CHAPTER clxxix.

An Act for making a Railway from the Finn Valley Railway, near the town of Stranorlar, in the county of Donegal, to the town of Donegal, in the same county; and for other purposes. [21st July 1879.]

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WHEREAS the making of a railway from the Finn Valley Railway near the town of Stranorlar, in the county of Donegal, to the town of Donegal, in the same county, would be of local and public advantage, and the persons herein-after named, with other persons and corporations, are willing to undertake the construction of such railway:

And whereas plans and sections showing the line and levels of the railway authorised by this Act, 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 delineated upon such plans and required for the said railway, or which may be taken for the purposes or under the powers of this Act, 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 it is expedient that the Company incorporated by this Act and the Finn Valley Railway Company should be empowered to enter into agreements for the working and use of the said railway, and that the Finn Valley Railway Company should be authorised to subscribe to the maintenance and construction thereof:

And whereas certain persons who are or claim to be owners of land through or near which the railway will be made are willing to guarantee a dividend on certain portions of the capital of the Company, and it is expedient that provision should be made to that effect:

And whereas it is expedient that the capital should be issued as part preference capital and part guaranteed capital for a term of twenty-two years, as herein-after provided:

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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 West Donegal Railway Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.
14 & 15 Vict. c. 70.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
31 & 32 Vict. c. 70.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

Incorporation of Company.

4. The Viscount Lifford, Sir Samuel Hercules Hayes, Baronet, Bartholomew McCorkell, William Sinclair, James Thompson Macky, Joseph Cooke, and James Musgrave, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the West Donegal Railway Company, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans, &c.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown in 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 book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is situate in the county of Donegal, and is

A railway, seventeen miles seven furlongs nine and a half chains in length, commencing at the Stranorlar Station of the Finn Valley Railway, in the townland of Stranorlar, in the parish of Stranorlar, in the county of Donegal, and terminating in the townland of Mullans, in the parish of Killymard, in the same county.

Company may appropriate abandoned roads.

6. In any case in which the railway and works hereby authorised shall run through or over any abandoned roads partially formed during the period of the Irish famine, but which have never been completed, the Company may appropriate the sites of such roads so far as may be necessary for the construction of their railway and works.

As to gauge of railway and speed of trains.

7. Notwithstanding anything to the contrary contained in an Act passed in the ninth and tenth years of Her present Majesty, chapter fifty-seven, intituled "An Act for regulating the Gauge of Railways," the Company may construct and maintain the railway on the gauge of three feet: Provided that the speed of the trains running thereon shall not exceed twenty-five miles per hour.

Deposit of plans with clerks of unions.

8. 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 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 such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Limited owners of land may grant same free of cost to the Company.

9. Subject to the provisions of this Act, it shall be lawful for any limited owner of any land which the Company are authorised to take for the purpose of the railway or works which they are authorised to construct to grant, transfer, or convey the same, or any portion thereof, to the Company free of cost, and such grant, transfer, or conveyance shall confer a good title to the lands described therein.

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Payment of purchase money to limited owners by shares in certain cases.

10. Subject to the provisions of this Act, the Company may, with the consent of any limited owner, pay any purchase money payable to such limited owner in respect of any lands purchased or taken under the authority of this Act by the issue to such limited owner of as many shares in the capital of the Company as shall be equal in nominal amount to such purchase money, and such shares shall be deemed to be shares fully paid up. Such shares shall be held upon the like uses, trusts, and for the same purposes and in the same manner as the lands in respect of the purchase money for which such shares were issued stood settled. The Company shall, with respect to such shares, make an entry or memorial in their registry of shareholders of the uses, trusts, and purposes aforesaid, and subject to the uses, trusts, and purposes affecting such shares, the limited owner for the time being in respect thereof shall have all the other rights and powers of a shareholder in the Company: Provided always, that the Company shall not be bound to see to the application of any dividend received by such limited owner. The term "limited owner" in this and the preceding section shall mean any person or persons by whom the power of sale conferred by section seven of the Lands Clauses Consolidation Act, 1845, may, under the authority of the said section, be lawfully exercised.

As to acceptance of grants, &c.

11. No grant, transfer, or conveyance of land to the Company, and no payment by shares to a limited owner under this Act shall, be accepted until a certificate approving thereof shall have been granted by an inspecting engineer or engineers, or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland, who are hereby authorised, on the application of any such owner or of the Company, to make such appointment, and the costs relating to such nomination and appointment, inspection, and certificate shall be paid by the Company as the Commissioners shall direct.

Capital.

12. The Company shall have a share capital of one hundred thousand pounds, divided into ten thousand shares of ten pounds each, and such shares shall be issued as and consist of the following classes:

	£
A or preference capital - - -	30,000
B or ordinary capital - - - -	70,000
	£100,000

Shares not to issue until one fifth part paid up.

13. The Company shall not issue any share in the share capital of one hundred thousand pounds created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

14. One fifth of the amount of a share in the share capital of one hundred thousand pounds shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to Finn Valley Railway Company to subscribe towards undertaking.

15. The Finn Valley Railway Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum or sums which they think fit towards the undertaking, not exceeding in the whole fifteen thousand pounds, as B or ordinary shares, and the said Company may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking, and also any money which they are by this Act authorised to raise, and the said Company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers, rights, and privileges, and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the said Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow on mortgage.

16. The Company may from time to time in manner hereinafter provided borrow on mortgage any sums not exceeding in the whole fifty thousand pounds; that is to say, when and so soon as the sum of ten thousand pounds, part of the share capital of one hundred 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 ten 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 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 the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued, accepted, and paid up; and upon production to such justice of the books of the Company, and of such other evidence as he shall think

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sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Receipts of persons not sui juris.

17. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to appointment of receiver.

18. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the 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.

19. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of loans from Public Works Loans Commissioners for Ireland.

20. Any loan borrowed by the Company from the Public Works Loans Commissioners for Ireland may, according to the terms thereof, have priority over any mortgages or debenture stock to be granted or created under this Act, and the amount which the Company are authorised by this Act to borrow shall be diminished by the amount of any loan so borrowed by the Company from the said Commissioners.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be seven, whereof six shall be appointed by the Company and one by the Finn Valley Railway Company, so soon as that Company shall have subscribed for fifteen hundred shares as herein-before provided, but the Company may from time to time reduce the number, provided that the number be not less than five, inclusive of the director of the Finn Valley Railway Company, but the director appointed by the Finn Valley Railway Company need not be a shareholder in the undertaking.

Provisions as to appoint-

24. Every appointment of director made by the Finn Valley Railway Company shall be in writing, under the seal of that

Company, and be deposited with the secretary of the Company, and every director so appointed shall immediately thereupon enter upon his office and continue therein at the will and pleasure of the Finn Valley Railway Company, without being subject to re-election with the other directors, but such appointment may be revoked or annulled and another substituted by the Finn Valley Railway Company at any time they think fit; the omission of the Finn Valley Railway Company to appoint a director shall not invalidate the acts of the Company. A.D. 1879. ment of a director by the Finn Valley Railway Company.

25. The qualification of a director appointed by the Company shall be the possession in his own right of not less than twenty shares, or, notwithstanding anything in this Act, if he is a landowner guarantor to the amount of one thousand pounds or more. Qualification of directors.

26. The quorum of a meeting of directors shall be three. Quorum of directors.

27. The Viscount Lifford, Sir Samuel Hercules Hayes, Baronet, Bartholomew McCorkell, William Sinclair, Joseph Cooke, and James Musgrave, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors. Election of directors.

28. 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 six acres. Land for extraordinary purposes.

29. 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 three years from the passing of this Act. Period for compulsory purchase of lands.

30. In altering for the purposes of this Act the roads hereinafter mentioned, the Company may make the same of any inclinations Inclination of roads.

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not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Townland.	Description of Road.	Intended Inclination.
15	Navenny - -	Public road - -	1 in 13 On one side.
15	Sessiagh O'Neill -	Public road - -	1 in 12 On one side.
11	Carrickmagrath -	Public road - -	1 in 12 On one side.
78	„ -	Public road - -	1 in 17 On one side.
1	Druminnin - -	Public road - -	1 in 18.
20	Drumnagahan -	Public road - -	1 in 20 On one side.
2	Spierstown - -	Mail car road -	1 in 20 On one side and level on the other.

Height and span of bridges.

31. The Company may make the arches of the bridges for carrying the railway 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. on deposited Plan.	Townland.	Description of Road.	Height in feet.	Span in feet.
15	Sessiagh O'Neill -	Public road -	13	20
1	Mullans - -	Public road -	13	20
10	Milltown - -			

Width of certain roadways.

32. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Townland.	Description of Roadway.	Width of Roadway in feet.
11	Carrickmagrath -	Public road - -	15
57	Croaghonagh -	Public road - -	15
29	Spierstown - -	Public road - -	12
1	Keeldrum - -		

Notice to be given of taking houses of

33. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or

lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

labouring classes.

Company to procure accommodation for persons of labouring classes to be displaced.

34. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire, the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring class dwellings, and may let or otherwise dispose of such lands.

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

35. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, cap. 20, a sum of four thousand three hundred and eighty-two pounds, being five per cent. upon the amount of the estimate in respect of the railway, has been transferred into the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund"): Be it enacted, that, notwithstanding anything contained in the said Act, the said 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; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on production of a certificate of the Board of Trade specifying the length of the portion of the said railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Chancery Division shall, on the application of the depositors or the majority of them, order the

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portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

36. 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 Chancery Division of the High Court of Justice in Ireland 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied, as part of the assets of the Company, for the benefit of the creditors thereof: Provided that, until the deposit fund shall have been re-transferred 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.

Period for completion of works.

37. 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 com-

pleting the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. A.D. 1879.

38. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls.

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof, as follows:

For every person conveyed in or upon any such carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class I. For every horse, mule, ass, or other beast of draught or burden, conveyed in or upon such carriage, per mile fourpence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class II. For cattle conveyed in or upon any such carriage, per head per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class III. For every calf, pig, sheep, or other small animal conveyed in or upon any such carriage, per mile one penny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one farthing:

In respect of goods conveyed on the railway:

Class IV. For all coal, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, all stones for building, pitching, and paving, tiles, slates, clay, ironstone, and iron ore, per ton per mile one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class V. For all coke, culm, charcoal, and cinders, pig iron, sheet iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, bricks, salt, sand, fireclay, and stone, per ton per mile, twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VI. For sugar, grain, corn, flour, butter, meat, hides, dyewoods, earthenware, timber staves and deals, nails, anvils, vices, and chains, per ton per mile twopence halfpenny; and if conveyed in carriages belonging to the

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Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VII. For cotton and other wools, drugs, manufactured goods, and metals (except iron and tin), and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VIII. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, sixpence per mile; and for every such carriage if weighing more than one ton, a further sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton; and if carried or conveyed on a truck or platform belonging to the Company, an additional sum not exceeding twopence per mile.

Tolls for propelling power.

39. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

40. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, minerals, or goods conveyed on the railway for a less distance than four miles, the Company may demand and receive the before-mentioned tolls as for four miles:

For a fraction of a mile beyond four miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and

fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

41. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway, or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, sixpence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, ninepence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, one shilling;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, the Company may demand any sum not exceeding one shilling a ton a mile:

For the carriage of any single article, the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum rates for passengers.

42. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence a mile:

For every passenger conveyed in a second-class carriage, twopence a mile:

For every passenger conveyed in a third-class carriage, one penny a mile.

Maximum rates for

43. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels

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animals and goods.

and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the duty or business of a carrier, where any such service is performed by the Company, shall not exceed the following sums; (that is to say,)

For every animal mentioned in Class I., per mile fourpence:

For every animal mentioned in Class II., per mile threepence:

For every animal mentioned in Class III., per mile one penny halfpenny:

For the articles and goods mentioned in Class IV., per ton per mile one penny halfpenny:

For the articles and goods mentioned in Class V., per ton per mile twopence halfpenny:

For the articles and goods mentioned in Class VI., per ton per mile threepence:

For the articles and goods mentioned in Class VII., per ton per mile fourpence:

For any carriage mentioned under Class VIII., not weighing more than one ton, eightpence per mile; if weighing more than one ton, twopence per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

44. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twelve pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

45. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee, except at Stranorlar, where the goods have to be transhipped from the waggons of the one railway to those of the other.

Foregoing restrictions not to apply to special trains.

46. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

47. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to Finn Valley Railway Company to raise money by the issue of new shares.

48. The Finn Valley Railway Company may from time to time raise, for the purpose of their subscription to the undertaking, any capital not exceeding in nominal amount the sum of fifteen thousand pounds, by the issue at their option of debentures or debenture stock, or new preference shares or stock, or new ordinary shares or stock, or wholly or partially by any one or more of those modes; and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; that is to say,

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 consolidation of shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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

and part 1 of the Companies Clauses Act, 1863 (relating to cancellation and surrender of shares).

Shares of Finn Valley Railway Company not to issue until one-fifth part paid up.

49. The Finn Valley Railway Company shall not issue any share under the authority of this Act of less nominal value than ten pounds, nor shall any such 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.

Application of moneys raised by Finn Valley Railway Company.

50. All moneys which the Finn Valley Railway Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Votes of Finn Valley Railway Company at

51. The Finn Valley Railway Company, whilst shareholders of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the

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meetings of Company.

Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meeting, and may vote thereat in respect of the capital held by the Finn Valley Railway Company.

Working and traffic arrangements with Finn Valley Railway Company. 36 & 37 Vict. c. 73.

52. The Company on the one hand and the Finn Valley Railway Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance of the railway and works, or any part or parts thereof respectively:

The supply, during the continuance of any such agreement and for the purposes thereof, of rolling stock and machinery, and of officers and servants for the conduct of the traffic of the railway:

The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance:

The interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

Appropriation of net receipts.

53. The net receipts of the undertaking, after defraying the management and working expenses thereof, with the interest upon all debenture stock and mortgages and all rentcharges (if any), shall be appropriated half year by half year to the purposes and in the order following; (that is to say,)

1st. In paying dividend not exceeding the rate of five per cent. per annum upon the preference capital or A shares:

2nd. In paying dividend not exceeding the rate of five per cent. per annum upon the ordinary capital or B shares:

3rd. In repaying to the guarantors herein referred to pro ratâ any amounts previously paid by them to make up a dividend of five per cent. upon any of the said B or ordinary shares.

If at the end of any half year any surplus remains after the payment in full of a dividend at the rate of five per cent. per annum upon the A and B classes of shares, and the landowner guarantors shall have at any time previously contributed as in this Act provided any sums of money to make up the dividend guaranteed as aforesaid upon the B shares, then and in every such case such surplus shall be paid over to the landowner guarantors until the amount so paid to them shall be equal to the full amount

received from them for the purpose aforesaid; and in the further event of any additional surplus remaining after all the sums received from them with interest at four per cent. shall have been repaid, such surplus shall be apportioned among the B shareholders not guaranteed as aforesaid.

Guarantee of dividend on B shares by absolute landowners, &c.

54. The Company may accept from any landowners or other persons on behalf of themselves and their respective heirs, executors, administrators, or assigns, in such manner and form as they respectively and the Company from time to time agree, by way of charge on lands or otherwise, a guarantee of a dividend at the rate of five per cent. per annum upon any of the B shares, defining such shares by their numbers, such guarantee to be for twenty-two years after the passing of this Act, and to be contingent on the previous payment to the Company by their shareholders of an amount of not less than ten thousand pounds, and as to any limited owners with the consent of the Chancery Division of the High Court of Justice in Ireland, which consent such court, if satisfied of the benefit accruing to the lands proposed to be charged, is hereby authorised to give. The Company shall apply all money from time to time received by them under that guarantee towards payment of dividend on the shares so defined, and not otherwise.

For ascertaining the profits for apportioning the guarantee.

55. In order to ascertain the profits of the Company and the sums to be paid by the landowners under the guarantee herein-before referred to, the official auditors of the Company shall in each half-year issue under their hands a report stating the profits which have been derived by the Company during the half year from all sources of revenue on the said railway, and the amount of dividend which such profits will enable the Company to pay upon the two classes of shares in this Act mentioned, and stating also the amount to be paid by each of the guaranteeing landowners to make up a dividend at the rate of five per cent. per annum on the amount guaranteed by them respectively; and if any landowner thinks he has reason to complain of such report he may appeal therefrom to the judge of the county court of the county of Donegal, and such judge shall hear and decide the question, and shall confirm or order any such alteration in such report as he may find necessary, and the judgment of the county court so made shall be final and conclusive between the parties. No such appeal shall delay the payment of the sum ordered by the official auditor; but if any reduction be ordered by the county court judge, the landowner shall be entitled to deduct it from the next or any future accruing dividends.

Guaranteed shares to be endorsed with terms,

56. All shares issued under a guarantee as aforesaid shall be endorsed with the terms and conditions of such guarantee and the dates when such guarantee will expire.

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Interest not to be paid on calls paid up.

57. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

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

58. 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 execute any other work or undertaking.

Railway not exempt from provisions of present or future general railway Acts.

59. Nothing in this Act contained shall exempt 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, authorised by this Act.

Expenses of Act.

60. All the 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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