



## CHAPTER ccxxii.

An Act to authorise the Donegal Railway Company to extend their Railway from Strabane to Londonderry and from Donegal to Ballyshannon to make Agreements with the Londonderry Port and Harbour Commissioners and the Londonderry Bridge Commissioners and for other purposes. A.D. 1896.

[7th August 1896.]

**W**HEREAS by the Donegal Railway Act 1892 the undertakings of the Finn Valley Railway Company and of the West Donegal Railway Company were amalgamated and incorporated by the name of "The Donegal Railway Company" and such Company is in this Act referred to as "the Company":

And whereas by the Donegal Railway Act 1893 the Company were authorised to extend their railway to Strabane:

And whereas it is expedient that the Company should be authorised to make the railways in this Act described in extension of their railway from Strabane to Londonderry and from Donegal to Ballyshannon respectively:

And whereas it is expedient that the Company and the Londonderry Port and Harbour Commissioners (in this Act called "the Harbour Commissioners") and the Londonderry Bridge Commissioners (in this Act called "the Bridge Commissioners") should be authorised to enter into agreements as in this Act provided:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and should be authorised to construct the said railways as a separate undertaking with separate capital:

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

A.D. 1896. — with the respective clerks of the peace for the counties of Tyrone Londonderry and Donegal and are herein-after respectively referred to as the deposited plans sections and books 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 for all purposes as the Donegal Railway Act 1896.

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 :

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ; and

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

And Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expressions "the railway" "the railways" mean the railways by this Act authorised.

4. With reference to this Act all the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland" or the words "clerks of the unions" (as the case may be) had been used and inserted in such sections in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

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As to deposit of plans with clerks of unions.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act shall be constructed upon a gauge of three feet and are—

Power to make railway.

(1.) Railway No. 1 14 miles 2 furlongs 2·7 chains in length commencing by a junction with the railway of the Company at their Strabane passenger station at a point sixty yards or thereabouts measured in a north-easterly direction from the centre of the booking office hall of the said station and terminating in the extra-parochial place of the bed and shores of the River Foyle in the city and county of Londonderry at the south-west side of the waggon turntable on the lower or railway platform at the eastern end of Carlisle Bridge over the River Foyle at Londonderry :

(2.) Railway No. 2 15 miles 6 furlongs 4·3 chains in length commencing by a junction with the railway of the Company at a point three hundred yards or thereabouts measured in an easterly direction from the centre of the signal cabin of the Donegal Station of the Company and four yards or thereabouts measured in a north-westerly direction from the seventeen and three-quarter mile post on the railway leading from Stranorlar to Donegal and terminating at a point upon the centre line of the wall between Bishop Street in the town of Ballyshannon and a field lying to the north of it now in the occupation of Mrs. Stephens.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed three acres but nothing in that Act or in this Act shall exempt the Company from

Lands for extraordinary purposes.

A.D. 1896. 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.

Power to take easements &c. by agreement.

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

Period for compulsory purchase of lands.

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

For protection of Londonderry Port and Harbour Commissioners and the Londonderry Bridge Commissioners.

9. The Company shall not in the construction of their railway in the townland of Gobnascale or the extra parochial place of the River Foyle in the city of Londonderry construct any works or take compulsorily any land to the west of a red dotted line shown upon plans signed by Abraham McCausland Stewart engineer of the Londonderry Port and Harbour Commissioners or to the north of the Bridge No. 13 on the deposited plans in the said townland without the consent of the Londonderry Port and Harbour Commissioners and the Londonderry Bridge Commissioners nor shall the Company take any lands or acquire any right in the property of the Londonderry Bridge Commissioners or interfere with the roadway No. 40 on the deposited plans in the said townland of Gobnascale without the consent of the said Bridge Commissioners and Port and Harbour Commissioners.

For the protection of the Great Northern Railway Company (Ireland).

10. For the protection of the Great Northern Railway Company (Ireland) (in this section referred to as "the Northern Company") the following provisions shall have effect (that is to say) :—

- (1.) Railway No. 1 shall be carried over the railway of the Northern Company at the proposed crossing thereof according to the line of the railway as shown on the deposited plans or within the limit of deviation on the northern side of the same unless otherwise agreed between the engineers of the Company and the Northern Company and for the crossing of Railway No. 1 over the said railway of the Northern Company the Company shall construct a bridge of one clear span of not less width than twenty-eight feet measured on the square and such

bridge shall have a clear headway throughout of not less than fourteen feet above the level of the rails at the point of crossing and such crossing shall be so effected as to leave undisturbed the existing lines of railway and works of the Northern Company save so far as may be necessary for the construction of the piers or abutments of the said bridge : A.D. 1896.

- (2.) If by reason of the construction of the said Railway No. 1 it shall be necessary to add to or alter the signal or signals upon the railway of the Northern Company the same shall be so added to or altered by the Northern Company and the reasonable expense thereof shall be repaid them by the Company :
- (3.) The works authorised by this Act affecting the railway and property of the Northern Company shall be constructed and executed only in such position and according to such plans sections and specifications as shall be reasonably approved by and under the superintendence and to the satisfaction of such engineer and in all things at the expense of the Company and by and in such means and manner only as not to interfere with the free uninterrupted and safe user of the railway of the Northern Company :
- (4.) The Company shall at all times maintain the bridge and other works for such crossing in substantial repair and good order and condition to the reasonable satisfaction in all respects of such engineer and if and whenever the Company fail so to do the Northern Company may make and do in and upon as well the lands and works of the Company as on their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of payment may be recovered from the Company with full costs in any court of competent jurisdiction :
- (5.) The Company shall not without in every case obtaining the previous consent of the Northern Company in writing under their common seal take use enter upon or interfere with any of the land railway works or property from time to time belonging to or in the possession or under the power of the Northern Company except only such part or parts of their said lands as it shall be absolutely necessary for the Company to take use enter upon or interfere with

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for the purpose of making and maintaining the works by which according to this enactment the said railway is to be so carried across :

- (6.) With respect to any land or property of the Northern Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Northern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :
- (7.) The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe use of the railway of the Northern Company or any traffic thereon :
- (8.) The Company shall bear and on demand pay to the Northern Company the expenses of the employment by the Northern Company during the execution of the works affecting the railway of the Northern Company of a sufficient number of inspectors and watchmen to be appointed by the Northern Company for watching their said railway and the works connected therewith with reference to and during the execution of such intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors with reference thereto or otherwise :
- (9.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors the railway of the Northern Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Northern Company may make good the same and recover the expenses thereof with full costs against the Company in any court of competent jurisdiction and if any interruption or interference shall be occasioned to the traffic of the Northern Company by reason of any of the matters or causes aforesaid the Company shall pay to the Northern Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference such costs and expenses and compensation to be recoverable with full

costs by the Northern Company from the Company in any court of competent jurisdiction :

(10.) The Company and the Northern Company may agree in writing for any variation or alteration in the works in this section provided for or as to the manner in which the same shall be executed :

(11.) Any question which may arise between the two Companies under this section shall on the application of either company be referred to and determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers but nothing in this Act contained shall be deemed to enable the said arbitrator to direct that the works affecting the Northern Company shall be made of any less dimensions than those prescribed by this enactment.

11. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railways carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :--

Power to cross certain roads on the level.

No. of Railway.	County.	Number on deposited Plan.	Townland.	Parish.	Description of Road.
1	Tyrone -	5	Moyagh - -	Donaghedy -	Public road.
		4A	Cullion - -	Donaghedy -	Public road.
		2	Raneany West -	Drumhome -	Public road.
		2	Raneany West -	Drumhome -	Public road.
		36A	Carrick West -	Drumhome -	Public road.
2	Donegal -	13	Drummanus Glebe	Drumhome -	Public road.
		11	Coxtown " -	Drumhome -	Public road.
		24	Coolbeg - -	Kilbarron -	Public road.
		44	Creevy - -	Kilbarron -	Public road.
		38	Abbey Lands -	Kilbarron -	Public road.

Provided always that the Company shall erect a station adjacent to the level crossing of the road numbered on the deposited plans 4A in the townland of Cullion in the parish of Donaghedy And that if the grand jury of the county of Donegal consent thereto the roads numbered respectively on the deposited plans 13 in the townland of Drummanus Glebe and 11 in the townland of Coxtown in the parish of Drumhome shall be so diverted that there shall be but one crossing on the level of the said roads.

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Inclination  
of roads.

12. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Townland.	Parish.	Description of Roadway.	Intended Inclination.
RAILWAY NO. 1.				
23	Ballymagorry -	Leckpatrick -	Public -	1 in 18
25	Ballymagorry -	Leckpatrick -	Public -	1 in 10
18	Alrest -	Donaghedy -	Public -	1 in 15
RAILWAY NO. 2.				
4	Donegal -	Donegal -	Public -	1 in 18
4	Drummeny Lower -	Donegal -	Public -	1 in 10
11	Drumbar -	Donegal -	Public -	1 in 13
11	Drumchory Glebe -	Drumhome -	Public -	1 in 12
3	Ballymagrorty Scotch	Drumhome -	Public -	1 in 18 on one side of the railway and 1 in 16 on the other side.
9	Rathfragan -	Drumhome -	Public -	1 in 7
24	Killinangel Beg -	Drumhome -	Public -	1 in 9
52 & 53	Ardeelan Lower -	Drumhome -	Public -	1 in 13
5	Tonreege -	Kilbarron -	Public -	1 in 15

Height and  
span of  
bridges.

13. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. of Railway.	County.	No. on plan.	Townland.	Parish.	Description of road.	Height.	Span.
1	Tyrone - -	15	Strabane-Bog	Leckpatrick	Public road	14 feet	20 feet
		14	Ballymagorry	Leckpatrick	Mail car road	15 feet	30 feet
		23	Ballymagorry	Leckpatrick	Public road	12 feet	20 feet
		8	Milltown -	Leckpatrick	Public road	12 feet	15 feet
		7	Ballyheather -	Donaghedy	Public road	12 feet	15 feet
		21	Ballyheather -	Donaghedy	Public road	15 feet	15 feet
		7	Bogagh -	Clondermot	Public road	12 feet	15 feet
		16	Primity -	Clondermot	Public road	14 feet	20 feet
2	Donegal - -	1	Prehen -	Clondermot	Mail car road	15 feet	30 feet
		16	Laghy -	Drumhome	Mail car road	15 feet	25 feet
		17A	Oughtnadrin -	Drumhome	Public road	14 feet	20 feet
		4	Drumnaacroil -	Drumhome	Public road	12 feet	20 feet
		18	Drumnaacroil -	Drumhome	Public road	12 feet	20 feet
		24	Glasbolie -	Drumhome	Public road	15 feet	20 feet
		52	Ardeelin Lower	Drumhome	Public road	12 feet	20 feet



14. The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were occupied wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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—  
Restriction  
on taking  
houses of  
labouring  
class.

15. If the Company fail within the period limited by this Act to complete the railway 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 railway is completed and opened for public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway :

Imposing  
penalty if  
railway not  
opened  
within period  
limited.

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 the third section of the Railway and Canal Traffic Act 1854 :

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 the said third section of the said Act to an account opened or to be opened in the name of the Accountant General of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after 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 was prevented from completing or opening the railway in respect of which the penalty has been incurred 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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Providing  
for applica-  
tion of  
penalty.

**16.** 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 said railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have 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:

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 to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Period for  
completion  
of works.

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

Railways as  
regards tolls  
rates and charges  
to be part of  
Company's  
undertaking.

**18.** The railways shall as regards tolls rates and charges be deemed to be part of the undertaking of the Company.

Power to  
raise addi-  
tional capital.

**19.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole the sum of one hundred and forty thousand pounds and such additional capital may be raised by the issue of ten thousand ordinary shares of ten pounds each and four thousand preference shares of ten pounds each Provided always that the Company shall not issue any preference shares until the whole of such ordinary shares have been issued and fully paid up and such ordinary and preference shares shall subject to the provisions of this Act form a separate capital of the Company But the Company shall not issue any share of less nominal value than ten pounds nor

shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. .

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**20.** No person shall be entitled to vote in respect of any preference share issued under this Act.

Preference share-holders not to be entitled to vote.

**21.** The Company may in respect of the additional capital of one hundred and forty thousand pounds which they are by this Act authorised to raise from time to time in manner herein-after provided borrow on mortgage of the separate undertaking any sum not exceeding in the whole seventy thousand pounds that is to say when and so soon as the sum of twenty thousand pounds part of the said additional capital of one hundred and forty thousand pounds shall have been issued accepted and paid up the Company may borrow on mortgage any sum not exceeding ten thousand pounds and so often as any further and additional sum of twenty thousand pounds part of that capital shall in like manner have been issued accepted and paid up the Company may borrow a further sum of ten thousand pounds until they shall have borrowed the total sum hereby authorised to be borrowed but no part of the said several sums hereby authorised to be borrowed shall be borrowed until shares for the portion of the said capital in respect of which the power of borrowing is proposed to be exercised have been issued accepted and fully 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 the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised have been issued accepted and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow.

**22.** Nothing in this Act shall affect any provision in any Act of Parliament relating to the Company with respect to the appointment of a receiver by mortgagees of the Company or any appointment made or the continuance of any proceeding which may have been commenced prior to the passing of this Act.

Saving existing powers as to appointment of a receiver.

**23.** The mortgagees of the separate undertaking of the Company under this Act 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 under this Act in respect of arrears of principal the

Appointment of receiver.

A.D. 1896. amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

24. The Company may create and issue debenture stock in their separate undertaking 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 in respect of the separate undertaking shall (subject to the provisions of any subsequent Act) rank *pari passu* as against the separate undertaking (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking Notice of the effect of this enactment shall be endorsed on all such mortgages and certificates of debenture stock.

Application of moneys.

25. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only to which capital is properly applicable.

Railways to form separate undertaking.

26. The railways and works by this Act authorised together with all lands buildings and property to be purchased for the purposes thereof shall form a separate undertaking distinct and apart from the rest of the undertaking of the Company and the capital of the Company under this Act shall form a separate capital and no mortgage debenture stock or other liability of the Company in respect of the general undertaking shall be a charge upon or in any way affect such separate undertaking or the receipts and revenue arising from traffic passing over the same.

Exemption of separate undertakings from liabilities affecting general undertaking and vice versa.

27. The separate undertakings respectively and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture stock charged on the general undertaking of the Company nor shall the general undertaking of the Company be liable for the principal or interest of any mortgage or debenture stock charged on the said separate undertakings.

Working and management of separate undertaking.

28. The directors of the Company shall have the working and management of the affairs of the separate undertaking and they and any committees appointed by them for the purposes of such undertaking shall subject to the provisions of this Act have and exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

**29.** The terms and conditions upon which such separate undertaking shall be worked and managed and the dividends or annual or other sums to be paid to or upon the separate capital out of the gross receipts arising from the traffic of the separate undertaking and from traffic passing over both the separate undertaking and any of the other railways of the Company or any other railways and the payments to be made in respect of the use of such separate undertaking for the general traffic of the Company shall be submitted to the Railway and Canal Commissioners or any three of them and as approved of by them after notice to the Treasury shall be submitted to the Company for approval at an extraordinary general meeting of the Company duly convened with notice of the object and by the votes of proprietors entitled to vote at any such meeting present in person or by proxy holding at least three-fourths of the paid-up capital represented at such meeting and no separate capital shall be created until such terms and conditions have been so approved :

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Prescribing  
how terms  
to be settled.

And the substance of the terms and conditions upon which the shares or stock under this Act constituting the separate capital of such separate undertaking are created and issued shall be endorsed upon the certificates thereof.

**30.** Unless it be otherwise provided by the resolution creating the same the holders of shares in the separate capital under this Act shall not be entitled to vote at meetings of the Company except in relation to matters concerning the separate undertaking including the election of directors of the Company.

Votes of  
holders of  
separate  
capital.

**31.** After the opening of such separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic over the same In case any difference shall arise between the Company and any of the holders of the separate capital with respect to the working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such separate capital deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application either of such holders of the separate capital or of the Company and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just.

Separate  
undertaking  
to be worked  
in an  
efficient  
manner.

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Agreements  
with Lon-  
donderry  
Harbour  
Commis-  
sioners and  
with Lon-  
donderry  
Bridge Com-  
missioners.

**32.** The Company on the one hand and the Harbour Commissioners and the Bridge Commissioners or either of them on the other hand may from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

The running over and using by the Company of the rails quays bridges and works of the said Commissioners or either of them :

The laying down of additional rails by the said Commissioners or either of them for the use of the Company :

The payments to be made and the conditions to be observed by the Company as to the matters aforesaid.

Works below  
high water-  
mark not to  
be com-  
menced  
without  
consent of  
Board of  
Trade.

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

Survey of  
works by  
Board of  
Trade.

**34.** If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement  
of work  
abandoned  
or decayed.

**35.** If a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site

thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

A.D. 1896.

**36.** Nothing in this Act contained shall authorise or enable the Company and the Company shall not be entitled to build or construct any pier wharf or jetty on the bank of the River Foyle in the townlands of Townparks and Greenbrae in the parish of Leckpatrick in the county of Tyrone or to use any lands acquired or to be acquired under this Act by the Company in the said townlands and adjoining or abutting upon the said River Foyle for the purpose of transmitting forwarding or receiving traffic of any kind to be conveyed or which has been conveyed along or upon the said River Foyle from or to the said pier wharf jetty or the said lands without the previous consent in writing of His Grace James Duke of Abercorn and his heirs or sequels in estate.

Company not to construct any pier wharf &c. on bank of River Foyle without consent of the Duke of Abercorn.

**37.** Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

**38.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him in the separate undertaking but nothing in this Act shall prevent the Company from paying out of moneys belonging to the separate undertaking to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

**39.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application

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

A.D. 1896. — 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.

Provision  
as to general  
Railway  
Acts.

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

Expenses  
of Act.

41. 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.

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