CHAPTER ciii.

An Act to authorise the Ennis and West Clare Railway Company to extend their Railway, to raise further Capital, and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS the Ennis and West Clare Railway Company (hereinafter referred to as "the Company") were incorporated by "The Ennis and West Clare Railway Act, 1871," (in this Act referred to as "the Act of 1871,") and were authorised to raise a share capital of ninety-nine thousand five hundred pounds, and were authorised to borrow on mortgage the sum of thirty-three thousand one hundred and sixty-five pounds for the purposes of the railways thereby authorised: 34 & 35 Vict. c. clxxxii.

And whereas by the Act of 1871 (section 51) it is provided that whenever after the opening of the Railway No. 1 by the said Act authorised for public traffic, and during the period of twenty-two years next after such opening, the receipts, after deducting the working expenses from the said Railway No. 1, to be ascertained in manner therein-after provided for, should not amount to a sum equal to a dividend at the rate of four pounds per centum per annum on fifty thousand pounds, part of the capital of the Company specially applicable to the said Railway No. 1, then the sum or amount required to make up such dividend as aforesaid should become payable half-yearly by the baronies of Islands, Inchiquin, Corcomroe, and Ibrickane, in the county of Clare, rateably and in the proportions provided in the Act of 1871; and it was also provided by said section of the Act of 1871 that so much of the receipts from the said Railway No. 1 (after deducting the working expenses as aforesaid) as should be necessary for such purpose should, during the said period, be applied to the payment of the said dividend in priority to any sum due for principal or interest in any mortgage deed, bond, or debenture stock, or otherwise howsoever, or to any dividend upon any other portions of the capital of the Company:

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And whereas it is expedient that the period limited by the Act of 1871 for the compulsory purchase of lands and for the construction of the railways thereby authorised should be extended:

And whereas it is expedient that the Company should be authorised to extend their railway so as to bring it into the town of Ennis:

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of their undertaking:

And whereas it is expedient that the Limerick and Ennis Railway Company should be authorised to subscribe towards the undertaking of the Company:

And whereas it is expedient that the Company and the said Limerick and Ennis Railway Company, and the Athenry and Ennis Junction Railway Company, and the Athenry and Tuam Railway Company, should be authorised to enter into traffic arrangements:

And whereas plans and sections, showing the lines and levels of the railways authorised by this Act, and also books of reference, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required 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 Clare, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Ennis and West Clare Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway), Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," the 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 nonpayment of calls;

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The remedies of creditors of the Company against the shareholders;

The consolidation of the 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 special Act by all parties interested; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," and "The Lands Clauses Consolidation Act Amendment Act, 1860," 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 the Act of 1871; the expression "the railways" means the railways by this Act authorised.

Additional share capital.

4. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional capital not exceeding in the whole fifty thousand five hundred pounds by the issue, at their option, of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of these modes respectively.

Calls.

5. One fifth of the amount of a share 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.

Shares not to issue until one fifth part paid up.

6. The Company shall not issue any share created under the authority of this Act, nor shall any 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 shall have been paid in respect thereof.

Providing for division of shares.

7. Sections 11 to 18 inclusive of the Act of 1871, as to division of shares into preferred and deferred half shares, shall apply to the share capital authorised to be raised by this Act, if the same shall

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be raised by ordinary shares or stock, in the same way as if it had been authorised to be raised by the Act of 1871.

Receipts of guardians, &c. to be a sufficient discharge.

8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate, as the case may be, shall be a sufficient discharge to the Company for the same.

Application of moneys.

9. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied only to the purposes of the Act of 1871 and of this Act.

Power to borrow moneys on mortgage under regulations herein described.

10. When and so soon as the sum of twelve thousand six hundred and twenty pounds, part of the capital of fifty thousand five hundred pounds, shall have been issued and accepted and one half thereof paid up, it shall be lawful for the Company to borrow on mortgage any sum not exceeding four thousand two hundred and eight pounds; and when the further sum of twelve thousand six hundred and thirty pounds, part of the said capital of fifty thousand five hundred pounds, shall have been issued and accepted and one half thereof paid up, to borrow on mortgage any further sum not exceeding four thousand two hundred and eight pounds; and when the further sum of twelve thousand six hundred and twenty pounds shall have been issued and accepted and one half thereof paid up, to borrow on mortgage any further sum not exceeding four thousand two hundred and eight pounds; and when the further sum of twelve thousand six hundred and thirty pounds, being the remainder of the said capital of fifty thousand five hundred pounds, shall have been issued and accepted and one half thereof paid up, to borrow on mortgage any further sum not exceeding four thousand two hundred and eight pounds; but no part of any of the said four sums of four thousand two hundred and eight pounds each shall be borrowed until the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptances thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company,

and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof. A.D. 1873.

Debenture stock.

11. 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.

Sect. 20 of Act of 1871 repealed.

12. Section 20 of the Act of 1871, authorising the appointment of a receiver, is hereby repealed.

Arrears may be enforced by appointment of a receiver.

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

Persons advancing money on mortgage to have notice that their securities will not have the usual priority.

14. When it is proposed to borrow any money on mortgage under the provisions of this Act, the Company shall make known in writing to the intending lender, and shall also make known in any advertisement for such loan, the provisions contained in sections 51, 52, and 58 of the Act of 1871, which provisions shall apply to the sum authorised to be borrowed on mortgage or debenture-stock under this Act, and such provisions shall be endorsed in concise terms upon every mortgage deed or certificate of debenture stock granted or issued under the authority of this Act.

Power to the Limerick and Ennis Railway Company to subscribe.

15. The Limerick and Ennis 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 which they think fit towards the undertaking, not exceeding in the whole sixteen thousand pounds, and the said Company may with the like authority contribute and apply in or towards payment of their 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 moneys 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

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privileges (except in regard to voting at general meetings, which shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the Limerick and Ennis Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe; and provided further, that the shares or stock in the Company to be subscribed for by the Limerick and Ennis Railway Company shall form part of the ordinary shares or stock of the Company not guaranteed as by the Act of 1871.

Power to make railways according to deposited plans.

16. 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 railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and described in this Act are,—

(1.) A railway, one mile two furlongs and thirty-seven yards in length or thereabouts, herein-after referred to as "Railway No. 1," running parallel with the existing railways of the Athenry and Ennis Junction and Limerick and Ennis Railway Companies, and on the land of said companies and alongside those railways, commencing by a junction with the authorised Ennis and West Clare Railway at a point two hundred and seventy-eight yards or thereabouts north from the bridge on the Athenry and Ennis Junction Railway over the road from Ennis to Tulla, measured along said Athenry and Ennis Junction Railway in the townland of Dulick, parish of Templemaley and county of Clare, and terminating at the north end of the passenger station-house of the Limerick and Ennis Railway at Ennis, at the back of the platform thereof:

(2.) A railway, two furlongs and one hundred and fifty-four yards in length or thereabouts (herein-after referred to as "Railway No. 2"), commencing by a junction with the said proposed Railway No. 1 at or near a point about four hundred yards north from the public road bridge over the Athenry and Ennis Junction Railway at Ennis station in the townland of Clowroudmore, parish of Drumcliffe, and terminating at the south side of the causeway in Ennis in a field occupied by Mr. Andrew MacMahon at or near a point thirty yards or thereabouts east from the entrance gate to Willow Bank, measured along said causeway or road in the townland of Clowroadbeg, parish of Drumcliffe, all in the county of Clare:

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(3.) A railway, two hundred and seventeen yards in length or thereabouts, commencing by a junction with said proposed Railway No. 1 at or near a point one hundred and twenty-five yards or thereabouts north of the said public road bridge over the said Athenry and Ennis Junction Railway at Ennis station, measured along said railway, in the townland of Clouroadmore aforesaid, and terminating by a junction with said proposed Railway No. 2 at the east side of the public road adjoining Clowroad Fair Green at a point one hundred and forty-three yards or thereabouts north from the cross roads near Ennis railway station, measured along said public road.

And these railways shall, for the purpose of tolls, rates, and charges, and for all other purposes, form part of the undertaking of the Company in the same way as if they had been authorised by the Act of 1871.

As to deposit of plans with clerks of unions.

17. With reference to this Act, all the provisions of sections 7, 8, and 9 of the "Railway 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 "clerk of the union" (as the case may be), had been used and inserted in such sections in lieu of the expression "the postmaster "of the post towns in or nearest such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Lands for extraordinary purposes.

18. 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.

Powers for compulsory purchases extended, &c.

19. The powers of the Company for the compulsory purchase or taking of lands for the purposes of this Act and of the Act of 1871 shall remain in force until, but shall not be exercised after, the expiration of three years from the passing of this Act.

Power to cross certain road on the level.

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

No. on deposited Plan.	Townland.	Parish.	Description of Road.
18	Clowroadmore -	Drumcliff - -	Public.

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Height of bridge.

21. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height not less than the height herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Townland.	Parish.	Description of Road.	Height.
4	Lifford -	Drumcliff -	Public - -	12 feet.

For protection of Athenry and Ennis Junction Railway Company.

22. Notwithstanding anything herein-before contained or shown on the deposited plans and sections, the following provisions for the protection of the Athenry and Ennis Junction Railway Company (herein called the Junction Company) shall have effect; that is to say,

(1.) The Company shall not carry their railway over or across or in any way interfere with the rails or permanent way on any part of the Junction Company's main line, and where the Railway No. 1 shall be carried along the side of or parallel with that line there shall be seven feet at least between the western rail of that line and the eastern rail of Railway No. 1, in order to leave sufficient space for the safe working of the two lines:

(2.) The Company shall not, except as herein-after mentioned, purchase, enter upon, take, or use any of the lands or works of the Junction Company, or purchase or acquire any easement in or over or right of using the same, without the previous consent of the Junction Company in writing under their common seal: Provided always, that for the purpose of constructing Railway No. 1 the Company may purchase and take, and the Junction Company shall sell and grant to them, an easement or right of using any land within the fences of the Junction Company's line which is not used by that company for any other purpose:

(3.) The Company shall, at their own expense, restore and make good all fences of the Junction Company which they may require to alter, remove, or interfere with, and for ever after repair and maintain the same and any substituted and existing fences on the western side of Railway No. 1 in a substantial manner:

(4.) All works which may at any time be made by the Company, as well upon their own land as upon the lands of the Junction

Company, for carrying Railway No. 1 along the side of or parallel with the railway of that company, or for the interchange of traffic between those railways, shall be executed and maintained at the cost of the Company, under the superintendence and control and to the reasonable satisfaction of the engineer of the Junction Company : A.D. 1873.

(5.) The Company shall construct a separate railway bridge over the river Fergus for carrying Railway No. 1 over that river in such manner as not to injuriously interfere with the existing railway bridge; and the construction of the said bridge and works shall, so far as the same may affect the safety of the existing bridge, be executed and maintained at the cost of the Company under the superintendence and control and to the reasonable satisfaction in all respects of the engineer of the Junction Company, and according to plans, sections, and specifications to be submitted by the Company to such engineer and approved by him in writing under his hand before such bridge or any works in connexion therewith are commenced : Provided always, that such plans, sections, and specifications shall be approved or disapproved within one month after the same shall have been submitted to such engineer; and if any difference shall arise between him and the engineer of the Company the same shall be determined, at the cost of the Company, by a referee to be agreed on or appointed by the President of the Institution of Civil Engineers on the application of either party :

(6.) The Company shall at all times maintain the bridge and other works, so far as the same may affect the safety of the Junction Company's line, in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the Junction Company, and if and whenever the Company fail so to do, and if and whenever the Junction Company apprehend the failure of any such works, the Junction Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as they may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default of full repayment the amount due may be recovered with full costs by the Junction Company from the Company in any court of competent jurisdiction :

(7.) The Company shall not, in the execution of the works by this Act authorised, in any manner obstruct or interfere with

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the free, uninterrupted, and safe use of the Junction Company's line or any traffic thereon, and if by reason of any works or proceedings of the Company there shall be any obstruction or interference so as to impede or prevent the convenient passage of engines, carriages, or waggons along that line, the Company shall pay to the Junction Company the sum of twenty pounds per hour by way of ascertained damages for every hour during which such obstruction or interference shall continue:

(8.) The Company shall bear and on demand pay to the Junction Company the expense of the employment by that company, during the execution of the works near to or affecting the junction line, of a sufficient number of inspectors and watchmen to be appointed by the Junction Company for watching their line with reference to and during the execution of such intended works, and for preventing, so far as may be, all interference, obstruction, danger, and accident from any of the operations or from the acts or defaults of the Company or their contractors, or any person or persons in the employ of the Company or of their contractors, with reference thereto or otherwise:

(9.) Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the Junction Company all damages which may be occasioned by the Junction Company's line or to any of the works or property of the Junction Company, and also all losses, costs, damages, or expenses which may be occasioned to the Junction Company or to the traffic on their line, or to any person or persons using the same or otherwise, by reason of the execution or failure of any of the works by this Act authorised or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others, and the Company shall effectually indemnify and hold harmless the Junction Company from all claims and demands against them by reason of such execution or failure and of any such act or omission:

(10.) The Company shall, if and when required by the Junction Company, purchase the goods yard, stores, buildings, and the conveniences connected therewith now belonging to that company situate near the Ennis station; and in the event of any difference as to the price to be paid for the same, or as to the value or compensation to be paid by the Company to the Junction Company for any land or easement purchased or acquired from that company as aforesaid, every such difference

shall be decided by a valuer to be appointed, on the application of either company, by the Commissioners of Public Works in Ireland: A.D. 1873.

(11.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, abridge, or prejudicially affect any right, power, or interest of the Junction Company.

Power to take easements, &c. by agreement.

23. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of 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, over, or affecting any such lands; and the provisions of the said Act 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.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

24. 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, chapter twenty, a sum of three hundred and fifty pounds, being five per cent. upon the amount of the estimate in respect of the railways, has been deposited with the Court of Chancery in Ireland in respect to the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of three hundred and fifty pounds so deposited as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid

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shall be sufficient evidence of the fact so 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.

25. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, 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 Court of Chancery in Ireland 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 Court, 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 said sum of money 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of undertaking.

26. The undertaking of the Company, meaning by that expression as well the railways authorised by the Act of 1871 as the railways by this Act authorised to be constructed, shall be completed within five years from the passing of this Act; and on the expiration of such period the powers by the Act of 1871 and by this Act granted to the Company for making the undertaking, or

otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed, and that period shall for all purposes be deemed to be the period limited by the Act of 1871 for the completion of the railways thereby authorised. A.D. 1873.

Company may take same tolls as on original line.

27. The Company may demand and take on the railways the same tolls, rates, and charges as they are authorised to take by the Act of 1871 on the railways thereby authorised.

Power to Limerick and Ennis Railway Company to raise money by the creation of shares or stock.

28. The Limerick and Ennis Railway Company may from time to time raise for the purposes of their subscription to the undertaking any capital not exceeding in nominal amount the amount which the said Company may, as herein-before provided, agree to subscribe by the issue at their option of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; 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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the 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 I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Limerick and Ennis Railway Company and to the additional capital which they are by this Act authorised to raise.

Limerick and Ennis shares not to issue until one-fifth part paid up.

29. The Limerick and Ennis Railway Company shall not issue any share under the authority of this Act of less nominal amount than ten pounds, nor shall any 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 shall have been paid in respect thereof.

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Application of moneys raised.

30. All moneys which the Limerick and Ennis Railway Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Votes of the Company at general meetings.

31. The Limerick and Ennis Railway Company whilst shareholders of the Company may, by writing under the common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the Company by whom he is appointed.

Limerick and Ennis Railway Company may appoint director.

32. The Limerick and Ennis Railway Company, after they shall have subscribed the sum of sixteen thousand pounds to the undertaking of the Company in terms of this Act, and whilst shareholders to that extent, shall have the power from time to time to appoint one director of the Company, and such appointment shall be made by a writing under the seal of the said Company, which shall be communicated to the secretary of the Company.

Power to enter into working agreements with the Limerick and Ennis Railway, the Athenry and Ennis Junction Railway, and the Athenry and Tuam Railway Companies.

33. The Company on the one hand and the Limerick and Ennis Railway, the Athenry and Ennis Junction Railway, and the Athenry and Tuam Railway Companies, or any one or more of those companies, on the other hand, may from time to time enter into agreements with respect to the following purposes or any of them; (that is to say,)

The use of the undertaking of the Company, or any part thereof, by the said companies parties to such agreement, or any one or more of them, and the interchange, accommodation, and conveyance of traffic between and over their respective railways, and the fixing, collecting, and apportionment of the revenue arising in respect of such traffic.

Tolls on traffic conveyed partly on the railway and partly on the railways of the Limerick and Ennis Railway, the Athenry and Ennis Junction Railway, and the Athenry and Tuam Railway Companies.

34. During the continuance of any agreement to be entered into under the provisions of this Act, the railways of the companies parties to such agreement shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on each of the railways of the companies parties to such agreement for a less distance than six miles, tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six miles tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of pas-

sengers, animals, or goods partly on the railway and partly on the railways of the companies parties to any such agreement.

Interest not to be paid on calls paid up.

35. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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."

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

36. 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.

Railway not exempt from provisions of present and future general Acts.

37. 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.

Saving rights of the Crown in the foreshore.

38. Nothing contained in this Act shall authorise the said 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.

Expenses of Act.

39. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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