



### CHAPTER cxcii.

An Act to extend the time for completing the Letterkenny Railway, to revive some of the powers of purchasing land for that railway ; and for other purposes. A.D. 1878.

[22d July 1878.]

**W**HEREAS the Letterkenny Railway Company, who are hereinafter referred to as "the Company," were incorporated by the Letterkenny Railway Act, 1860, for making a railway in the county of Donegal from Letterkenny to the Londonderry and Enniskillen Railway : 23 & 24 Vict. c. xcix.

And whereas by the Letterkenny Railway Act, 1863, certain deviations from the line of railway described in the Letterkenny Railway Act, 1860, were authorised, and it was provided that the railway of the Company should terminate in the reclamation or intaken called Inch Level by a junction with the then authorised line of the Londonderry and Lough Swilly Railway Company : 26 & 27 Vict. c. cxvi.

And whereas sums of money amounting to nearly eighty thousand pounds, raised partly by calls on shares and partly by means of bonds, have been expended upon the undertaking of the Company, and other sums of money have been from time to time advanced by directors of the Company and expended on behalf of the Company :

And whereas in and before the year 1865 considerable progress was made in the execution of the Company's undertaking, and nearly all the land required for the purpose thereof had been acquired, and it has since that time been believed that valid arrangements were in subsistence under which the Company were entitled to or could purchase all the remainder of the land required for the railway :

And whereas the powers of the Company for the purchase of land otherwise than by agreement were accordingly suffered to expire by effluxion of time as to the railway authorised by the said Act of 1860 on the 13th day of July 1864, and as to the railway authorised by the said Act of 1863 on the 13th day of July 1865, but inasmuch as difficulties have occurred in completing the title of the Company

[Ch. cxcii.] *Letterkenny Railway Act, 1878.* [41 & 42 VICT.]

A.D. 1878. to the lands referred to in the schedule to this Act, it is expedient that the said powers should, with respect to such lands, be revived and extended :

29 & 30 Vict. c. lx. And whereas by the Letterkenny and Londonderry and Lough Swilly Railway Companies Act, 1866, by a warrant of the Board of Trade dated the 15th day of July 1869, (made under the Railways Extension of Time Act, 1868,) the Letterkenny Railway Act, 1871, the Letterkenny Railway (Extension of Time) Act, 1874, and the Letterkenny Railway Act, 1876, the period limited by the said Acts of 1860 and 1863 for the completion of the undertaking of the Company has been extended from time to time, and will expire unless further extended on the 30th day of June 1878 :

And whereas it is expedient that the Company should have further time for the completion of their undertaking and be enabled to execute in connexion therewith the works herein-after described :

34 & 35 Vict. c. cxlviii. 39 & 40 Vict. c. cx. And whereas by virtue of the Letterkenny Railway Act, 1871, and the Letterkenny Railway Act, 1876, the Company have power to borrow on mortgage a sum of one hundred thousand pounds, of which part is guaranteed by contributions leviable off the rateable district defined in the said Act of 1876, and the Company have not yet exercised that power or any part thereof :

And whereas plans and sections showing the line or situation and levels of the said works, 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 thereof were duly deposited with the clerk of the peace for the county of Donegal, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, 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 Letterkenny Railway Act, 1878.

Incorporation of general Acts. 2. Subject to the provisions of this Act the following Acts and parts of Acts are incorporated with and form part of this Act, except so far as any provisions thereof may be varied by or inconsistent with this Act : the Lands Clauses Consolidation Act, 1845, (as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
14 & 15 Vict. c. 70.  
23 & 24 Vict. c. 97.  
27 & 28 Vict. c. 71.  
14 & 15 Vict. c. 70.

[41 & 42 VICT.] *Letterkenny Railway Act*, 1878. [Ch. cxcii.] A.D. 1878.

Traverse Act), the Railways Clauses Consolidation Act, 1845, and Part II. of the Railways Clauses Act, 1863, relating to extension of time. 8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 92

3. In any Act incorporated with this Act the expression "the railway" or "the undertaking" means for the purposes of this Act the works hereby authorised. Interpreta-  
tion of terms.

4. Subject to the provisions of this Act the Company, in the line or situation and according to the levels shown on the deposited plans and sections, may execute as part of their undertaking the works herein-after described, 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 necessary for the purposes thereof: Power to  
execute  
works  
according to  
deposited  
plans.

1. They may divert the public road in the parish of All Saints, commencing in the townland of Murlough at about seven miles seven furlongs and five chains from the commencement of the railway authorised by the Letterkenny Railway Act, 1863, as shown on the plans referred to in the ninth section of that Act, and terminating in the townland of Moneygreggan about eight miles and two furlongs from the same commencement, as shown on the said plans: 26 & 27 Vict.  
c. cxvi.

2. They may divert the roads in the townland of Labbadish in the parish of Raymoghy, shown on the said plans referred to in the said ninth section as to be crossed by the railway authorised by that Act, at about one mile one furlong and one chain from the commencement thereof.

5. The powers of the Company for the compulsory purchase of land for the purpose of the works hereby authorised shall not be exercised after the expiration of three years from the passing of this Act. Powers of  
compulsory  
purchase of  
land limited.

6. The powers conferred upon the Company for the compulsory purchase of the lands or properties specified in the schedule to this Act are hereby revived and extended, and may be exercised with respect to such lands at any time within but not after the expiration of two years from the passing of this Act, and the Company may continue and prosecute any proceedings commenced by them at any time before the passing of this Act as if the said powers had not expired. Revival of  
powers for  
compulsory  
purchase.

7. Sections 19 and 20 of the Act of 1876 shall be read and have effect for all purposes as if the extended period limited by that Act for the completion of the railway and works of the Company had been the 30th day of June 1881 instead of the 30th day of June 1878. Extension of  
time for  
completion of  
railway.

[Ch. cxcii.] *Letterkenny Railway Act, 1878.* [41 & 42 VICT.]

A.D. 1878.

Saving  
existing  
rights.

8. Nothing in this Act contained and no proceeding taken or notice given or served in relation to or in pursuance of this Act shall be deemed or construed to take away or prejudice any estate, right, or claim of the Company in or to any lands to which this Act relates.

Company not  
exempt from  
provisions of  
any present  
and future  
general  
Railway  
Acts.

9. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels.

Expenses of  
Act.

10. 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 SCHEDULE referred to in the foregoing Act.

A.D. 1878.

LANDS AND PROPERTIES IN RESPECT OF WHICH POWERS OF COMPULSORY PURCHASE ARE REVIVED.

THE numbers given in the second column of the following table are the numbers on the plan and book of reference deposited on behalf of the Company with the clerk of the peace for the county of Donegal, in the month of November 1859, in relation to the application for the Letterkenny Railway Act, 1860, or in the month of November 1862, in relation to the application for the Letterkenny Railway Act, 1863, the date of the deposit being specified in the first column.

Time of Deposit.	Number on Plan and Book of Reference.	Townland and Parish.	Description of Property given in the Book of Reference deposited at date mentioned in first column.
Nov. 1859 -	1	Parish of Conwal, Townland of Letterkenny	Field.
	2		Field.
	3		Field.
	4		Field.
	16	Parish of Leck, Townland of Drumna- hoagh.	Field.
	19		Field.
	19A		Field.
	21		Field.
	9		Field.
	23		Field.
	26		Road.
	27		Field.
	27		Field.
	28 and 32		Field.
	33	River.	
	29	Field.	
	44	Parish of Leck, Townland of Dromore -	Field.
	45		Field.
	46		Field.
	47		Garden.
48	Orchard.		
61	Field.		
66 and 67	House, passage, and yards.		
68	Parish of Leck, Townland of Dromore -	House.	
70 and 71		Yards, offices, and garden.	
53 and 54		Field.	
65		Field.	
62		Public road.	
64	Public road.		

A.D. 1878.

The SCHEDULE (*continued*).

Time of Deposit.	Number on Plan and Book of Reference.	Townland and Parish.	Description of Property given in the Book of Reference deposited at date mentioned in first column.
Nov. 1862 -	Between 11 and 14 4 and 10	Parish of Raymoghly, Townland of Corkey.	Gatehouse, yard, and grounds.
	11, 12, 12A, & 12B	Parish of Raymoghly, Townland of Dunduff's Fort	Field. Fields, stream, town- land boundary, and footpath.
	18	Parish of Raymoghly, Townland of Castleblagh	Field.
	20		Field.
	12	Parish of Raymoghly, Townland of Moneymore -	Field.
	15		Field.
	2	Parish of All Saints, Townland of Gortree -	Field.
	3		Field.
	6, 8, and 10	Parish of All Saints, Townland of Gortree.	Field, stream, parish, and townland boundary.
	15, 15A		Field and road.
	16		Field.
	17		Field.
	18		Field.
	24		Field.
	21 and 22		Fields.
	19		Public road.
	23		Public road.
	12	Parish of All Saints, Townland of Moyle -	Field.
	13		Field.
	18		Field.
	20		Field.
	21		Road.
	25		Field.
	26 and 27 27A		Field and flax pits. Flax pits.
	3	Parish of Burt, Townland of Mulleney -	House and yard.
	4		Garden.
	6		Field.
19		Field.	
21		Field.	
8		Field.	
9		Garden.	
11		Garden.	
12, 13, 13A 15		Houses, offices, and yards. Garden.	