ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xiv.

An Act to enable the *Londonderry and Enniskillen* Railway Company to extend their Line of Railway from *Strabane* to *Omagh;* and to amend the Acts relating to the said Company.

[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* (8 & 9 Vict. c. 98.) *from* Londonderry *to* Enniskillen, and thereby a Company was incorporated by the Name of "The *Londonderry and Enniskillen* Railway Company," for carrying into execution the said Undertaking: And whereas another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Londonderry and Enniskillen *Railway* (9 & 10 Vict. c. 318.) *Company to alter and extend the Line of such Railway, to make a Branch therefrom to the Town of* Omagh, *and to amend the Act relating thereto:* And whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of

Her

11 & 12 Vict. c. 79.

Her present Majesty, intituled *An Act to authorize the Abandonment of a Portion of the* Londonderry and Enniskillen *Railway, and the Enlargement of the intended Station at* Londonderry, *and for other Purposes:* And whereas the said Company have, in pursuance of the Powers conferred upon them by the Acts firstly and secondly herein-before recited, constructed so much of their said Railway as lies between the City of *Londonderry* and the Town of *Strabane* in the County of *Tyrone*, and the same has been for some Time past open to the Public: And whereas, in pursuance of the Provisions of the thirdly herein-before recited Act, the said Company have abandoned the Formation of that Portion of the Line of Railway authorized to be made by the firstly and secondly herein-before recited Acts which lies between the Town of *Omagh* in the said County of *Tyrone* and the Town of *Enniskillen* in the County of *Fermanagh;* but they are desirous of extending their said Railway from the said Town of *Strabane* to the said Town of *Omagh:* And whereas the Time limited by the Acts firstly and secondly herein-before recited for the compulsory Purchase of Lands has expired, and it is expedient that further Powers should be granted to the said Company for the Purpose of enabling them to extend their Line of Railway from *Strabane* to *Omagh*, 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, 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.

Provisions of 8 & 9 Vict. cc. 18. & 19. extended to this Act.

Short Title.

II. And be it enacted, That in citing the secondly herein-before recited Act and this Act in other Acts of Parliament, and in legal Instruments or Documents, it shall be sufficient to use the Expressions, "The *Londonderry and Enniskillen* Railway Act Amendment, 1846," and "The *Londonderry and Enniskillen* Railway Acts Amendment, 1850."

Power to make Railway from Strabane to Omagh.

III. And be it enacted, That it shall be lawful for the said Company to make and maintain a Railway, in extension of their present Railway, commencing at the Railway and Station at or near the Town of *Strabane* in the Townland of *Townparks* and Parish of *Leckpatrick* in the County of *Tyrone*, and terminating at or near the Town of *Omagh* in the Townland of *Meetinghouse Hill* and Parish of *Drumragh* in the said County of *Tyrone*.

IV. And

Deposit of Plans.

IV. And whereas Plans showing the Line or Situation of the Railway by this Act authorized to be made, and Sections showing the Levels thereof, 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, have been deposited with the Clerk of the Peace for the County of *Tyrone*: Be it enacted, That, subject to the Provisions and the Powers of Deviation in the Railways Clauses Consolidation Act, 1845, contained, the said Railway and the Works connected therewith shall, notwithstanding anything in the said recited Acts contained, be made in the Line or Course and upon the Lands delineated in the said Plans and described in the said Book of Reference, and according to the Levels described in 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.

Purchase of 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.

Limiting Period for compulsory Purchase of Lands.

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 Railway by this Act authorized shall not be completed within Seven Years from the passing of this Act, the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except in relation to so much of the same as shall then be completed.

Certain Roads may be crossed on a Level.

VIII. And be it enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the said Railway, to carry the same across the several Highways herein-after mentioned on the Level thereof; that is to say, the Highways numbered as follows on the Plans herein-before referred to:

In the Townland of *Townparks* and Parish of *Leckpatrick*, 11:
In the Townland of *Townparks* and Parish of *Camus*, 5:
In the Townland of *Magirr* and Parish of *Urney*, 29:

In the Townland of *Ballyfatten* and Parish of *Urney*, 10:
In the Townland of *Breen* and Parish of *Ardstraw*, 11:
In the Townland of *Croshballinree* and Parish of *Ardstraw*, 14:
In the Townland of *Grange* and Parish of *Ardstraw*, 10:
In the Townland of *Castletown* and Parish of *Cappagh*, 17:
In the Townland of *Tattraconnaghty* and Parish of *Cappagh*, 24 and 56:
In the Townland of *Mountjoy Forest*, West Division, and Parish of *Cappagh*, 1:
In the Townland of *Lislimnaghan* and Parish of *Cappagh*, 10 *a*:
In the Townland of *Conywarren* and Parish of *Cappagh*, 22:
In the Townland of *Mullaghmeenagh Upper*, Parish of *Drumragh*, 6 and 15.

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, &c. 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 Railway hereby authorized to be made 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.

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

XI. 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.

Tolls.

XII. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the Railway 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.

Railway and Company 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.

XIII. 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 in relation 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 not exempt from Provisions of future general Railway Acts.

XIV. 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.

XV. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory

tory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Public Act. XVI. 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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