Acts may be of same class.
49. All moneys which the Great Northern Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only. Application of moneys raised by Great Northern Company.
50. The Great Northern Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person to attend any meetings of the Company and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings except as to voting on the election of directors and (except as aforesaid) may vote thereat in respect of the capital held by the Great Northern Company. Votes of Great Northern Company at general meetings.
51. The railways and the works connected therewith respectively executed under the authority of this Act shall for the Railways to form part of existing undertaking.

[Ch. cci.] *Strabane, Raphoe, and Conroy Railway* [4 EDW. 7.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904. ——— purposes of tolls rates and charges and all other purposes whatsoever form part of the undertaking of the Company.

As to charges for agricultural produce.

52. The charges for agricultural or market garden produce not provided for by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall not exceed one-half the maximum rates authorised by section 50 of the Act of 1903.

Information as to rates to be given to Department of Agriculture and Technical Instruction for Ireland.

53. The Company shall forthwith upon application from the Department of Agriculture and Technical Instruction for Ireland (in this section called "the Department") supply to the Department full information as to any local or through rate or rates charged for the conveyance of traffic to or from any station or stations on the railway and shall on the like application produce to the Department or to any inspector or officer of the Department any books or lists showing such rates or permit copies to be taken or supply copies thereof or extracts therefrom and shall also notify to the Department the particulars of any proposed alteration of any rates in respect of which information has been supplied under this section at the same time as notification thereof is given to the parties concerned and any failure to comply with any of the provisions of this section shall be deemed to be an offence within the meaning of section 33 (7) of the Railway and Canal Traffic Act 1888.

As to notices of increase of rates.

54. For the purposes of this Act the period of one month shall be substituted for the period of fourteen days mentioned in subsection (6) of section 33 of the Railway and Canal Traffic Act 1888 and the Company shall at the time of publication by them of any notice under the said subsection send to the Department of Agriculture and Technical Instruction for Ireland three copies of such notice.

Change of name of Company.

55. From and after the passing of this Act the name of the Company shall be "The Strabane and Letterkenny Railway Company" with a common seal and the provisions of Part IV. (Change of Name) of the Companies Clauses Act 1863 shall apply accordingly.

Power to enter into working agreements with Great Northern Company.

56. The Company on the one hand and the Great Northern 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 Railway and Canal Traffic Acts 1873 and 1888) enter into

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.

agreements with respect to the following purposes or any of them (that is to say):— A.D. 1904.

The construction maintenance and management of the railways and the authorised railway or any one or more of them or any part thereof respectively and of the works connected therewith respectively or any of them ;

The use or working of the railways or railway of the companies respectively or of any part thereof and the conveyance of traffic thereon ;

The supply and maintenance by the Great Northern Company under and during the continuance of any such agreement as aforesaid for the working of the said railways of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants ;

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

57. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways or the authorised railway by the Great Northern Company the said railways and the railway of the Great Northern Company shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the said railways of the Company and partly on the railway of the Great Northern Company for a less distance than three miles rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only. Short distance charges in case of working agreement.

58. The agreement dated the 5th day of April One thousand nine hundred and four and made between the Company of the one part and the Great Northern Company of the other part which is set out in the Second Schedule hereto is hereby confirmed and made binding upon the respective parties thereto. Confirming scheduled agreement.

59. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners Saving rights of Crown.

A.D. 1904.

of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Works below high water mark not to be commenced without consent of Board of Trade.

60. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Power to pay interest out of capital during construction.

61. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory

declaration by two of the directors and the secretary of the Company that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same: A.D. 1904.

- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:
- (c) The aggregate amount to be so paid for interest shall not exceed four thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:
- (d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

62. 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 to execute any other work or undertaking.

Deposits for
future bills
not to be paid
out of
capital.

[Ch. cci.] *Strabane, Raphoe, and Conway Railway* [4 EDW. 7.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904.
Provision as
to general
Railway Acts.

63. Nothing in this Act contained shall exempt the Company or 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 passed before or after the commencement of this Act 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.

Recovery of
demands
under fifty
pounds.

64. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Costs of Act.

65. All 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.

The **SCHEDULES** referred to in the foregoing Act. A.D. 1904.

THE FIRST SCHEDULE.

AREAS IN THE COUNTY OF DONEGAL TO WHICH THE GUARANTEE OF THE
 COUNTY COUNCIL OF DONEGAL SHALL RELATE.

Parish.	Townland.
Donaghmore - - - -	Carnowen.
Clonleigh - - - -	Roughan.
	Kilmonaster Middle.

THE SECOND SCHEDULE.

AGREEMENT made the fifth day of April one thousand nine hundred and four between GREAT NORTHERN RAILWAY COMPANY (IRELAND) (hereinafter called "the working company") of the one part and the STRABANE RAPHOE AND CONVOY RAILWAY COMPANY (hereinafter called "the owning company") of the other part.

WHEREAS the owning company were incorporated by the Strabane Raphoe and Convoy Railway Act 1903 and were by said Act authorised to make the railway and works therein described:

And whereas the owning company are promoting in the session of Parliament 1904 a Bill to authorise them to construct various lines of railway and works in the counties of Tyrone and Donegal and to abandon portions of their authorised railway and to authorise the working company to subscribe to the capital of the owning company and for other purposes:

Now this agreement witnesseth that the said companies parties hereto hereby agree as follows:—

The following words and expressions in this agreement shall have the several meanings hereby assigned to them unless there is something in the subject or context repugnant to such construction:—

- (a) The expression "railway" means the railway of the owning company between Strabane and Letterkenny and the stations sidings

[Ch. cci.] *Strabane, Raphoe, and Convoy Railway* [4 Edw. 7.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904.

approaches yards buildings junctions lands works and conveniences connected therewith:

(b) The expression "traffic" means whatever is conveyed upon or passes over the railway or any part thereof.

1. The owning company shall first obtain bonâ fide applications at or above par for shares including all the guaranteed shares to the nominal value of 25,000*l.* at the least and immediately thereupon the working company shall apply for ordinary shares other than shares upon which interest is guaranteed of the nominal value of 60,000*l.* at par and the calls on all said shares shall be made and shall be paid *pari passu*. All shares to be issued by the owning company whether same are otherwise guaranteed or not shall rank *pari passu* with regard to the payment of dividends out of the moneys of the owning company.

2. So much of the railway as shall not be upon lands of the working company shall be completed by the owning company as a single line of railway and in all respects as a first-class line of the gauge of three feet adapted for passenger goods and live stock traffic and shall be laid with steel flange rails weighing at the least 50 lbs. per yard or such other class of rails and of such weight as may be required by the working company and shall not have curves of a shorter radius or more numerous curves or more severe gradients than those shown on the Parliamentary plans and sections without the consent of the working company and shall not be in any way more difficult or expensive to work or maintain than a line laid according to said plans and sections and shall be provided with all the latest appliances and improvements and train signalling arrangements and with adequate stations sidings engine-sheds turntables coal banks carriage-sheds water supply cranes weighing machines and all other necessary conveniences to start it as a working railway and shall meet the requirements of the Board of Trade and of the Department of Agriculture and other Industries and Technical Instruction for Ireland (hereinafter called "the Department of Agriculture") and shall also meet the reasonable satisfaction of the directors of the working company and where the curves and gradients shown on the Parliamentary plans and sections can be improved this shall be done subject to arrangement between the companies and if the working company require the railway to be laid with rails weighing more than 50 lbs. per yard they shall subscribe to the capital of the Company such additional sum as shall represent the extra cost of providing such rails.

3. The portion of the railway which shall be upon lands of the working company shall be constructed by the working company at the cost of the owning company with all necessary arrangements for dealing with local and through traffic and transhipment of goods and live stock according to plans to be agreed upon between the companies and all re-arrangement of rails alteration of existing signal arrangements and all new signalling arrangements at or in connection with the working company's station or

[4 EDW. 7.] *Strabane, Raphoe, and Convooy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.

ine at Strabane and all other works on the lands of the working company rendered necessary by the construction or working of the railway shall be done by the working company at the cost of the owning company in as reasonable a manner as possible. A.D. 1904.

4. The line to be equipped with the requisite rolling stock out of the capital of the owning company the working company if required to subscribe 10,000% additional capital for this purpose.

5. So soon as and after the railway has been authorised to be opened for public traffic and has been equipped with rolling stock the working company shall and will at their own expense provide all staff stores materials and horses and do all things necessary and proper for the efficient working of the railway and for the fulfilment of the obligations of this agreement and shall be entitled to and shall work and use the railway in perpetuity as if it were their own line of railway and shall work and use it and cause it to be worked and used so as fully to develop the traffic upon the railway both local and through to the best advantage of the shareholders of the owning company.

6. The number of trains to be run on the railway and the times of same to be fixed by the working company and the working company shall run at least three trains each way each week day.

7. The working company shall have and be entitled to all the rights powers and privileges of the owning company which may be required to enable them to carry out the purposes of this agreement and are hereby authorised to use the name of the owning company or the name of the working company for the purpose of exercising and enforcing such rights powers and privileges nevertheless indemnifying and saving harmless the owning company in that behalf.

8. The working company shall so fix the tolls fares rates and charges whether local or through chargeable in respect of traffic using the railway or any part thereof as fully to develop the traffic in the interest of the owning company The working company shall not however be required to carry at rates or fares lower than are charged on their own system for like traffic under similar circumstances.

9. The owning company shall maintain the railway for a period of twelve months after the same shall have been opened for traffic and thereafter the working company shall at all times maintain and renew the railway and all locomotives or other rolling stock provided by the owning company in substantial repair and good working order and condition.

10. The working company shall bear and pay (except as herein otherwise provided) all outgoings and all other expenses of or incident to the railway and the occupation maintenance user working and traffic thereof and usually paid out of or chargeable on revenue save and except all rent-charges or annual payments by way of rents for lands and easements taken by them for the purpose of the railway and excepting also one-half

[Ch. cci.] *Strabane, Raphoe, and Convooy Railway* [4 EDW. 7.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904. of any charges made by the Irish Railway Clearing House or directly incurred for the division and apportionment of the traffic receipts of the companies which shall be paid by the owning company.

11. The owning company shall pay to the working company for the use of the working company's station and lands at Strabane a nominal rent of 5*l.* per annum such payment to commence on and from the date when the railway is opened for public traffic.

12. The payment to the working company for working and maintaining the railway as herein provided shall be the minimum sum of 3*l.* 10*s.* per mile per week and subject to such minimum payment the working company shall be entitled to retain the following amounts:--

Until the gross receipts shall exceed the sum of 6,000*l.* per annum sixty per centum of such gross receipts ;

When the gross receipts exceed 6,000*l.* per annum but do not exceed 7,000*l.* per annum fifty-five per centum of such gross receipts ;

When the gross receipts exceed 7,000*l.* per annum but do not exceed 8,000*l.* per annum fifty-two and a half per centum of such gross receipts ; and

When the gross receipts exceed 8,000*l.* per annum fifty per centum of such gross receipts ;

And in addition thereto so much as is included in the rates for cartage when the rates include a charge for cartage the balance of the gross receipts shall be paid by the working company to the owning company.

13. The gross receipts shall comprise—

(i) All receipts from traffic between Strabane and Letterkenny and Strabane or Letterkenny and intermediate places and between any two intermediate places on the railway excepting any sums included in the rates for cartage ;

(ii) The usual Irish Clearing House terminals excepting any sums included in the rates for cartage in respect of through traffic passing over the railway and arising or terminating at Strabane Letterkenny or any intermediate station ;

(iii) An equal mileage proportion of the gross amount received from through traffic after deducting the usual transshipment charges Clearing House terminals and any sums included in the rates for cartage ;

(iv) Rents for the use of any property lands or buildings of the owning company and all other revenues of the owning company except—

(1) Rents from surplus property ; and

(2) Transfer fees.

[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway* [Oh. ccl.]
(*Extension to Letterkenny*) Act, 1904.

A.D. 1904.

14. The payments to be made by the working company to the owning company to carry out the provisions of this agreement shall be made in respect of each half-year within two months from the thirtieth day of June and the thirty-first day of December in each year but monthly accounts shall be prepared by the working company as provided by article 16 and in case the railway shall be opened for public traffic on any other day than the first day of January or the first day of July the receipts shall be apportioned up to the thirtieth day of June or the thirty-first day of December whichever date occurs first after the opening of the railway.

15. Proper and regular books of account such as are usually kept by railway companies in relation to their traffic and to their receipts or proportion of receipts shall at all times be kept by the working company of and in relation to the traffic carried upon the railway and to the gross receipts for the same and shall at all reasonable times after the lapse of forty-eight hours from the receipt by the secretary or other officer of the working company of written notice to that effect from the owning company's secretary be open to the directors and officers of the owning company to examine and take copies thereof or extracts therefrom and the working company shall transmit to the owning company within two months after the end of every calendar month an accurate account showing the actual amount of gross receipts of the said traffic applicable to the railway for the said calendar month.

16. Abstracts of the monthly accounts of the traffic hereinbefore provided to be prepared and kept by the working company shall with all reasonable dispatch be furnished monthly to the Irish Railway Clearing House to be there investigated and the percentages payable by the working company to be apportioned and settled between the companies according to the provisions of this agreement and the certificate of the secretary to the Irish Railway Clearing House for the time being shall be regarded as sufficient and final hereon.

17. The owning company shall at their own cost do any work or make any addition to or alteration of the railway which shall become necessary in order to comply with the provisions of any Act of Parliament or any Order of the Board of Trade or the Department of Agriculture except such things as are hereby agreed to be done or provided by the working company Provided that if the owning company shall from want of capital power or otherwise be unable to make such additions or alterations the working company may provide the same and shall be entitled to interest on the outlay for such purpose at the rate of four per centum per annum such interest to be retained by the working company out of the gross receipts in addition to the sums heretofore agreed to be retained by or paid to them.

18. The owning company shall at their own cost provide increased siding warehouse or other accommodation if such shall at any time hereafter become necessary in order to meet the increased requirements of the traffic.

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19. The working company will in the exercise of the rights and privileges under this agreement perform and observe in all respects the several provisions in respect to the working of the railway and the traffic thereon contained in any Order or Act for the time being in force concerning the railway and at all times indemnify the owning company against all penalties prosecutions losses damages costs and expenses claims and demands whatsoever occasioned or incurred by reason of any act or default of the working company or any of their agents officers or servants in relation to the working of the railway or any part thereof or to any traffic thereon.

20. The owning company shall at their own cost provide such increased locomotive power or other rolling stock as may at any time hereafter become necessary to meet the increased requirements of the traffic. Provided that if the owning company shall from want of capital power or otherwise be unable to provide such increased rolling stock the working company may provide the same and shall be entitled to interest on the outlay for such purpose at the rate of four per centum per annum such interest to be retained by the working company out of the gross receipts in addition to the sums heretofore agreed to be retained by or paid to them.

21. The owning company not to enter into agreement with any other company that would be inimical to the interests of the working company in connection with this agreement.

22. In case the owning company shall make any arrangement or agreement for the use of the railway or the sending or carriage of any traffic over the same or any part thereof without the consent of the working company being first obtained in writing the owning company shall account to the working company in respect of all traffic passing over the railway or any part thereof under any such arrangement or agreement as if the gross receipts arising from any such traffic were the maximum rates fares or charges permitted by Parliament.

23. If and whenever any difference arises between such of the directors of the owning company (as shall not be nominees of the working company) and the working company touching the carrying into effect of any of the articles of this agreement or touching the working of the said traffic or touching any breach or non-performance or alleged breach or non-performance of this agreement every such difference shall be determined by arbitration in accordance with the provisions of the Railway Companies Arbitration Act 1859 and shall be referred to a standing arbitrator if appointed or otherwise to an arbitrator to be mutually agreed upon between the companies or failing agreement to be appointed by the secretary of the Board of Trade at the request of the working company or the owning company or either of them.

24. Every notice account or other writing to be given or transmitted for any of the purposes of this agreement shall be deemed to be duly given or transmitted on the part of the working company if it be signed

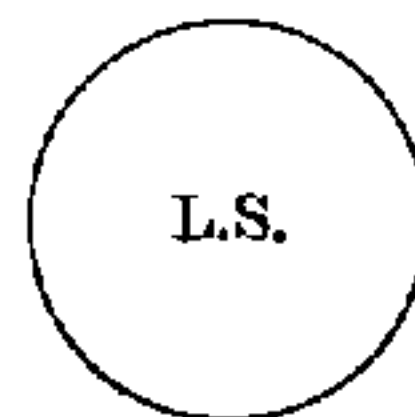
[4 EDW. 7.] *Strabane, Raphoe, and Convoy Railway* [Ch. cci.]
(*Extension to Letterkenny*) Act, 1904.

by the secretary or other authorised officer of the working company and left or delivered at the principal office of the owning company or if on the part of the owning company if it be signed by the secretary or other authorised officer of that company and left with the secretary or other officer of the working company. A.D. 1904.

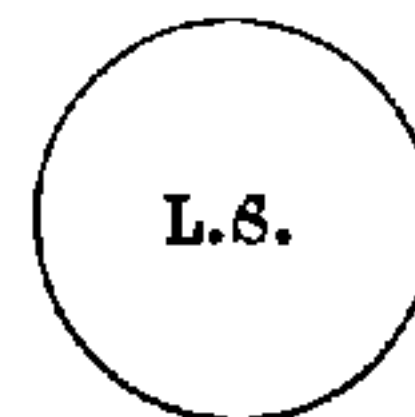
25. This agreement is subject to such alterations as Parliament may think fit to make therein and shall be scheduled to and confirmed by the said Bill.

26. Should any alteration be made in this agreement by Parliament which in the opinion of Charles Alfred Cripps M.P. K.C. is material it shall be competent for either of the companies parties hereto to withdraw therefrom.

Sealed with the common seal of the Great Northern
Railway Company (Ireland) in presence of—
T. MORRISON
Secretary.



Sealed with the common seal of the Strabane Raphoe
and Convoy Railway Company in presence of—
J. T. E. MILLER
Solicitor Londonderry.



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