



CHAPTER lviii.

An Act to authorise the Londonderry and Lough Swilly Railway Company to make a railway and works at Londonderry and for other purposes. A.D. 1918.

[21st November 1918.]

WHEREAS the Londonderry and Lough Swilly Railway Company (hereinafter called "the Company") were incorporated by the Lough Swilly Railway Act 1853 (hereinafter called "the Act of 1853") and under the powers conferred by that Act and the Lough Swilly Railway (Deviation) Act 1859 (hereinafter called "the Act of 1859") have constructed and are working a railway from Lough Swilly in the county of Donegal to the River Foyle near Londonderry: 16 & 17 Vict. c. liv. 22 & 23 Vict. c. 1.

And whereas under the powers conferred by the Lough Swilly Railway (Buncrana Extension) Act 1861 (hereinafter called "the Act of 1861") the Company have constructed and are working a railway extending from a point (now known as Tooban Junction) on the first-mentioned railway to Buncrana: 24 & 25 Vict. c. clxi.

And whereas it was (inter alia) provided by the Letterkenny Railway Act 1880 that the Letterkenny Railway Company (who were then the owners of a railway (hereinafter called "the Letterkenny Railway")) connecting with the railway of the Company and extending from Tooban Junction aforesaid to Letterkenny) and the Company might enter into working and traffic agreements: 43 & 44 Vict. c. xxiii.

And whereas shortly after the passing of the last-mentioned Act the Company entered into an agreement with the said Letterkenny Railway Company under which the Company worked the Letterkenny Railway:

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And whereas the Commissioners of Public Works in Ireland advanced certain moneys to the said Letterkenny Railway Company and in consequence of the default of that company have entered into possession of the Letterkenny Railway which is now being worked by the Company under an agreement entered into by them with the said Commissioners :

61 & 62 Vict.
c. ci. And whereas by the Londonderry and Lough Swilly (Letterkenny to Burtonport Extension) Railway Order 1898 made in pursuance of the Tramways (Ireland) Acts 1860 to 1896 and confirmed by the Tramways Order in Council (Ireland) (Londonderry and Lough Swilly (Letterkenny to Burtonport Extension) Railway) Confirmation Act 1898 the Company were authorised to construct and work upon the terms of an agreement dated the sixth day of January one thousand eight hundred and ninety-eight and made between the Treasury of the first part the Commissioners of Public Works in Ireland of the second part and the Company of the third part a light railway (hereinafter called "the Burtonport Railway") commencing by a junction with the Letterkenny Railway at Letterkenny Station and terminating on Burtonport Pier at Burtonport :

And whereas the Company constructed and until recently worked the Burtonport Railway but by virtue of an Order in Council of the Lord Lieutenant and Privy Council in Ireland dated the fourth day of July one thousand nine hundred and seventeen the said railway is at the present time worked by a manager appointed under that Order but it is anticipated that after the expiration of the period of such working the working of the said railway will be resumed by the Company :

And whereas under powers conferred by the Londonderry and Lough Swilly (Carndonagh Extension) Light Railway Order 1898 made in pursuance of the Tramways (Ireland) Acts 1860 to 1896 the Company have constructed and are working upon the terms of an agreement dated the eleventh day of March one thousand eight hundred and ninety-seven and made between the Treasury of the first part the Commissioners of Public Works in Ireland of the second part and the Company of the third part a light railway (in extension of the railway authorised by the Act of 1861) from Buncrana to Carndonagh :

And whereas the station buildings and other accommodation at the present terminus at Londonderry having been provided for the purpose of accommodating the traffic on the railway

authorised by the Act of 1853 and the Act of 1859 are unsuitable and inadequate for dealing with the increased traffic resulting from the various extensions of that railway (including the railways worked under agreements with the Commissioners of Public Works in Ireland as aforesaid) which have been subsequently constructed : A.D. 1918.

And whereas by section VIII. of the Act of 1859 the Company were empowered in the construction of the railway by that Act authorised to carry the same on the level over the public roads specified in that section which included a road near the existing terminus at Londonderry (hereinafter called "Strand Road") and by section XII. of the Act of 1859 it was enacted that the Company should not cross Strand Road with locomotive steam engines or propel or draw any carriage across the said road by means of a fixed engine and ropes or otherwise by the use of steam power but that the traffic across the said road and along the railway from thence to the Londonderry terminus should be worked by horses or other animals :

And whereas by section 15 of the Lough Swilly Railway (Extension) Act 1864 (hereinafter called "the Act of 1864") it was provided that the Company should carry over the railway authorised by the Act of 1859 certain public roads (including Strand Road) by means of bridges or arches instead of crossing the same as they were then crossed on the level and that when Strand Road was so carried over the railway the Company might run over propel or draw carriages and work the traffic with locomotive steam engines between the level crossing of Strand Road and the said Londonderry terminus : 27 & 28 Vict.
c. ccxxviii.

And whereas the Company have for many years past worked the traffic over Strand Road by means of steam locomotives and have not constructed bridges for carrying their railway over Strand Road or the other roads referred to in section 15 of the Act of 1864 :

And whereas the Company intend to construct upon lands belonging to them or to be acquired under the powers of this Act at Londonderry a new and more commodious terminal station for passengers and additional accommodation for goods traffic near to the said present terminus but on the opposite side of Strand Road thereto and thus to obviate the necessity of working passenger traffic over Strand Road and it is expedient

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A.D. 1918. — that such powers as are contained in this Act with reference thereto should be granted :

And whereas it is expedient that as from the completion of the said intended new terminal station the Company should be authorised to abandon the existing terminal station and part of their railway on the eastern side of Strand Road and should be empowered and required to use exclusively for goods traffic the remainder of their railway on the said eastern side and so much of their railway as is laid on Strand Road :

And whereas it is expedient that the Company should be empowered to construct the railway by this Act authorised to connect their existing railway with the said new terminal station :

And whereas the railway of the Company (which is constructed on a gauge of three feet) is connected by a junction on the eastern side of Strand Road with the tramways of the Londonderry Harbour Commissioners which are constructed on a gauge of five feet three inches and it is expedient that for the convenient interchange of goods traffic between the railways of the Company and the tramways of the said commissioners the Company should be empowered to lay down on their railway a third line of rail between the junction with the said tramways of the Londonderry Harbour Commissioners and the junction of the railway to be constructed under the powers of this Act with the existing railway of the Company :

And whereas the roads referred to in section 15 of the Act of 1864 other than Strand Road are roads which are only used to a small extent and it is expedient that the provisions of the said section should as regards such other roads be repealed forthwith :

And whereas it is expedient that as from the completion and opening for traffic of the said intended new terminal station section XII. of the Act of 1859 and so much of section 15 of the Act of 1864 as relates to Strand Road should be repealed :

And whereas it is expedient that the Company should be empowered to acquire lands for the purposes of this Act and for the general purposes of their undertaking :

And whereas the Company were by the Act of 1864 authorised to construct but have not constructed a railway and works in extension of their railway as authorised by previous

Acts and the Company have also not constructed a part of the railway and works authorised by the Act of 1859: A.D. 1918.

And whereas it is expedient that the said railways and works authorised but not constructed should be abandoned and that the other provisions contained in this Act with reference thereto should be made:

And whereas it is expedient that the Company should be empowered to provide work and use boats and ships to be propelled by either steam or motor power between any harbours piers or jetties in Lough Swilly:

And whereas it is expedient that the Company should be empowered to provide work and use coaches motor cars and other vehicles for the conveyance of passengers in connexion with or in extension of their railway:

And whereas it is expedient that the Company should be empowered to provide and use as part of their undertaking hotels and refreshment rooms and that the other powers contained in this Act with reference to those matters should be conferred:

And whereas it is expedient that such provisions as are contained in this Act for the prevention of trespass upon the railway and property of the Company should be made:

And whereas it is expedient that the existing unexercised powers of the Company of raising money by the creation and issue of shares or stock or by borrowing on mortgage or the creation and issue of debenture stock should be repealed and that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

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

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

And whereas plans and sections showing the lines and levels of the railway and works by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace

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A.D. 1918. — for the respective counties of Londonderry and Donegal which plans sections and book of reference are in this Act 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 for all purposes as the Londonderry and Lough Swilly Railway Act 1918.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

And Part I. (relating to the construction of a railway) Part III. (relating to working agreements) and Part IV. (relating to steam vessels) of the Railways Clauses Act 1863.

Applying certain provisions of Companies Clauses Acts. 3. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (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 giving of notices;

The provision to be made for affording access to the special Act;

and Part I. (relating to the 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 shares or stock or borrowing and the proprietors thereof.

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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.

Interpreta-
tion.

5. The provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act 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 inserted in those sections in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

Deposit of
plans with
clerks of
district
councils.

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 railway hereinafter described with all proper terminal and other stations junctions lines of rail sidings approaches signals 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 as may be required for those purposes.

Power to
make rail-
way.

The railway hereinbefore referred to and authorised by this Act is—

A railway (2 furlongs 8·33 chains or thereabouts in length) in the parish of Templemore in the county of Londonderry commencing in the townland of Pennyburn by a junction with the existing railway of the Company at a point twenty-eight chains or thereabouts north-westward of Strand Road and terminating in the said townland of Pennyburn in a field on the western side of Strand Road.

7. Subject to the provisions of this Act the Company may lay down and maintain in the line and according to the levels shown on the deposited plans and sections and may use a third

Power to
lay down a
third rail
upon part of

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the Com-
pany's rail-
way.

line of rail upon so much of their existing railway as extends from the junction thereof at Londonderry with the tramways of the Londonderry Harbour Commissioners to a point on the said existing railway nine chains or thereabouts northward of Strand Road so as to accommodate locomotives and waggons whether constructed for use upon a railway of a gauge of five feet three inches or upon a railway of a gauge of three feet.

Works affect-
ing tram-
ways of
Londonderry
Harbour
Commis-
sioners.

8. The Company may within the limits of deviation shown on the deposited plans make all such junctions and connexions with the tramways of the Londonderry Harbour Commissioners and execute and do all such works and things upon or with reference to those tramways as may be necessary or convenient for or in connexion with the construction maintenance and user of the third line of rail by this Act authorised and the maintenance and user of the railway upon which the same is laid down.

Gauge of
railway.

9. The railway by this Act authorised shall be constructed on a gauge of three feet.

Power to
deviate.

10. The Company in constructing the railway and in laying down the third line of rail authorised by the section of this Act of which the marginal note is "Power to lay down a third rail upon part of the Company's railway" may deviate from the lines thereof shown on the deposited plans to the extent of the limits of deviation marked on such plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding ten feet upward or downward.

Protection
of gas and
water mains
of local
authorities.

11. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Under-
pinning of
houses near
works.

12. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and

if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):— A.D. 1918.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company:
- (3) If any owner lessee or occupier of any such house or building or the Company shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the costs of and incidental to such reference shall be borne and paid as the arbitrator may direct:
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

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- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from any liability to compensate to which they may be subject under any other enactment:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Period for completion of railway.

13. If the railway by this Act authorised is not completed within five years from the termination of the present war then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Imposing penalty if railway not opened within period limited.

14. If the Company fail within the period limited by this Act to complete the railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the said railway.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Accountant-General of the Supreme Court in Ireland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the said railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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15. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway by this Act authorised or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such railway 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the said railway or any part thereof has been abandoned be paid or transferred 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 or re-transferred to the Company.

Application
of penalty.

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Railway and
works to form
part of Com-
pany's under-
taking.

Working
agreements.

16. The railway and works by this Act authorised shall for all purposes form part of the undertaking of the Company.

17. The Company on the one hand and the Londonderry Harbour Commissioners on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

The maintenance and management of the whole or any part of so much of the railway of the Company at and near the existing terminus and the new terminus at Londonderry as is by this Act required to be used exclusively for the conveyance of goods traffic and of the works connected therewith:

The use or working of the said portion of railway and the said works or of any part thereof respectively and the conveyance of traffic thereon:

The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the said portion of railway or part thereof of engines stock and plant and motive power necessary for the purposes of such agreement and the employment of officers and servants.

Power to
acquire
lands for
various pur-
poses.

18. Subject to the provisions of this Act—

(1) The Company may enter upon take and use all or any of the lands hereinafter described which are delineated on the deposited plans and described in the deposited book of reference relating thereto respectively (that is to say):—

Lands in the townland of Ballymacarry Lower in the parish of Lower Fahan and urban district of Buncrana situate between the railway of the Company on the east and Lough Swilly on the west being the Ladies' Golf Links at Buncrana:

(2) The Company may hold and use the said lands or any part or parts thereof for the purposes of a fishing station or otherwise for the development of the fishing industry at Buncrana and for purposes in connexion with certain harbour works proposed to be constructed at Buncrana by His Majesty's

Government or by the Donegal County Council and for the general purposes of the undertaking of the Company or for any of those purposes. A.D. 1918.

19. 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.

Persons under disability may grant easements &c.

20. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain properties.

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Company the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company

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paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Company of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the arbitrator shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the said schedules

and maps cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Company may delete the said portion from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps :

- (7) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not agree to delete from the said schedules and maps the portion first included may amend such schedules and maps by substituting therein the portion which the arbitrator shall determine can be so severed as aforesaid for the said portion first included and shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such inclusion or such portion of such costs charges and expenses as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every schedule deposited by the Company wherein a portion of any of the scheduled properties is included as proposed to be acquired compulsorily.

21. The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous

Power to
Company to
enter upon
property for
survey and
valuation.

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Costs of arbitration &c. in certain cases.

22. The arbitrator to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the arbitrator shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the arbitrator shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the schedule deposited by the Company of the lands required by them either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recently altered building.

23. In settling any question of disputed purchase money or compensation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of November one thousand nine hundred and seventeen if in the opinion of the arbitrator the improvement alteration or building or the creation of the

interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. A.D. 1918.

24. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Company shall as from the date of such acquisition or vesting be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights 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. As to private rights of way over lands taken compulsorily.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised in the case of lands situate within the urban district of Buncrana after the expiration of seven years from the passing of this Act and in the case of any other lands after the expiration of three years from the termination of the present war. Period for compulsory purchase of lands.

26. The Company shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December one thousand nine hundred and seventeen were occupied either wholly or partially by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on powers of taking working class houses.

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 Local Government Board for Ireland 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.

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 "working class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some

A.D. 1918. — trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Lands for extra-ordinary purposes.

27. The quantity of land to be taken by the Company under the powers of this Act by agreement for the extra-ordinary purposes of their undertaking mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten 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.

For protection of Commissioners of Public Works in Ireland.

28. Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to acquire lands for various purposes" or in the section of this Act of which the marginal note is "Period for compulsory purchase of lands" the Company shall not without the consent in writing of the Commissioners of Public Works in Ireland acquire either compulsorily or by agreement with the owner any of the lands mentioned in the first-mentioned section lying to the north of an imaginary straight line projected in a west-south-westerly direction from the north-western corner of the main building of Buncrana Railway Station.

Abandonment of part of existing railway.

29.—(1) As from the completion and opening for traffic of the railway by this Act authorised and the terminal station to be constructed by the Company in connexion therewith the Company may—

(a) Abandon their existing passenger station at Londonderry and so much of their railway as is therein and extends therefrom to the junction of their railway with the tramways of the Londonderry Harbour Commissioners; and

(b) Discontinue the use for passenger traffic of so much of their existing railway as extends from the said junction to the point of commencement of the railway by this Act authorised and abandon so much of the said part of their existing railway as they shall not require to retain for the accommodation of goods traffic.

(2) The Company may use for any purpose of or connected with their undertaking or may sell exchange let or otherwise dispose of any part of their railway abandoned under the powers of this section or the site thereof. A.D. 1918.

30.—(1) The Company may abandon the railway and works authorised by the Lough Swilly Railway (Extension) Act 1864 and so much of the railway and works authorised by the Lough Swilly Railway (Deviation) Act 1859 as has not been constructed. Abandonment of authorised works.

(2) Section 19 (Penalty in case railway not completed) of the said Act of 1864 is hereby repealed and such repeal shall be deemed to have been operative as from the expiration of four years from the passing of that Act.

(3) Section XX. (Penalty on Company for non-completion of railway within limited time) of the said Act of 1859 is hereby repealed and such repeal shall be deemed to have been operative as from the expiration of three years from the passing of that Act.

31. For the protection of the North of Ireland Shipbuilding Company Limited their successors and assigns (in this section referred to as "the shipbuilding company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans unless otherwise agreed in writing between the shipbuilding company and the Company apply and have effect (that is to say):— For protection of North of Ireland Shipbuilding Company Limited.

(1)—(a) The Company shall purchase and the shipbuilding company shall sell to them the lands belonging or reputed to belong to the shipbuilding company numbered on the deposited plans 1 to 4 (both inclusive) 4A 5 to 13 (both inclusive) and 15 in the townland of Pennyburn;

(b) The Company shall be entitled at the expiration of one month from the passing of this Act to enter upon and take possession of the said lands and to use the same for the purposes authorised by this Act;

(c) The price or consideration to be paid by the Company to the shipbuilding company for the said lands shall be such sum as may within six months from the passing of this Act be agreed on or as failing such

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agreement shall be determined by arbitration as hereinafter provided the reference for this purpose to be made forthwith after failure to agree as aforesaid but the Company shall not be required to pay to the shipbuilding company the amount of such price or consideration until the completion of the conveyance to the Company as hereinafter provided ;

(d) The said purchase shall be completed at the expiration of four years from the passing of this Act Provided that if at the expiration of such four years the Company shall be unable owing to the withholding of any necessary sanction of the Treasury to raise the capital required for payment of the said price or consideration the said purchase shall be completed as soon as practicable after such sanction shall have been obtained or shall have become unnecessary ;

(e) For the said period of four years from the passing of this Act no interest upon the amount of the said price or consideration shall be due or payable by the Company to the shipbuilding company but in respect of any period which may elapse between the expiration of the said period of four years and the completion of the said conveyance there shall be due from and paid half-yearly by the Company to the shipbuilding company interest upon the said amount at a rate per annum exceeding by one quarter of one per centum the Bank of England rate from time to time :

(2)—(a) Within six months after the completion and opening for traffic of all descriptions of the railway by this Act authorised the Company shall sell and convey to the shipbuilding company and the shipbuilding company shall purchase so much of the lands of the Company on the eastern side of Strand Road as shall not be required for the construction and maintenance by the Company of a double line of rails to be laid as near as practicable to Strand Road consistently with the maintenance of the existing level crossing over Strand Road and with the making or maintaining of a junction between such

line of rails and the tramways of the Londonderry Port and Harbour Commissioners; A.D. 1918.

- (b) The price or consideration to be paid by the shipbuilding company to the Company for the said land shall be such sum as may within six months from the passing of this Act be agreed on or failing such agreement shall forthwith thereafter be referred to and determined by arbitration as hereinafter provided simultaneously with the reference and determination under subsection (1) (c) of this section and so that the price to be determined under that subsection and this subsection shall be determined by the same arbitrator:
- (3) If the lands purchased by the shipbuilding company pursuant to subsection (2) of this section are so situate as to be severed by the said line of rails of the Company the shipbuilding company and their officers and servants shall so long as those conditions continue be entitled at their own risk and so as not to interfere with the use by the Company or the said Londonderry Port and Harbour Commissioners of the said line of rails to pass and repass over the said line of rails between the severed portions of their lands with or without horses carts or other vehicles:
- (4) Any question or difference arising under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either of them (after notice in writing to the other of them) by the Board of Trade and in all other respects the provisions of the Lands Clauses Acts with regard to the purchase and taking of lands otherwise than by agreement shall apply to any arbitration under subsection (1) or subsection (2) of this section and upon any such arbitration as last aforesaid the Company or the shipbuilding company as vendors shall be entitled to an allowance as for a compulsory sale.

32.—(1) As from the date of the passing of this Act section XI. (Board of Trade may require a bridge to be erected instead of level crossing) of the Act of 1859 is hereby repealed

Repeal of
certain pro-
visions of
Act of 1859.

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Railway Act, 1918.

A.D. 1918. and in lieu thereof the provisions of sections 7 and 8 of the Railways Clauses Act 1863 shall apply with respect to the roads referred to in that section other than the road known as Strand Road in the county borough of Londonderry.

(2) As from the completion and opening for traffic of the railway by this Act authorised and the terminal station for passengers to be constructed by the Company in connexion therewith section XII. (As to crossing of road in the townland of Pennyburn) of the Act of 1859 shall be and is by virtue of this Act repealed And—

(a) It shall be lawful for the Company to cross Strand Road on the level by means of their railway (whether as now existing or as altered by the laying down of a third line of rail under the powers of this Act) and to work the traffic across the said road and along their said railway from that road to the junction of the said railway with the tramways of the Londonderry Harbour Commissioners with steam or other locomotives and waggons; and

(b) The level crossing of the railway of the Company over Strand Road and the portion of the said railway southward of that road shall be used for goods traffic only.

Repeal of section 15 of Act of 1864. **33.**—(1) As from the date of the passing of this Act section 15 (Company to carry certain roads over their authorised railway by bridges) of the Act of 1864 is hereby repealed as regards the roads referred to in that section other than Strand Road and the Company may cross the said roads on the level for purposes of traffic of any description.

(2) As from the completion and opening for traffic of the railway by this Act authorised and the terminal station for passengers to be constructed by the Company in connexion therewith the said section 15 shall be and is by virtue of this Act repealed as regards Strand Road.

Application of section 11 of Act of 1866. **34.** The provisions contained in section 11 of the Letterkenny and Londonderry and Lough Swilly Railway Companies Act 1866 shall extend and apply to the railway by this Act authorised and any station to be constructed by the Company in connexion therewith.

35. 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 with reference to the following matters (that is to say):—

- (1) As to any rate charged in respect of traffic conveyed to or from any station by the Company;
- (2) As to any rates and charges in respect of traffic conveyed in boats or ships owned or worked by the Company.

And the Company 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 and charges 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 or charges in respect of which information has been supplied under this section at the same time as notification thereof is given to the parties concerned. Any failure to comply with any of the provisions of this section shall be deemed to be an offence within the meaning of subsection (7) of section 33 of the Railway and Canal Traffic Act 1888.

36. For the purposes of this Act a 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.

37. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall apply and have effect for the protection of the mayor aldermen and burgesses of the city of Londonderry (hereinafter in this section referred to as "the corporation") (that is to say):—

- (1) The third line of rail to be laid down by the Company under the powers of this Act where it crosses Strand Road shall be so laid that the finished level thereof shall correspond with the level of the existing rails and none of such rails shall be raised above the surface of the ground and the space between all such rails and to the width of two feet beyond the exterior of

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

Notice of increase in rates.

For protection of Corporation of Londonderry.

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the outer rails shall be laid with granite setts on a bed of concrete and shall be so laid as aforesaid and maintained to the reasonable satisfaction and approval of the city engineer :

- (2) When the Company commence the laying of the said third line of rail where it crosses Strand Road they shall complete the same with all reasonable dispatch so as not to interfere more than is necessary with the traffic passing along the said road :
- (3) If at any time after the passing of this Act it shall be agreed between the corporation and the Company that it is necessary for the convenience of the public that a subway for foot passengers be provided under the railway of the Company at Strand Road the corporation shall be at liberty to construct a subway under the said level crossing according to plans sections and specifications and a detailed estimate of cost to be previously submitted to the Company On the completion and opening of the said subway for the use of the public the Company shall repay to the corporation one-half of the cost reasonably incurred by the corporation in the construction of the same If any question or difference shall arise between the corporation and the Company as to whether the said subway is necessary for the convenience of the public or as to the said plans sections specifications or estimate or as to the amount of the cost actually incurred by the corporation that question shall be determined by arbitration as hereinafter in this section provided and the costs of any such arbitration shall be borne and paid equally by the corporation and the Company :

The Company shall also from time to time repay to the corporation one-half of the cost of maintaining the said subway the amount thereof to be certified at the end of every twelve months by the city engineer but in the event in any year of the cost of such maintenance exceeding the sum of twenty pounds then and in such event the Company shall have the right of referring the reasonableness of such cost to arbitration as hereinafter provided :

(4) As soon as the Company shall have acquired the lands numbered on the deposited plans 7 in the townland of Pennyburn they shall sell and the corporation shall purchase such portions of the said lands fronting upon Strand Road and Duncreggan Road respectively as are coloured pink and blue upon the plan signed in duplicate by M. A. Robinson the city engineer and by R. B. Newell the engineer of the Company Provided that the Company shall not be required to sell to the corporation the said lands coloured blue or any part thereof if such sale would involve the Company in any engineering difficulty in connexion with the construction of a terminal station upon the said land numbered 7 on the deposited plans and if any difference of opinion shall arise between the parties as to whether the Company shall be required to sell the said lands coloured blue to the corporation the difference so arising shall be left to the decision of the chief engineering inspector of the Local Government Board for Ireland The price to be paid by the corporation to the Company for the lands so to be purchased by the corporation shall be a sum bearing to the whole purchase money and compensation (not including for this purpose any sum or any proportion of any sum paid in respect of buildings or building materials water or water rights) paid by the Company for and in respect of the acquisition of the said lands numbered 7 on the deposited plans the same proportion as the area of the lands so purchased by the corporation bears to the whole area of the said lands acquired by the Company Forthwith after the corporation shall have purchased as aforesaid the said lands coloured pink they shall pull down the existing boundary wall between those lands and Duncreggan Road and re-erect the same on the north-eastern boundary of the land so acquired and fronting on the said road using so far as possible the existing material of the said wall and shall throw into Duncreggan Road and make up and at all times thereafter maintain as part of that road the said lands coloured pink :

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- (5) Any question or difference arising between the corporation and the Company under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either of them (after notice in writing to the other of them) by the Board of Trade and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall apply to the determination of such question or difference.

For protection of Londonderry Corporation and Londonderry Port and Harbour Commissioners.

38. Notwithstanding anything contained in this Act the following provisions shall apply and have effect for the protection of the mayor aldermen and burgesses of the city of Londonderry (hereinafter in this section referred to as "the corporation") and of the Londonderry Port and Harbour Commissioners (hereinafter in this section referred to as "the commissioners") unless otherwise agreed in writing between the Company on the one hand and the corporation and the commissioners on the other hand (that is to say):—

- (1) As from the completion and opening for traffic of the railway by this Act authorised and the new terminal station to be constructed in connexion therewith so much of the railway of the Company (whether as now existing or as altered by the laying down of a third line of rail under the powers of this Act) as is laid upon Strand Road shall be used only for the purpose of the exchange of traffic between the railways of the Company and any railway or tramway on the east side of Strand Road which is for the time being connected with the railways of the Company and for any services connected with or incidental to such exchange of traffic. The said exchange of traffic shall be carried on at such times and subject to such conditions as may be mutually agreed upon between the Company and the commissioners and approved of by the corporation or as in case of dispute between the said parties or any two of them shall be determined by arbitration as hereinafter in this section provided:

Provided always that such exchange of traffic and any services connected therewith or incidental thereto may be carried out by the locomotives of the Company or of the commissioners or partly by either as may from time to time be agreed upon between the Company and the commissioners but neither the Company nor the commissioners shall marshal traffic or make up trains on the level crossing and no waggon or locomotive shall be allowed to stand thereon :

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- (2) Any question or difference arising between the said parties or any two of them under the provisions of this section shall be referred to and determined by a single arbitrator to be mutually agreed upon between the parties in difference or failing such agreement to be appointed on the application of any or either of those parties (after notice in writing to the other or others of them) by the Board of Trade and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall apply to such question or difference.

39. For the protection of Stuart Lesley Bathurst or other the owner or owners for the time being of the lands described in the section of this Act of which the marginal note is "Power to acquire lands for various purposes" (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company apply and have effect notwithstanding anything contained in the said section or in the section of this Act of which the marginal note is "Period for compulsory purchase of lands" (that is to say) :—

For protection of owners of land at Buncrana.

- (1) The Company shall not at any time after the expiration of a period of seven years from the passing of this Act or of a period of one year from the commencement of the construction by the Admiralty the Commissioners of Public Works in Ireland and the Donegal County Council or either or any of those bodies of any pier or jetty at Buncrana (whichever of those periods shall first expire) enter upon take or use the said lands or any part thereof nor shall the Company before the

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expiration of any such period as aforesaid enter upon take or use any greater quantity of the said lands than shall be necessary for the construction of a line of railway connecting their existing railway from the south side of the Company's present station with any such pier or jetty as aforesaid and of any necessary siding accommodation at the end of such line of railway nearest to the said pier or jetty :

- (2) If the Company shall acquire the said lands or any part thereof they shall at their own expense provide or erect such accommodation works and at such places as the owner may reasonably require and any difference between the Company and the owner under this subsection shall be determined by arbitration as provided by the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement :
- (3) The Company their lessees tenants and assigns shall not on the west side of the public road leading from Londonderry to Buncrana construct erect or use any fish-curing stations other than those now constructed or erected as shown and coloured red and purple on the plan signed by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords and another copy has been deposited in the Private Bill Office of the House of Commons :
- (4) The Company their lessees tenants and assigns shall not construct erect or use any fish-curing stations on lands belonging to or occupied by them on the east side of the said public road leading from Londonderry to Buncrana for the purpose of freshing or salting herring and other fish but nothing in this section shall preclude the Company their lessees tenants or assigns from constructing erecting or using on any such lands as are referred to in this subsection any fish-curing station for any purpose other than those hereinbefore in this subsection specified.

40. Any person who shall trespass upon any of the lines of railway now or hereafter belonging to or worked by the Company shall without having received any personal or other warning than as hereinafter mentioned and without any demand for trespass forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence and such penalty shall upon conviction be recoverable summarily. Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the court that they have painted on boards or printed on paper and pasted on boards or cast printed painted or enamelled on enamelled or other iron or any other material public warning to persons not to trespass upon such lines of railway and that one or more of such boards has been affixed at the station and at the level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such warning as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed. Provided also that no person lawfully crossing any such line of railway at any level crossing thereof shall be liable to any such penalty as aforesaid and provided further that this enactment shall not interfere with but shall be subject to any future general enactment relating to trespass upon railways.

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For prevent-
ing trespass
on railways.

41. The Company may provide own work and use boats and ships to be propelled by either steam or motor power to carry passengers luggage goods and animal traffic between all or any harbours and piers now existing or hereafter to be constructed in Lough Swilly. The Company may demand and take such fares rates and charges as they may from time to time determine for the use of such boats and vessels or the conveyance therein of passengers luggage goods and animals. Provided that the provisions of section 20 of the Regulation of Railways Act 1873 shall extend and apply to the boats and ships provided worked and used by the Company under the provisions of this section.

Steam and
other vessels.

42. The Company may acquire erect provide hold enjoy and maintain as part of their undertaking at or connected with any station or stations on their railway and the railways which they now or may hereafter work hotels refreshment rooms or any like accommodation. They may furnish stock equip manage

Power to
provide
hotels &c.

A.D. 1918. — and conduct the said hotels and refreshment rooms and the business thereof and may employ officers managers and servants therein or in connexion therewith and the officer or manager of any such hotel or refreshment room designated as such by the Company shall be deemed to be the real resident holder and occupier thereof And the Company may for any of the purposes aforesaid apply their corporate funds or any of them and may acquire by agreement and may hold lands for and in connexion with the said purposes The Company may let on lease or otherwise for any period not exceeding five years any hotel refreshment room or any other like accommodation so provided by them as aforesaid The expenditure incurred by the Company upon such purposes as are hereinbefore referred to is hereby confirmed.

Power to provide and work coaches &c.

43. The Company may provide own work and use coaches motor cars and other vehicles to be drawn or moved by animal power electricity or any mechanical power for the conveyance of passengers and passengers' luggage in connexion with or in extension of their railway system and may make charges in respect of such conveyance and may enter into contracts or agreements with any company or person with reference to the supply and working of such coaches motor cars and other vehicles and may apply their corporate funds to the purposes aforesaid or any of them :

Provided that the powers of this section shall not be exercised within the city of Londonderry or any extension thereof except with the consent of the lord mayor aldermen and citizens of that city and upon and subject to such terms and conditions as the said lord mayor aldermen and citizens may impose Provided also that any vehicle moved by electricity shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

Conveyance of mails by coaches &c.

44. With respect to the conveyance of mails by coaches motor cars and other vehicles the following provisions shall apply (that is to say) :—

- (1) The Company shall convey by any coach motor car or other vehicle provided worked or used on a regular or periodical service in connexion with or in extension of their railway system and habitually moved by electricity or any mechanical power all such mails

(with the officers of the Post Office in charge thereof) as may be tendered by the Postmaster-General for conveyance by such vehicle and shall receive and deliver such mails from or to any post office or officer of the Post Office on the route of such vehicle: A.D. 1918.

Provided that the conveyance of mails by every such vehicle shall be subject to the following rules:—

(a) If the vehicle is intended to convey passengers only without luggage the Company shall not be bound to convey Post Office parcels;

(b) If the vehicle is intended to convey passengers and their luggage but no goods or parcels the Company shall not be bound to convey Post Office parcels which in the aggregate exceed the limits of weight or size from time to time prescribed by the Company for the luggage of an ordinary passenger;

(c) If the vehicle is intended to convey passengers and their luggage and parcels but not goods the Company shall not be bound to convey Post Office parcels exceeding in the aggregate such limits of weight and size as may be agreed between the Company and the Postmaster-General or in default of agreement settled by arbitration;

(d) Except where the vehicle is in charge of a guard (other than the driver of the vehicle) and except in the case of a vehicle carrying goods the Company shall not be bound to convey any mails unless they are in charge of an officer of the Post Office:

(2) The remuneration for any services performed in pursuance of this section shall be such as may be from time to time determined by agreement between the Postmaster-General and the Company or in default of agreement by the Railway and Canal Commission and any question to be settled by arbitration under this section shall be determined by the said commission who in all proceedings relating to any matter of difference referred to them under this section shall have the same powers as if it had been a matter

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referred to them in pursuance of the Railway and Canal Traffic Acts 1873 and 1888 or any Act amending the same:

- (3) The expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and the expression "Post Office parcel" means a parcel as defined by the Post Office (Parcels) Act 1882.

As to exercise of certain powers of Act.

45. Notwithstanding anything contained in this Act or in any Act incorporated therewith the powers conferred by the sections of this Act of which the marginal notes are respectively "Steam and other vessels" "Power to provide hotels &c." and "Power to provide and work coaches &c." shall not be exercised except with the previous consent of the shareholders.

Power to lease lands &c.

46. And whereas lands have from time to time been purchased or acquired by the Company and by the Company jointly with other companies adjoining or near to railways or stations belonging to the Company or belonging to or managed by the Company jointly with such other companies but such lands are not immediately and may not hereafter be required for the purposes of the undertaking of the Company or of the joint undertakings of the Company and any such other company as the case may be and it is expedient that further powers should be conferred upon the Company and such other companies respectively with respect to such lands Therefore notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company or any such other company with which that Act is incorporated the Company or the Company and any such other company as the case may be shall not be required to sell or dispose of any such lands but may retain hold or use or may lease or otherwise dispose of the same Provided that nothing in this section shall relieve the Company from any obligation to which they were immediately before the passing of this Act subject in regard to the sale of surplus lands acquired under the powers of the Orders in Council of 1898 referred to in the preamble to this Act or of either of those Orders.

Repeal of unexercised capital and borrowing powers.

47. All powers of the Company of raising money by the creation and issue of shares or stock or by borrowing on mortgage or the creation and issue of debenture stock conferred by any previous Act or Order and remaining unexercised immediately before the passing of this Act are hereby repealed.

48. The Company may subject to the provisions of Part II. A.D. 1918.
of the Companies Clauses Act 1863 raise for the purposes of Power to
this Act and other purposes of or connected with their under- raise addi-
taking any additional capital not exceeding in the whole the tional
sum of thirty thousand pounds by the issue at their option of capital.
new ordinary shares or stock or new preference shares or stock
or wholly or partially by any one or more of those modes
respectively 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 and until a sum not being
less than one fifth of the amount of such share shall have been
paid in respect thereof and the capital so raised by the Company
shall form part of the capital of the Company other than the
baronial guaranteed shares issued pursuant to the Orders in
Council of 1898 referred to in the preamble to this Act.

49. Every person who becomes entitled to new shares or Dividends on
stock shall in respect of the same be a holder of shares or stock new shares
in the Company (other than the said baronial guaranteed shares) or stock.
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 stock as the case may be.

50. Except as otherwise expressly provided by the resolu- Restriction as
tion creating the same no person shall be entitled to vote in to votes in
respect of any new shares or stock to which a preferential respect of pre-
dividend shall be assigned. ferential shares
or stock.

51. The Company may borrow on mortgage of their under- Power to
taking in respect of the additional capital of thirty thousand borrow.
pounds by this Act authorised any sum or sums not exceeding
in the whole one third of the amount of such additional capital
for the time being raised but no such sum as aforesaid shall be
borrowed until shares for so much of the instalment of capital
in respect of which it is to be borrowed as is to be raised by
means of shares are issued and accepted and one half thereof 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 he so certifies) that shares for
such portion of capital have been issued and accepted and that
one half thereof has been paid up and that not less than one
fifth part of the amount of each separate share in such portion

A D. 1918. of capital has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock (as the case may be) were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as such portion of capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to
appointment
of a receiver.

52.—(1) The provisions relating to the appointment of a receiver contained in all or any previous Acts of or relating to the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of any such provision and in force or pending at the passing of this Act.

(2) The mortgagees of the Company 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 one thousand pounds in the whole.

Saving
priority of
existing
mortgages.

53. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture
stock.

54. 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 moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1918.

55. All moneys raised under this Act whether by shares or stock or debenture stock or by borrowing shall be applied to the purposes of this Act and to the general purposes of the Company to which capital is properly applicable. Application
of moneys.

56. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in
case of per-
sons not sui
juris.

57. The Company shall not out of any money by this Act or any other Act relating to the Company authorised to be raised by calls in respect of shares or by the exercise of any power of borrowing pay interest or dividends to any shareholder on the amount of calls made in respect of the shares held by him in the capital of the Company Provided always that nothing herein contained shall be deemed to prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as shall be in conformity with the provisions in the Companies Clauses Consolidation Act 1845 in that behalf contained. Dividends
not to be
paid out of
calls.

58. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum of money 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.

59.—(1) The Company may from time to time notwithstanding the provisions of any Act relating to the Company and Redeemable
preference
shares or

A.D. 1918. without any further authority than is given by this section
stock and debenture stock. raise—

(a) By the issue of redeemable preference shares or stock any portion of the capital which the Company are or may be authorised whether under this Act or otherwise to raise as preference capital:

(b) By the issue of redeemable debenture stock any money which the Company are or may be authorised whether under this Act or otherwise to raise by the issue of debenture stock subject to the condition that such redeemable preference shares or stock and redeemable debenture stock shall be redeemed by the Company at such times and in such manner and on such terms and conditions as shall be expressed on the certificates of such shares or stock or debenture stock.

(2) It shall be lawful for the Company from time to time to create and issue—

(a) New shares or stock whether ordinary or preference and as regards any preference shares or stock whether redeemable or otherwise for a nominal amount not exceeding the nominal amount of any redeemable preference shares or stock which shall have been redeemed; or

(b) New debenture stock whether redeemable or otherwise for a nominal amount not exceeding the nominal amount of any redeemable debenture stock which shall have been redeemed;

or to re-issue any preference shares or stock or debenture stock redeemed under the provisions of this section or to issue any such new shares or stock or new debenture stock for the purpose of redemption of or in substitution for any such redeemable preference shares or stock or redeemable debenture stock (as the case may be).

(3) The Company or the directors thereof may from time to time set apart out of revenue after providing for the payment of interest on any mortgages bonds or debenture stock or preference shares or stock of the Company such sums as they may consider necessary for the purpose of forming a fund for the redemption at maturity of any redeemable preference shares

or stock or redeemable debenture stock which under the conditions of issue thereof is to be redeemed wholly or partly in cash The Company or the directors thereof may invest any sums so set apart and the income therefrom in any securities in which trustees are for the time being by law authorised to invest trust funds or in any other securities (not being securities of the Company except as hereinafter provided) in which they may be authorised to invest those sums by a resolution passed at a general meeting of the Company.

A.D. 1918.

Any sums so set apart shall be applied for the redemption at maturity of any redeemable preference shares or stock or redeemable debenture stock for the redemption of which they have been set apart but may if the directors of the Company think fit be also at any time applied in the purchase of any such shares or stock or debenture stock at a price not exceeding the redemption price and any shares or stock or debenture stock so purchased shall be cancelled.

60. Notwithstanding anything in this Act the Company shall not under the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Restriction
as to raising
money
during war.

61. Nothing in this Act contained shall exempt the Company or their railway 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.

Provision as
to general
Railway
Acts.

62. Nothing in this Act or the Acts incorporated herewith contained shall extend to prejudice diminish alter or take away any of the rights privileges powers or authorities vested in or enjoyed by the Honourable the Irish Society the Governor and Assistants London of the New Plantation of Ulster within the Realm of Ireland under or by virtue of any charter or charters heretofore granted to them by the Crown or of any statute or statutes in anywise relating thereto.

Saving
rights of
the Irish
Society.

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

Costs of Act.

[Ch. lviii.] *Londonderry and Lough Swilly* [8 & 9 GEO. 5.]
Railway Act, 1918.

A.D. 1918.

The SCHEDULE referred to in the foregoing Act.

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