CHAPTER cxcvi.

An Act for authorising the construction of a railway from Galway to Clifden, all in the county of Galway, and for other purposes. [10th August 1872.] A.D. 1872.

WHEREAS the making and maintaining of a railway from Galway to Clifden, all in the county of Galway, would be of great public and local advantage:

And whereas the persons in this Act named, with others, are willing, at their own expense, to construct the proposed railway, and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that the Company and the Midland Great Western Railway of Ireland Company should be authorised to enter into and to carry into effect the agreements by this Act authorised:

And whereas plans and sections of the proposed railway showing the line and levels thereof, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Galway, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects 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:

1. This Act may be cited for all purposes as "The Galway, Oughterard, and Clifden Railway Act, 1872." Short title.

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Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," 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 or inconsistent with such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway by this Act authorised.

As to deposit of plans with clerks of unions.

4. 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 "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 "postmaster," as the case may be.

Company incorporated.

5. Richard Berridge, David Graham Johnstone, Alfred William Drayson, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, or assigns respectively, shall be united into a company for the purpose of making and maintaining the railway and works by this Act authorised, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Galway, Oughterard, and Clifden 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.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway and works herein-after described, with all proper and necessary stations, sidings, approaches,

communications, works, and conveniences connected therewith or incidental thereto, and may enter upon, take, and use such of the lands delineated on the deposited plans, and described in the deposited books of reference, as may be required for that purpose. The railway herein-before referred to and authorised by this Act is:

A railway forty-eight miles five furlongs and eight chains in length, commencing by a junction with the Midland Great Western Railway of Ireland, in the townland of Townparks, in the county of the town of Galway, near the Galway Station of the said Midland Great Western Railway of Ireland Company, and terminating in the town of Clifden, in the townland of Clifden and county of Galway, in a field in the occupation of Martin R. Harte, held under John Joseph Eyre, Esquire.

Capital and number and amount of shares.

7. The capital of the Company shall be two hundred thousand pounds, in twenty thousand shares of ten pounds each.

Shares not to be issued until one fifth part paid up.

8. 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.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixty-six thousand pounds, but no part thereof shall be borrowed until the whole capital of two hundred thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and 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 the capital has been subscribed for, 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 in the capital has been paid on account thereof before or at the time of the issue or acceptance thereof; and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their 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

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

Arrears may be enforced by appointment of a receiver.

11. 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 shall be made shall not be less than six thousand pounds in the whole.

Interest on debenture stock and mortgages to rank equally.

12. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," 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.

Debenture stock.

13. The Company may create and issue debenture stock.

Application of moneys.

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

First and subsequent meetings.

15. The first ordinary meeting of the Company shall be held within three months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September, as the directors may appoint.

Number of directors.

16. The number of directors shall be six, but the Company may from time to time reduce the number of directors, so that the number be not less than three.

Qualification of directors.

17. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum of directors.

18. The quorum of a meeting of directors shall be four, unless the number of directors is reduced to three, and then, and so long as the number shall continue to be three, the quorum shall be two.

First directors.

19. Richard Berridge, David Graham Johnstone, Alfred William Drayson, and three other persons to be nominated by them, 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

Election of directors.

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 places 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 personally 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 in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Lands for extraordinary purposes.

20. The quantity of land to be taken by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Period for compulsory purchase of lands limited.

21. 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.

Power to cross certain roads on the level.

22. 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, it shall be lawful for the Company, in the construction of the railway, to 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 roads next herein-after mentioned; (that is to say,)

No. on Plan.	Parish.	Township.	Description.
8	Moycullen - -	Killarainy - -	Public road.
3	„ - -	Corbally - - -	„
3	Killannin - -	Killaguile - -	„
5	Kilcummin - -	Lurgan or Shindilla -	„
5	Moyrus - -	Lissoughter - -	„
25	„ - -	Gowlan West - -	„

Protection of owners of Galway Fishery.

23. For protection of the owners of the Galway several fishery, the following provisions shall have effect; (that is to say,)

(1.) The Company shall, unless the owners of the fishery shall otherwise agree, construct and always maintain the bridge for carrying the railway over the River Corrib with one

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arch or span only, leaving not less than two hundred feet of uninterrupted waterway, and leaving a clear headway under the bridge at the lowest part of the arch or span of not less than twenty feet above the level of high-water mark at ordinary spring tides:

(2.) The Company shall so construct and always maintain the bridge as to provide or allow either on each bank or foreshore of the river, or by means of a proper platform attached to each pier of the bridge, of a free and uninterrupted passage, at all states of the tide, between the river and the inner side of each pier of the bridge (that is to say, the side thereof next to the river), such passage to be of not less width than four feet six inches, and to be so formed as to afford convenient access to and from the banks or foreshore of the river on either side of the bridge, for the purpose of effectually netting the river, or otherwise for the purposes of the fishery:

(3.) In constructing, reconstructing, maintaining, or repairing the bridge, or otherwise exercising any of the powers of this Act, the Company shall cause as little obstruction as may be by temporary piers, or other impediments, or by barges, boats, posts, stakes, piles, or otherwise, to the use of the river for purposes of the fishery:

(4.) In constructing, reconstructing, maintaining, or repairing the bridge, or otherwise exercising any of the powers of this Act, the Company shall always observe the following provisions; that is to say,

(*a.*) In constructing or reconstructing the bridge, the Company shall not, at any time between the first day of February in any year and the fifteenth day of August next following (both days inclusive), place or keep any temporary pier, barge, boat, posts, stakes, piles, or other impediment in the waterway or bed of the river:

(*b.*) In maintaining and repairing the bridge, the Company shall not, at any time between the period last mentioned, place or keep any temporary pier, barge, boat, posts, stakes, piles, or other impediment in the waterway or bed of the river, subject to this qualification, that if by reason of accident or other emergency, repairs shall be absolutely necessary for the immediate safety and stability of the bridge, the Company may within the period aforesaid place or keep any such

temporary pier or other impediment in the waterway of the river as may in their judgment be necessary for the safety and stability of the bridge, but they shall not within that period keep the same there for more than twenty-four hours at one time, unless by evidence on oath they satisfy two justices that the keeping of the same there for more than twenty-four hours at one time is necessary for the safety and stability of the bridge, and thereupon the Company may keep the same there for such further time as any order of the justices directs, not exceeding twelve hours, and so from time to time if occasion requires:

(*c.*) Before applying to the justices for any such order as in this section is mentioned, the Company shall give notice in writing of such application by delivering the same to or by leaving the same at the last known place of business or abode of the owners or owner, or of the tenant or tenants, or other person in charge of the fishery:

(5.) If the Company, their contractors, engineers, agents, and servants or workmen, or the agents, servants or workmen of their contractors, at any time do any act in contravention of any of the provisions of this section, or fail in any respect to comply with any of the provisions of this section, then and in every such case the Company shall be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding ten pounds for every period of twenty-four hours during which the offence continues, after notice thereof in writing served on the Company at their office at London, Dublin, or Galway:

(6.) For all the purposes of this Act, the fishery shall be deemed lands within any enactment incorporated with this Act. And nothing in this section shall be deemed to take away or abridge any claim which the owners for the time being of the fishery, their lessees and tenants, may have to compensation, under or by virtue of any of the said enactments incorporated with this Act.

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 and tenth years of Her present Majesty, chapter twenty, the sum of eight thousand five hundred and fifty-three pounds three pounds per centum Bank annuities, being equal to the sum of seven thousand eight hundred and sixty-nine pounds, being five per centum upon the amount of

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the estimate of the expense of the railway, has been transferred into the name and with the privity of the Accountant General of the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said recited Act, the said stock so transferred 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 the 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 stock transferred 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 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 said recited Act to the contrary notwithstanding.

Providing for application of deposit in compensation of property injured or interfered with.

25. The said sum of money so deposited as aforesaid shall be applicable, and after due notice in the London 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 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 survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have 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 works.

26. The railway shall be completed within five years from the passing of this Act, and on the expiration of such period the powers of this Act granted to the Company for executing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the railway as shall then be completed.

Tolls.

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

Tonnage on articles of merchandise

In respect of the tonnage of goods conveyed on the railway:

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, 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:

For all coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, iron ore, and 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 or other articles of merchandise, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding three farthings:

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not

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weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence;

And a sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Passengers.

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

For any 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 halfpenny.

Animals.

In respect of animals conveyed on the railway, or any part thereof, as follows:

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle, conveyed in or upon such carriage, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

For every calf, pig, sheep, lamb, 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.

Limiting charges for propelling power.

28. The toll which the Company may demand and receive for the use of the locomotive 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.

Maximum rates for passengers.

29. 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 of carriages, and for locomotive power, and every other expense incidental to the 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 farthing a mile.

Maximum rates for animals and goods.

30. The maximum rate of charge to be made by the Company for the conveyance of animals and things on the railway, including the tolls for the use of the railway, and of carriages, and for locomotive power, and for every other expense incidental to the conveyance, except a reasonable sum for loading, covering, and unloading of goods

at any terminal station of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services, or any of them, are or is performed by the Company, shall not exceed the following sums; (that is to say,)

For all coal, and other articles herein-before classed therewith, per ton per mile one penny halfpenny:

For all coke, and other articles herein-before classed therewith, per ton per mile twopence halfpenny:

For sugar, grain, corn, and other articles herein-before classed therewith, per ton per mile threepence three farthings:

For cotton, and other articles herein-before classed therewith, per ton per mile fivepence:

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, carried or conveyed on a truck or platform belonging to or provided by the Company, per mile sixpence, and one penny halfpenny for every additional quarter of a ton which such carriage may weigh:

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any carriage, per mile fourpence:

For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile threepence:

For every calf, pig, sheep, lamb, or other small animal, conveyed in or upon any carriage, per mile twopence.

Regulations as to tolls.

31. The following provisions and regulations shall apply to the fixing of the tolls and maximum rates of charge herein-before specified; (that is to say,)

Short distances.

For persons, animals, minerals, or things conveyed on the railway for a less distance than six miles, the Company may demand and receive the before-mentioned tolls as for six miles:

Fractional parts of a mile:

For a fraction of a mile beyond six miles, or beyond any greater number of miles, the Company may demand tolls 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:

Fractional parts of a ton:

For a fraction of a ton, the Company may demand toll 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:

General weight:

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

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Weight of stone and timber.

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 articles of great weight.

32. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by 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, as follows:

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

For any parcel exceeding seven pounds and not exceeding twenty-eight pounds in weight, fivepence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, sevenpence:

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

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

Passengers luggage.

33. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding the weight and dimensions following; (that is to say,)

Every passenger travelling in a first-class carriage, one hundred and fifty pounds in weight:

Every passenger travelling in a second-class carriage, one hundred pounds in weight:

Every passenger travelling in a third-class carriage, sixty pounds in weight; without any charge being made for the carriage thereof.

Terminal station.

34. No station is to be considered a terminal station in regard to goods conveyed on the railway which have not been received thereat direct from the consignor of such traffic, or are not directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

35. The restrictions with respect to the charges to be made for passengers shall not extend to any special train required to run upon the railway, but shall apply only to the express and ordinary trains from time to time appointed by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

36. This Act, or anything herein contained, shall not prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or things of any description by agreement with the owners or persons in charge thereof, or in respect of the conveyance thereof (except small parcels) by passenger trains, or by reason of any special service performed by the Company in relation thereto.

Working agreements with Midland Great Western Railway of Ireland Company.

37. The Company on the one hand, and the Midland Great Western Railway of Ireland Company on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into and carry into effect working agreements with respect to the following purposes, or any of them, and any incidental matters; (that is to say,)

The maintenance, management, use, and working by the Midland Great Western Railway of Ireland Company of all or any part of the railway and undertaking of the Company:

The interchange, accommodation, conveyance, and delivery by the contracting companies of the traffic coming from or destined for the respective undertakings of the contracting companies:

The supply of any rolling or working stock and machinery, and the employment of officers and servants:

The levying, fixing, and collection, division and apportionment of the tolls, rates, and charges to be levied or taken in respect of such traffic:

The payments and allowances to be made, and the conditions to be performed with respect to the matters aforesaid.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Midland

38. During the continuance of any agreement which may be entered into under the provisions of this Act for the use of the railway by the Midland Great Western Railway of Ireland Company, the railway of the Company and of the Midland Great Western Railway of Ireland Company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating

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the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Midland Great Western Railway of Ireland Company 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 passengers, animals, or goods partly on the railway and partly on the railway of the Midland Great Western Railway of Ireland Company.

Running powers over portion of Midland Great Western Railway of Ireland, and use of station.

39. The Company and all persons lawfully using the railway may run over and use with engines and carriages of every description, and for purposes of their traffic, so much of the Midland Great Western Railway of Ireland as lies between the point of junction of the railway therewith and the Galway station of the Midland Great Western Railway of Ireland Company, together with that station, and all sidings, watering places, booking offices, and other conveniences connected therewith.

Terms of such use.

40. The terms, conditions, and regulations to which the Company shall be subject in respect of running over and using so much of the said Midland Great Western Railway of Ireland and station as aforesaid, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between them and the Midland Great Western Railway of Ireland Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade, and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference; and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Saving rights of the Crown in the foreshore.

41. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, 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 the said Act or Acts 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.

Interest not to be paid out of capital.

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

43. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money 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 Acts.

44. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the tolls for small parcels, and the maximum rates of fares and charges, by this Act authorised.

Expenses of Act.

45. 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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