



## CHAPTER clx.

An Act to authorise the Donegal Railway Company to extend their railway to Strabane to alter the gauge of a portion of their railway and for other purposes. A.D. 1893.

[27th July 1893.]

**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 it is expedient that the Company should be authorised to construct the short spur or branch line to the town of Strabane in this Act herein-after described:

And whereas it is expedient that the Company should be authorised to alter the gauge of or to lay a third rail on a portion of their railway between Stranorlar and a point near to the town of Strabane:

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of this Act by the creation and issue of debenture stock:

And whereas plans and sections showing the line and levels of the railway 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 with the clerk of the peace for the county of Tyrone 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

A.D. 1893. — 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 1893.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ;

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

Part III (relating to debenture stock as amended by the Companies Clauses Act 1869) of the Companies Clauses Act 1863 ;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 and the expression “the railway” means the railway by this Act authorised.

Power to make railway.

**4.** Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway 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 railway herein-before referred to and authorised by this Act is—

A railway wholly in the county of Tyrone six furlongs six and three-tenths chains or thereabouts in length commencing in the townland of Magirr in the parish of Urney by a junction with the railway of the Company and terminating in the townland of Townparks in the parish of Leckpatrick.

As to deposit of plans with clerks of unions.

**5.** With reference to this Act all the provisions of sections seven eight and nine 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 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.

**6.** The Company may alter the gauge of or lay a third rail upon the portion of their railway between Stranorlar and a point near to the town of Strabane and may also lay a third rail upon the railway by this Act authorised so as to make the said portion of railway and the railway of the uniform gauge of three feet.

A.D. 1893.

Company may alter gauge of portion of railway.

**7.** 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 two 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 by them upon any land so taken.

Lands for extraordinary purposes.

**8.** 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 of water 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.

Power to take easements &c. by agreement.

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

Period for compulsory purchase of lands.

**10.** In altering for the purposes of this Act the road herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :—

Alteration of inclination of a certain road.

No. on Plan.	Parish.	Townland.	Description of Road.	Intended Inclination.
4	Camus	Townparks	Public	1 in 18

**11.** 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

Restriction on taking houses of labouring class.

A.D. 1893. 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.

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

**12.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of five hundred and eighty-nine pounds being five per cent. upon the amount of the estimate in respect of the railway has been deposited with the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section.

Application of deposit.

**13.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "Dublin Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be

required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking 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 retransferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1893.

**14.** If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers of 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.

Period for completion of works.

**15.** The railway shall (A) as regards tolls rates and charges and for all other purposes whatsoever be deemed to be part of the undertaking of the Company and (B) shall also be subject to the incumbrances and liabilities affecting the original undertaking of the Finn Valley Railway Company.

Railway to be part of Company's undertaking and to be subject to incumbrances &amp;c. affecting original undertaking of Finn Valley Railway Company. Power to raise money by debenture stock.

**16.** The Company may for the purposes of this Act and for other purposes of their undertaking to which capital is properly applicable borrow on mortgage of their undertaking any amount not exceeding the sum of sixteen thousand pounds or may create and issue debenture stock to that amount subject to the provisions of Part III of the Companies Clauses Act 1863 and section thirteen of the Donegal Railway Act 1892.

**17.** 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

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

A.D. 1893.

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.

**18.** 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 expense 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.

**19.** 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.

Saving  
rights of the  
Crown in the  
foreshore.

**20.** 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 exerciseable by the Queen's Majesty Her heirs or successors.

Post Office  
telegraphs.

**21.** Nothing in this Act shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company at a reduced rate of charge than he would have been bound to transmit had this Act not become law.

Interest not  
to be paid on  
calls paid up.

**22.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act

authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. A.D. 1893.

**23.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

**24.** 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. Provision as to general Railway Acts.

**25.** 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. Expenses of Act.

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