CHAPTER ccxlvi.

An Act for making a railway in the counties of Limerick and Kerry; and for other purposes. [5th August 1873.] A.D. 1873.

WHEREAS the making and maintaining of the railway hereinafter described in the counties of Limerick and Kerry 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 such railway, and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that the Waterford and Limerick Railway Company should be authorised to contribute to the said undertaking:

And whereas it is expedient that the Waterford and Limerick, the Rathkeale and Newcastle Junction, and the Great Western Railway Companies should be authorised to enter into and carry into effect the agreements with the Company by this Act authorised:

And whereas the grand jury of the county of Limerick did, by a resolution passed at the Spring Assizes of 1873, and dated the twenty-fourth day of February 1873, agree that if and when at any time during the period of twenty-three years after the opening for public traffic of so much of the railway as extends from Newcastle to the intended station at Abbeyfeale the net receipts from the railway shall not amount to a sum equal to a dividend upon the capital expended thereon at the rate of five pounds per centum per annum, then the sum or amount required to make up such dividend as aforesaid on thirty-eight thousand pounds, part of the capital of the Company, shall become payable and be paid half-yearly by the county of Limerick:

And whereas the grand jury of the county of Kerry did, by a resolution passed at the Spring Assizes of 1873, and dated the first day of March 1873, agree that if and when at any time during the period of twenty-three years after the opening for public traffic of so much of the railway as extends from the boundary of the county

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of Kerry to Tralee the net receipts from the railway shall not amount to a sum equal to a dividend upon the capital expended thereon at the rate of five pounds per centum per annum, then the sum or amount required to make up such dividend as aforesaid on one hundred and twelve thousand pounds, part of the capital of the Company, shall become payable and be paid half-yearly by the county of Kerry:

And whereas it is expedient that the grand juries of the counties of Limerick and Kerry should be authorised to grant such county or baronial guarantees in the manner and under the conditions herein-after provided:

And whereas plans and sections of the railway showing the lines and levels thereof, and also books of reference to the plans 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 several clerks of the peace for the counties of Limerick and Kerry, and are herein-after respectively 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:

Short title.

1. This Act may be cited for all purposes as "The Limerick and Kerry Railway Act, 1873."

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 Railways Clauses Consolidation Act, 1845," "The Railways Act (Ireland), 1851," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," Part I. (relating to the 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 such construction: the expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway by this Act authorised; the expression "net receipts" means the net receipts arising from the railway after paying the working expenses thereof, and before the payment of any principal, dividends, or interest on loans, mortgages, debentures, debenture stock, or other capital or debts of the Company; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. William Reginald Courtenay Earl of Devon, William Hare Earl of Listowel, Henry Arthur Herbert, James Crosbie, Edward Curling, George Sandes, George Hewson, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, or 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 Limerick and Kerry 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.

5. 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 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 railway herein-before referred to and authorised by this Act is—

A railway forty-two miles four furlongs in length, commencing in the glebe in the townland of Churchtown, in the parish of Newcastle and county of Limerick, by a junction with the Rathkeale and Newcastle Junction Railway, at a point forty-two yards or thereabouts, measuring along that railway in a northerly direction, from the centre of the bridge carrying the public road over that railway in Churchtown aforesaid, and terminating by a junction with the Great Southern and

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Western Railway in the townland of Cloonalour, parish of Tralee and county of Kerry, on the east side of the mail road from Tralee to Listowel, thirty-three yards or thereabouts, measuring along said mail road in a northerly direction, from the passenger entrance to the station ground of that railway at Tralee :

Provided always, that nothing in this Act contained shall enable the Company to make a junction of the railway with the Great Southern and Western Railway at the termination thereof by this Act authorised without the consent in writing of that company.

As to deposit of plans with clerks of unions.

6. 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 post-"masters of the post-towns in or nearest such parishes in Ireland," or in lieu of the word "postmasters" (as the case may be).

Capital.

7. The capital of the Company shall be two hundred and sixty thousand pounds in twenty-six thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share 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.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval 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.

Receipt in case of persons not sui juris.

10. If any money is 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.

Power to Waterford and Limerick Railway Company to subscribe.

11. The Waterford and Limerick Railway Company may, with the authority of three fourths of the votes of their shareholders voting in person or by proxy at a general meeting specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole the sum of twenty-five thousand pounds; and that company may, with the like authority, contribute and apply in or towards payment of the 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 moneys which they are by this Act authorised to raise; and that 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 (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 Waterford and Limerick Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to divide shares.

12. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

13. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half shares for that year, no part of the deficiency shall be made good out of the

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profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered, and certificates issued.

15. Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

17. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for the nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled.

18. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

19. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether both preferred or both deferred, or one preferred and the other deferred) held by the same person shall confer such right of voting at meetings of the Company, and (subject to provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents, as attach and are incident to an entire share.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole one hundred and thirty thousand pounds, and of that sum they may borrow not exceeding twenty-six thousand pounds in respect of every fifty-two thousand

pounds of their capital, but no part of any of such several sums of twenty-six thousand pounds 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 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 acceptance 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, successors, 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.

Arrears may be enforced by appointment of a receiver.

21. 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 be not less than ten thousand pounds in the whole.

Debenture stock.

22. 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.

Application of moneys.

23. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and of the Company's undertaking only.

First ordinary meeting.

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

Quorum of general meetings.

25. The quorum of a meeting of the Company shall be not less than ten proprietors holding in the aggregate not less than one twentieth of the capital of the Company.

Extraordinary meetings.

26. The prescribed number of shareholders who may require the directors to call an extraordinary meeting of the Company shall be

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not less than ten shareholders holding in the aggregate not less than one fortieth part of the nominal capital of the Company.

Number of directors.

27. The number of directors shall be nine, but the Company may from time to time reduce the number, provided that the number be not less than five.

Qualification of directors.

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

Quorum of directors.

29. The quorum of a meeting of directors shall be five, and if the number of directors be reduced to five the quorum shall be three.

First directors.

30. William Reginald Courtenay Earl of Devon, William Hare Earl of Listowel, Henry Arthur Herbert, James Crosbie, Edward Curling, George Sandes, and George Hewson, and two 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 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 or nominated as aforesaid 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 resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

31. 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 ten acres.

Powers for compulsory purchases limited.

32. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the period of three years from the passing of this Act.

Power to cross certain roads on the level.

33. 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 hereby authorised carry the

same with a single line only, whilst the railway so crossing 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 deposited Plan.	Parish.	Townland.	Description of Road.
18	Newcastle - -	Churchtown - - -	Public.
12a	Do. - -	Ashgrove - - -	Do.
26	Do. - -	Dromin (Beesom) - -	Do.
4	Monogay - -	Tulligoline, South - -	Do.
18	Listowel - -	Ballygowloge - -	Do.
9	Do. - -	Curraghatoosane - -	Do.
31	Do. - -	Gortcurreen - - -	Do.
13	Dysert - -	Killacrim - - -	Do.
5	Do. - -	Ballyhorgan, East - -	Do.
1	Kilcaragh - -	Monument - - -	Do.
8	Do. - -	Ballymageragh - -	Do.
11	O'Dorney - -	Montanagay - - -	Do.
31	Ardfert - -	Tubridmore - -	Do.
12	Tralee - - -	Gallowsfields - -	Do.
6	Do. - - -	Gloonalour - - -	Do.

Inclination of certain roads.

34. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclinations herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
4	Monogay - -	Mail car - - -	1 in 24 on one side, and level on the other.
10	Monogay - -	Public - - -	1 in 11 on one side, and level on the other.

Power to agree with Rathkeale and Newcastle Junction Railway Company as to joint stations.

35. Subject to the provisions of Part III. of the Railways Clauses Act, 1863, so far as the same are applicable, the Company and the Rathkeale and Newcastle Junction Railway Company may make and carry into effect all such agreements as they may think fit with regard to the arrangement, management, and joint use of the stations belonging to the Rathkeale and Newcastle Junction Railway Company at Ballingarrane, Rathkeale, Ardagh, and Newcastle, for the accommodation of the traffic, whether in passengers or in goods, animals, minerals, or other matters and things carried upon the railways of the respective companies; and it may by any such agreement be determined whether such stations shall be maintained at the joint expense of the said companies, and in that case

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whether in equal or unequal proportions, or at the sole expense of one of the said companies, and to be used by the other of the said companies, as the case may be, upon terms and conditions to be mutually agreed on, and whether such stations shall be used in common by the said companies, or be so divided that a part or parts thereof may be devoted to the exclusive use of each company; and it shall be lawful for the companies in pursuance of any such agreement as aforesaid to appoint a joint committee, composed of such number of their directors as they may think fit, for the regulation and management of such stations, and to agree on regulations as to the appointment and duties of such committee, and to depute to such joint committee powers to agree to, and from time to time to vary or rescind, regulations respecting the management and use of the said stations.

Arbitration in regard to joint stations.

36. If any questions, disputes, or differences shall arise between the Company and the Rathkeale and Newcastle Junction Railway Company in regard to the matters embraced in the immediately preceding enactment, or any of them, or in regard to any agreement relative thereto, the same shall, so often as they shall arise, be settled by arbitration in manner provided by "The Railway Companies Arbitration Act, 1859," with respect to the settlement of disputes by arbitration.

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

37. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of Her present Majesty, chapter twenty, the sum of thirteen thousand five hundred and fifty pounds three pounds per centum Consolidated Bank Annuities, being equal in value to the sum of twelve thousand four hundred and sixty-four pounds, being five per centum upon the amount of the estimate in respect of the railways originally applied for, has been transferred to the Court of Chancery in Ireland in respect of the application to Parliament for this Act: And whereas the application for two of the railways originally applied for has not been proceeded with, and the estimate of the expense of the railway by this Act authorised amounts to two hundred and seventeen thousand eight hundred and forty-three pounds five shillings and one penny, and five per cent. thereon would amount to the sum of ten thousand eight hundred and ninety-three pounds, being equal in value to the sum of eleven thousand eight hundred and forty-two pounds three pounds per centum Consolidated Bank Annuities: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of eleven thousand eight hundred and forty-two pounds, part of 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 completion of the railway, either open the same 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 eleven thousand eight hundred and forty-two pounds of 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.

38. The said sum of eleven thousand eight hundred and forty-two pounds of stock transferred 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 last-mentioned stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said last-mentioned stock, 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

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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 last-mentioned stock has 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Release of portion of stock.

39. 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 recited Act of the ninth year of Her present Majesty, chapter twenty, or the survivors or survivor of them, to the Court of Chancery in Ireland, that Court may and shall order that the sum of one thousand seven hundred and eight pounds three pounds per centum Consolidated Bank Annuities, the balance of the said sum of thirteen thousand five hundred and fifty pounds three pounds per centum Consolidated Bank Annuities, after deducting therefrom the said sum of eleven thousand eight hundred and forty-two pounds, part of the said stock, be re-transferred to the parties or party so applying, or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

40. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

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

Passengers.

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 halfpenny:

Animals.

Class I.—For every horse, mule, ass, or other beast of draught or burden 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:

Class II.—For every ox, cow, bull, or neat 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, 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.

Tolls for goods.

In respect of the goods conveyed on the railway:

Class IV.—For all coals, 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:

Class V.—For all coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, tiles, slates, clay, 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, bricks, salt, sand, fire-clay, and stone, 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:

Class VI.—For 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:

Class VII.—For 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:

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, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence, and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Limiting charges for propelling power.

42. 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

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goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

43. 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 six miles, the Company may demand and receive the before-mentioned tolls as for miles:

For a fraction of a mile beyond six 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 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:

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.

44. With respect to small packages 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:

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

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

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

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

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, 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 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.

Maximum rates for passengers.

45. 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 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 animals and goods.

46. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels 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 services incidental to the business or duty 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 twopence:

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

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:

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

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

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

Passengers luggage.

47. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty 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.

48. 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.

Foregoing charges not to apply to special trains.

49. 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.

50. 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.

Working and traffic arrangements with Rathkeale Junction Railway Company and other companies.

51. The Company on the one hand, and the Rathkeale and Newcastle Junction, the Waterford and Limerick, and the Great Western Railway Companies (herein-after called the contracting companies), or any one or more of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management by the contracting companies, or any of them, of the railway of the Company or any part thereof, and of the works connected therewith:

The use or working of the railway, or of any part thereof, and the conveyance of traffic thereon:

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

The fixing and collection and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of 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 railways of the contracting companies.

52. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railways by the contracting companies, the railway of the Company and of those companies 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 the railway and partly on the railway of the Rathkeale and Newcastle Junction Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three 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 three 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 railways of the contracting companies.

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

53. The Waterford and Limerick Railway Company may from time to time raise, for the purposes of their subscription to the undertaking hereby authorised, any capital not exceeding in amount the amount which the said Company may as aforesaid 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; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; namely,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of the 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;

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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 Waterford and Limerick Railway Company, and to the additional capital which they are by this Act authorised to raise.

Shares of Waterford and Limerick Company not to issue until one fifth paid up.

54. The Waterford and Limerick 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.

Application of moneys raised by the Company.

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

Votes of Waterford and Limerick Company at general meetings.

56. The Waterford and Limerick Railway Company may, by writing under their 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 Waterford and Limerick Railway Company.

County of Limerick to contribute.

57. If and when at any time during the period of twenty-three years after the opening for public traffic of so much of the railway as extends from Newcastle to the intended station at Abbeyfeale, the net receipts from the railway, to be ascertained in manner hereinafter provided for, shall not amount to a sum equal to a dividend upon the capital expended thereon at the rate of five pounds per centum per annum, then the sum or amount required to make up such dividend as aforesaid on thirty-eight thousand pounds, part of the capital of the Company, shall become payable and be paid half-yearly by the county of Limerick: Provided always, that if at the expiration of three years from the opening of the said portion of railway as aforesaid the remainder of the railway to Tralee shall not be completed and opened for public traffic, the said guarantee shall be suspended until such completion and opening.

Baronies in county of Kerry to contribute.

58. If and when at any time during the period of twenty-three years after the opening for public traffic of so much of the railway

as extends from the boundary of the county of Kerry to Tralee, the net receipts from the railway, to be ascertained in manner herein-after provided for, shall not amount to a sum equal to a dividend upon the capital expended thereon at the rate of five pounds per centum per annum, then the sum or amount required to make up such dividend as aforesaid on one hundred and twelve thousand pounds, part of the capital of the Company, shall become payable and be paid half-yearly by the county of Kerry, and be apportioned as herein-after provided on the several baronies and parts of baronies in that county in proportion to the benefits to be derived by such baronies and parts of baronies: Provided always, that the sums to be paid in respect of the guarantee herein-before provided shall be computed upon the footing that the said guarantee is to apply to twenty-seven miles of the railway, and also that the said guarantee shall come into operation on the completion and opening of the railway for public traffic in manner and in the proportions following; that is to say, a proportion of the total amount guaranteed shall be paid rateably according to the number of miles of railway completed and opened for traffic from the boundary of the county of Kerry to the places following, in their order; that is to say, Listowel, Lixnaw, Abbeydorney, Ardfert, and Tralee, at which respective places, and also at Kilmorna, stations shall be erected: Provided always, that if at the expiration of two years from the opening of the said portion of railway to Listowel as aforesaid, the remainder of the railway to Tralee shall not be completed and opened for public traffic, the said guarantee shall be suspended until such completion and opening, and during the period of such suspension the county of Kerry shall not be liable to any payment in respect of the said guarantee.

Provisions as to guarantees.

59. Provided also, that the said net receipts shall be applied to the payment of the said dividend in priority to any other purpose whatsoever, and that no liability under the said guarantees shall attach to the said counties of Limerick and Kerry respectively in any half-year during the said period of twenty-three years in which the Company shall have earned net receipts amounting to a dividend at the rate of five pounds per centum per annum on the portions of the share capital guaranteed by the said counties respectively: Provided also, that when the net receipts shall exceed the amount necessary to cover the dividend on the amount guaranteed by the said counties respectively, one half of such surplus in each half-year shall be applied to repay to the said counties respectively any principal sums (exclusive of interest) which they respectively may have previously paid under or by reason of such guarantee, and which half shall be apportioned between and paid to the said two

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counties rateably in proportion to the number of miles completed and opened for traffic in each of the said counties respectively.

Exemption in favour of Great Southern and Western Railway Company.

60. Provided always, that the lands, property, stations, houses, goods-stores, railway, and premises in the counties of Kerry and Limerick belonging to the Great Southern and Western Railway Company shall not be liable to be rated or assessed for the purposes of the guarantees by this Act authorised, and the amount of the respective guarantees hereby authorised shall be diminished by the proportion which would otherwise have been applicable to the lands, property, stations, houses, goods-stores, railway, and premises of the Great Southern and Western Railway Company.

Moneys paid by baronies to be a charge on railway and income thereof.

61. If any moneys shall have been paid or contributed by the said counties or baronies under the provisions of this Act, all such moneys, together with the costs and expenses of levying the same, shall be, as and from the dates of the respective payments of the same, charged upon the railway, and the net receipts from the same; and the said moneys so charged shall be payable to the treasurers for the time being of the said counties respectively, to be applied by them in relief of the county or the barony or baronies which shall have contributed the same.

For ascertaining amount to be paid by each barony, &c.

62. For the purpose of ascertaining such net receipts and the proportions in which the county of Limerick and the baronies in the county of Kerry shall pay the said half-yearly sums (if any), and during such time as the same shall be payable, and for other the purposes to be executed by the arbitrators as herein-after mentioned, the Board of Trade, upon the request of the Company, may from time to time, by warrant under the hand of their secretary for the time being, appoint as arbitrators the county surveyors for the time being of the counties of Limerick and Kerry, and two other persons to be selected by the Board of Trade, and may supply the place of any arbitrator dying, resigning, or refusing or failing to act, or becoming incapacitated, and such arbitrators shall from time to time by their certificate in writing ascertain and determine the amount of such net receipts in each half-year applicable to the payment of the said dividend as herein-before provided, and also assess and determine the relative proportions in which such half-yearly sums shall be paid and made up by the county of Limerick and the baronies in the county of Kerry, such arbitrators taking into consideration the benefit or supposed benefit, immediate or prospective, which such county and baronies may respectively in the opinion of such arbitrators have derived or be likely to derive from the formation and opening of the railway; and every certificate of such

arbitrators under their hands, or (in case all the arbitrators shall be unable to agree) under the hands of any three of them, shall be in all respects final and binding on the county of Limerick and the baronies in the county of Kerry, and from and immediately after each delivery of any certificate the county of Limerick and the baronies in the county of Kerry, and all lands, hereditaments, or premises therein respectively, shall be and are hereby charged and made chargeable with the payment of such half-yearly sums in the several proportions specified and set forth in such certificate, and every such certificate, and a duplicate thereof if required, shall be delivered to the Company, upon the request and upon payment by them to such arbitrators of such remuneration (if any) for their trouble in regard thereto as the Board of Trade shall determine.

Accounts of receipts to be rendered.

63. For the purpose of ascertaining the receipts from the railway, the working expenses thereof, and the profits of the railway, if any, applicable to the payment of the dividend as aforesaid, the Company shall from time to time, on or before the first day of May and the first day of November in every year, make out and render to the arbitrators a full, true, and distinct account of all the receipts of every nature and kind for the then preceding half-year ending the thirty-first day of December and thirtieth day of June in each year arising in any manner from the railway, and of the expenditure thereof, which account the said arbitrators shall and they are hereby authorised and empowered to examine with the documents and vouchers evidencing the same, and all books, papers, and accounts in the custody and control of the Company relating to the business of the Company; and all accounts, documents, vouchers, books, and papers kept by the Company shall, upon the request of the said arbitrators, be from time to time produced to such arbitrators for examination; and such arbitrators may (if they think fit) employ one actuary or accountant to assist them in such examination from time to time, at the cost and expense of the Company; and the Company shall, so long as the said barony contributions may continue, keep proper and correct books of account to show the receipts and profits on the railway and the expenditure thereof, to which books of account the said arbitrators shall have at all reasonable times access, and from which they may at all times take extracts; and the Company shall during the said period send duplicate returns to the said arbitrators of the accounts which they are bound by any Act of Parliament now in force or that may hereafter be in force to transmit to the clerks of the peace; and the said arbitrators shall adjust and balance the said accounts, and as to all matters relating to the said accounts, or what shall be considered as gross receipts

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from traffic, or net profits from traffic, their decision shall in all respects be final and conclusive on all parties.

Sums mentioned in certificates to be presented by grand jury and paid by treasurer.

64. The Company shall from time to time deliver such certificate or a duplicate thereof to the secretary of the grand jury of each of the counties of Limerick and Kerry, who shall lay such certificate or duplicate thereof before the grand jury of such counties at the assizes next after he shall have received the same; and it shall be lawful for such grand juries, and they are hereby required from time to time, and without application to presentment sessions, to present the sum mentioned in every such certificate relating to the baronies to be raised and levied off such baronies, and the same shall be assessed, raised, and levied in the like manner as any presentment made under the authority of an Act passed in the sixth and seventh years of the reign of His late Majesty King William IV., cap. 116, and any Act or Acts amending the same; and the treasurers of such counties, out of the first moneys collected and remaining in their hands, after repayment of Government advances, gaol expenses, and salaries of public officers payable by them, shall pay the sum so presented by the grand juries to the Company, or in such other manner as the Company shall direct; and if the grand juries of the said counties shall fail to present the sum or any part thereof contained in any such certificate relating to such baronies, the treasurers of the said counties shall and they are hereby required to insert such sum or such omitted part thereof in their warrants for raising the moneys presented at the same assizes, as if such sum had been duly presented by such grand juries to be raised in manner herein-before mentioned off such baronies as aforesaid, and the same shall be raised and levied off such baronies accordingly as if the same had been so presented, and the said treasurers shall pay over the amount, when by them received, as herein-before provided, as if such money had been presented by such grand juries respectively.

Conditions of bond by collectors of grand jury.

65. The defeasance of every bond of a collector of grand jury cess within any or either of the baronies liable to the barony contributions to be hereafter given or executed by way of security for duly collecting and paying public money, shall contain a condition for his duly collecting and paying to the treasurer of the county within which such barony is situated, on or before each next succeeding assizes, all such money as he shall from time to time be authorised to levy under this Act, and such bonds shall be subject to all provisions now applicable to bonds given or executed by collectors of grand jury cess.

Remuneration to collectors.

66. The grand juries of the said counties of Limerick and Kerry shall also present such sum of money to be levied off every such

barony as aforesaid, and to be paid to any such collector as aforesaid, as his remuneration for collecting such assessment, as is payable in the case of the collection of grand jury cess.

Tenants to deduct half the cess from the rent.

67. When the person occupying any lands, hereditaments, or premises shall be liable to pay a rent in respect of the same, he may deduct from such rent one half of the sum which he shall have paid as grand jury rate or cess under the provisions of this Act in respect of each pound of the net annual value, whether such rent shall be greater or less than such net annual value, and so in proportion for any less sum than a pound, not exceeding the aforesaid poundage rate or cess payable by him under the provisions of this Act: Provided always, that no deduction be made from tithe rentcharge or other composition in lieu of tithes for or on account of any such rate or cess.

Sub-lessors to make proportionate reductions from superior landlord's rent.

68. When any person to whom rent shall be payable in respect of any hereditaments shall also pay a rent in respect of the same, he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of rate or cess deducted under the provisions of this Act from the rent payable to him as the rent paid by him bears to the rent payable to him, not exceeding the half of the said poundage rate or cess payable by him: Provided always, that no lessee or other person paying any rate or cess under this Act in respect of any hereditaments held by him for lives renewable for ever, or for the residue of any term of years which when originally created shall not have been less than nine hundred years, shall deduct any portion of such rate or cess from the rent payable by him in respect of such hereditaments.

Receipt for rate to be taken in discharge.

69. In all cases a receipt for the rate or cess to be levied under the authority of this Act in respect of any hereditaments shall be accepted by every person entitled to receive rent in respect of the same, in lieu of such a portion of rent as the person tendering such receipt is hereby entitled to deduct from such rent by reason of his payment of the rate or cess for which such receipt shall be given: Provided always, that no deduction on account of any payment of rate or cess under this Act shall be held to be a discharge of any portion of any gale or quarterly or other payment of rent due from the person entitled to make such deduction, so as to prejudice the right of any landlord to recover the possession of any hereditaments by ejectment for nonpayment of rent thereof in any case where the remaining portion of such gale shall be unpaid; but it shall be lawful for such landlord to proceed for the recovery of such

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hereditaments by ejectment as effectually as if the entire gale or quarterly or other payment of rent out of which such deduction is hereby allowed had remained wholly due or unpaid: Provided also, that no deduction shall be made from any rentcharge granted by way of jointure, or any other rentcharge or annuity granted, limited, or devised for a life or lives in being only, or for years determinable on a life or lives in being.

As to actions by treasurers of counties.

70. In all cases where any moneys are under the provisions of this Act made payable to the treasurer for the time being of the said counties respectively, or to the baronies, such treasurer, in default of payment thereof, may recover the same with full costs of suit by action in any court of competent jurisdiction; and in any such action the treasurer for the time being of the said counties respectively shall be the nominal plaintiff, and as such entitled to sue on behalf of the county, and no such action shall abate or be discontinued by reason of the death, removal, or resignation of any such treasurer; and all moneys received or recovered by such treasurer under the provisions of this Act shall be carried by him to the credit of the county of Limerick or the baronies in the county of Kerry, in proportion to the amounts paid by them respectively under the provisions of this Act.

Cessation of contributions.

71. After the expiration of twenty-three years from the opening of the railway for public traffic, or when and as soon as the Company by deed under their common seal (which, with the consent in writing of all the holders for the time being of the said thirty-eight thousand pounds and one hundred and twelve thousand pounds respectively, part of the capital of the Company, or such part thereof as shall have been subscribed for, they are hereby empowered to execute) shall have released the county of Limerick and the baronies in the county of Kerry from all further liability (whichever shall first happen), the county and barony contributions shall cease; and from and after the expiration of that period or the delivery of such deed, as the case may be, all the provisions of this Act with reference to the contributions by the said county and baronies shall for ever cease and determine, except as to the sums respectively which the said county and baronies shall then be liable to pay, or which shall be then due to the said county and baronies and charged upon the railway, in respect of which sums the said provisions shall until the same respectively shall have been paid remain in full force and effect; and when after the expiration of the said period or the delivery of such deed, as the case may be, the sum due to the said county and baronies shall have been paid, of which a statement in

writing under the hands of the treasurers of the counties respectively shall be conclusive evidence, the other creditors of the Company shall, in respect of their debts, be entitled to and have the same priority as if the said provisions had not been contained in this Act: Provided, that if any of such holders as aforesaid for the time being of the said respective sums of thirty-eight thousand pounds and one hundred and twelve thousand pounds, part of the capital of the Company, shall be a minor, idiot, or lunatic, the consent of the guardian or committee of his estate, as the case may be, shall be sufficient for the purposes of this section.

Saving rights of the Crown in the foreshore.

72. 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.

Interest not to be paid out of capital.

73. 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 calls paid 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 Company's capital.

74. 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 and future general Acts.

75. 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,

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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.

76. 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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