ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xvii.

An Act for completing the Line of the *Londonderry and Coleraine* Railway, with Branch to *Newtownlimavady*, and for amending the Acts relating thereto. [31st *May* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Londonderry *to* Coleraine, *with a Branch to* Newtownlimavady; (8 & 9 Vict. c. 187.) and thereby a Company was incorporated by the Name of "The *Londonderry and Coleraine* Railway Company," for carrying into execution the said Undertaking: And whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to authorize a Deviation in the Line of the* Londonderry and Coleraine *Railway, and to amend the Act relating thereto:* (11 & 12 Vict. c. 117.) And whereas the Railway authorized to be made by the first-recited Act has been commenced, and is now partially constructed, but the Time limited by the said Act for the compulsory Purchase of Land, on certain Portions of the said Line of Railway, and also on the Branch Railway to *Newtownlimavady*, has expired, and the Company have not purchased all the Land they will require for the said Works: And whereas by the

secondly-recited Act, or "The Lands Clauses Consolidation Act," incorporated therewith, the Time limited for the compulsory Purchase of Land on other Portions of the said Line of Railway will expire on the Fourteenth Day of *August* One thousand eight hundred and fifty-one: And whereas it is expedient that further Powers should be granted to the said Company for the Purpose of enabling them to complete their said Railway, and to construct the said Branch Railway to *Newtownlimavady*; and it is also expedient that the Time limited by the secondly-recited Act for the compulsory Purchase of Land required for the said Railway should be extended, and that some of the Clauses and Provisions in the said recited Acts should be amended and enlarged: 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,

Provisions of Consolidation Acts, 8 & 9 Vict. cc. 16. 18. & 20., incorporated with this Act.

and by the Authority of the same, That the Provisions of "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Companies Clauses Consolidation Act, 1845," shall respectively be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments or Documents, it shall be sufficient to use the Expression "The *Londonderry and Coleraine* Railway Acts Amendment, 1850."

Power to make Portions of Main Line of Railway, and Branch Railway.

III. And be it enacted, That it shall be lawful for the said Company to make and maintain the several Portions of their said Railway, and also the Branch Railway, which commence and terminate as follows; (that is to say,)

One Portion thereof commencing at or near the Bridge over the River *Foyle* at *Londonderry* in the Townland of *Clooney* and Parish of *Clondermot* in the City and County of *Londonderry*, and terminating by a Junction with the Railway as already constructed at or near the Eastern Extremity of *Ross's Bay* on the Shore of the River *Foyle* aforesaid:

And another Portion thereof commencing by a Junction with or Continuation of the Railway as already constructed in the Townland of *Freehall Watson* and Parish of *Dunboe* in the said City and County of *Londonderry*, and terminating in the Townland of *Waterside* at the Western Extremity of the Bridge over the River *Bann* near to the Town of *Coleraine* in the said City and County of *Londonderry*:

And a Branch Railway commencing by a Junction with the Main Line of Railway as authorized to be made by the secondly-recited Act at or near the River *Broharris* on certain Land reclaimed

reclaimed from *Lough Foyle*, and known as "*Robertson's Reclamation*" or the *Myroe Level*, and terminating at or near the Town of *Newtownlimavady* in the said City and County of *Londonderry*.

Power to execute Works according to deposited Plans.

IV. And whereas Plans showing the Lines or Situations of the Portions of the Main Line of Railway and of the Branch Railway by this Act authorized to be made, and Sections showing the Levels thereof respectively, together with a Book of Reference to such Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railway or Parts of Railway and Branch Railway, have been deposited with the Clerk of the Peace for the said City and County of *Londonderry:* Be it enacted, That, subject to the Provisions and the Powers of Deviation in "The Railways Clauses Consolidation Act, 1845," contained, the said several Portions of the said Railway and the said Branch Railway, and the Works connected therewith respectively, shall be made in the Lines or Courses and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections; and it shall be lawful for the said Company to enter upon, take, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Lands for extraordinary Purposes.

V. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the said Railway not exceeding in the whole Twenty Acres.

Period within which Lands are to be purchased.

VI. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period for Completion of Works.

VII. And be it enacted, That in case the Railways by the said recited Acts and this Act authorized shall not be completed within Seven Years from the passing of this Act, the Powers by this Act and the said recited Acts granted to the Company for making the Railways or otherwise in relation thereto shall cease to be exercised except as to so much of the Railways as shall then be completed.

Power to cross certain Roads on a Level.

VIII. And whereas the Railway and Branch Railway by this Act authorized are intended to be carried across the Highways numbered as follows on the Plans herein-before referred to; (that is to say,)

In the Townland of *Bogtown* and Parish of *Dunboe*, the Road numbered 4;

In the Townland of *Broighter* and Parish of *Tamlaght Finlagan*, the Road numbered 6;

and

and it is expedient that the said Lines of Railway should be carried across the said Highways on a Level: Be it therefore enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act, 1845," contained, with reference to the crossing of Roads on a Level, it shall be lawful for the Company to construct and maintain the said Lines of Railway across the said Highways on the Level thereof.

Company to abide by Regulations of Commissioners of Railways with regard to level Crossings.

IX. And be it enacted, That for the greater Convenience and Security of the Public the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to appoint a proper Person to watch or superintend any such level Crossing, or shall fail to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require Bridges to be erected instead of level Crossings.

X. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be made, or either of them, shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Extending Period for compulsory Purchase of Lands required for the Purposes of 11 & 12 Vict. c. 117.

XI. And be it enacted, That the Period by the secondly-recited Act, or "The Lands Clauses Consolidation Act, 1845," incorporated therewith, granted for the compulsory Purchase of the Lands particularized in the Book of Reference and delineated upon the Maps or Plans lodged with the Clerk of the Peace for the City and County of *Londonderry*, for the Purposes of the Deviation Line of Railway and Works by the said secondly-recited Act authorized to be made, shall be extended for the further Term of Four Years, to be computed from the Fourteenth Day of *August* One thousand eight hundred and fifty-one, and that all the Powers and Authorities in the said secondly-recited Act contained for making the said Deviation Line of Railway shall be and continue in force during such further Period of Four Years.

XII. Pro-

Parties aggrieved by the Extension of Time may have Compensation.

XII. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any Land which shall be taken or used for the Purposes of the said Railways or Works by virtue of the Provisions of the said recited Acts and of this Act, or which may be injuriously affected by the Construction of the said Railways and Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the Period aforesaid.

Contracts not to be affected.

XIII. Provided also, and be it enacted, That the Extension hereby authorized of the Period aforesaid shall not in anywise prejudice or affect any Contract entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Land which under the said recited Acts or either of them the Company is entitled to purchase, take, or use, but every such Contract or Notice respectively shall be construed and take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of the said Period had not been authorized as aforesaid.

As to the Construction of Railway on the Shore of the River Foyle.

XIV. And be it enacted, That no Part of the Railway shall extend within the Line of High-water Mark at ordinary Spring Tides to a greater Distance into the River *Foyle* than Fifty Feet from the Shore at High-water Mark without the previous Sanction of the Admiralty, and that the Railway or Works connected therewith in or affecting the said River *Foyle* shall be supported and protected on the River Side by a substantial Wall, and which Wall shall be constructed and from Time to Time altered and repaired by the Company in such Manner as shall be directed and approved of by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, such Direction or Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

As to the Construction of Railway on the Shore of the River Bann.

XV. And be it enacted, That the said Railway or any of the Works connected therewith shall not be extended within the Bed of the River *Bann* beyond the Black continuous Line shown on the Plan deposited at the Admiralty, without the special Sanction or Approval of the said Lord High Admiral or the said Commissioners, such

such Sanction or Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works below High-water Mark not to be executed without the Approval of the Admiralty.

XVI. And be it enacted, That previously to constructing the said Railway, or erecting any Structure or Work connected therewith below High-water Mark, the Company shall deposit at the Admiralty Office, *Whitehall*, detailed Plans and Sections of all such Structures or Works, for the Approval of the said Lord High Admiral or the said Commissioners; and such Structures or Works shall be erected or constructed only according to such detailed Plans and Sections as shall be so approved of, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Deposit for future Bills not to be paid out of Company's Capital.

XVII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by any Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

As to the Qualification of Directors.

XVIII. And whereas Doubts have arisen upon the Construction of the said recited Acts as to the Qualification of a Director of the said Company: Be it therefore enacted, That the Qualification of a Director shall be the Possession in his own Right of such a Number of Shares as shall represent One thousand Pounds of the Capital of the Company.

Quorum of Directors.

XIX. And be it enacted, That, notwithstanding anything in the said recited Acts or either of them contained, the Quorum of a Meeting of Directors shall be Three.

Tolls.

XX. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the Railways by this Act authorized, and of the Engines and Carriages employed by them thereon, any Tolls and Charges not exceeding the Tolls and Charges limited by the said recited Acts.

Saving the Rights of the Irish Society.

XXI. Provided always, and be it enacted, That nothing in this Act or in the said recited Acts 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.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Session of Parliament, and for other Purposes relative to Railways*; and Two Acts were passed in the Tenth Year of the Reign of Her said Majesty, intituled respectively, *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Act.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this or the said recited Acts.

Expenses of Act.

XXIV. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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