CHAPTER clxxvii.

An Act to incorporate a Company for the purpose of undertaking the working and management of railways; and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS there are in the United Kingdom numerous railways owned by separate and independent companies and worked at an excessive per-centage of the gross receipts thereon and the companies owning such railways owing to the meagreness of their revenues are unable in many cases to maintain their railways works and rolling stock in an efficient condition or to introduce improved appliances for the safe and more convenient carriage of passengers and goods:

And whereas such companies borrowing money separately and in small amounts are compelled to pay a comparatively high rate of interest on their mortgages and debenture stocks and other loans:

And whereas such companies are in consequence of their pecuniary position and isolation often unable to exercise their full powers and to confer upon the districts served by them and the country generally the benefits and advantages for which they were authorised and incorporated:

And whereas the formation of a company having for its objects to bring about and facilitate the combined working maintenance and management of such separate railways and undertakings to reduce the working and other expenses of the companies owning the same improve their means and modes of conveyance enhance their credit and generally develop their resources would be of public utility:

And whereas the persons herein-after named with others are willing to undertake the carrying of the aforesaid objects into execution and it is expedient that they be incorporated into a company and that the requisite powers be conferred upon them:

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

A.D. 1882.

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

Short title.

1. This Act may be cited as the Railway Working and Management Company Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act 1845 Parts I. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares and to debenture stock the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation (Scotland) Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Lands Clauses Consolidation Acts Amendment Act 1860 the Lands Clauses Consolidation Act 1869 Part III. of the Railways Clauses Act 1863 relating to working agreements except where expressly varied by this Act are incorporated with and form part of this Act.

Interpretation.

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 "railway company" means any railway company in the United Kingdom incorporated or to be hereafter incorporated whether by Act of Parliament or by certificate of the Board of Trade the expression "railway" means any railway in the United Kingdom already or to be hereafter authorised of any railway company and includes the whole or any part or parts of any such railway and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Henry Doughty Browne, Edward Joseph Halsey, Walter Amos Michael, John Winterbotham Batten, John Wilson Theobald, John Crick and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in this undertaking and their respective executors administrators successors and assigns

shall be and are hereby united into a Company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Railway Working and Management Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act.

The Company may undertake working &c. of other railway companies.

5. The Company may from time to time undertake the working repair renewal maintenance management and administration of any railway and may in furtherance of such undertaking provide all officers clerks agents and servants may supply all engines carriages waggons rolling stock machinery and appliances necessary for and for the purposes of any railway in working order and bonâ fide to be worked by the Company and not further or otherwise and may keep all accounts receive pay and distribute all moneys dividends and interest and may execute and do all acts matters and things whatsoever necessary for or incidental to such working repair renewal maintenance management and administration as aforesaid.

The Company may purchase and deal with stock &c. of railway companies.

6. In any case where the Company has undertaken the working repair renewal maintenance management and administration of any railway and so long as such undertaking continues the Company may from time to time purchase hold mortgage sell and assign shares or stock or mortgages or debenture stock of the Company owning such railway and may advance and lend to such railway company any moneys which they are entitled to raise and may guarantee the payment of dividends and interest upon any shares stock mortgages or debenture stock of such railway company and anything done by the Company under the powers of this section shall continue and be valid notwithstanding that the Company shall have ceased to work repair renew maintain manage or administer such railway.

The Company may substitute itself for or combine with railway companies.

7. The Company may from time to time accept the transfer of all or any of the statutory powers rights and privileges and of all or any liabilities and obligations (in respect of the public or otherwise) granted to enjoyed by or imposed upon any company owning a railway which the Company shall have undertaken to work repair renew maintain manage or administer as aforesaid and may enforce enjoy and be subject to all such powers rights privileges liabilities and obligations either in its own name and in exoneration of and substitution for such railway company or in union and together therewith but nothing in this section shall empower any railway company to transfer any statutory powers rights or privileges.

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Railway companies may agree with Company for objects of the Act. 36 & 37 Vict. c. 48.

8. The Company and any railway company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873 enter into and carry out agreements with reference to any of the matters in this Act above mentioned. For the purposes of this section every such agreement shall be deemed to be a working agreement within the meaning of the said Acts and the Company shall be deemed to be a railway company.

Capital.

Additional capital.

9. The capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each and of that capital the first portion raised to the extent of one hundred thousand pounds at the least shall be raised by the creation and issue of ordinary shares or stock. The Company may raise any further portion of the said capital by the creation and issue of ordinary shares or stock or at their option of preferential shares or stock or by either of those modes upon such terms and conditions and with such rights and privileges as to voting or otherwise as the Company shall determine before the creation of the respective portion of capital.

Shares not to issue until one fifth paid.

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

Calls.

11. One fourth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and 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 clause in case of persons not sui juris.

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

Power to borrow.

13. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole one third part of the capital of the Company for the time being paid up.

Appointment of receiver.

14. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

receiver is made shall not be less than one tenth part of the whole amount for the time being owing by the Company upon mortgages of the undertaking upon the security of which such mortgages have been granted.

Debenture stock.

15. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without regard to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Provision for the creation of separate undertakings.

16. In the event of the directors of the Company at any time (whether the powers of this section have been previously exercised or not) passing a resolution to the effect that it is expedient that any part (the amount of which shall be specified in such resolution) of the capital to be raised under and for the purposes of this Act and the objects and purposes for which the same is to be raised should be constituted a separate capital and undertaking such resolution shall when confirmed at an extraordinary general meeting of the Company convened with due notice of the matter and by the votes of proprietors present in person or by proxy holding at least three fourths of the paid up capital represented at such meeting be valid and binding on the Company and the separate capital and undertaking so constituted shall be and remain distinct and apart from the rest of the Company's capital and undertaking and from any other separate capital and undertaking under such names as the meeting confirming the directors resolution shall fix upon and determine.

Provision for settling management &c. of separate undertaking.

17. The terms and conditions upon which and the directors or persons by whom any separate undertaking shall be worked and managed and the respective rights and liabilities of the Company and of the proprietors of such separate undertaking with respect to receipts dividends or other revenue and with respect to payments expenses and other outgoings shall be such as shall be defined and settled either by the meeting confirming the directors resolution as aforesaid or by a subsequent extraordinary general meeting of the Company duly convened with notice of the matter and by such proportion of votes as aforesaid and the substance of such terms and

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conditions shall be endorsed upon the certificates of the shares or stock constituting the separate capital of the separate undertaking.

Separate accounts.

18. The Company shall keep separate accounts of all receipts credits payments and liabilities from for or on account of each separate undertaking.

Separate undertaking exempt from mortgages on original undertaking.

19. Subject to the provisions of this Act a separate undertaking constituted by virtue of the powers herein contained and the revenue arising therefrom shall not be liable for or charged with any mortgage or other charge upon the general undertaking or upon any other separate undertaking of the Company nor shall any mortgage or charge upon any separate undertaking be a charge upon the general or any other separate undertaking of the Company.

Application of moneys.

20. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only: Provided that all moneys received at any time by the Company on account of capital or revenue with respect to any one separate undertaking shall be applied to the purposes of that undertaking only.

First ordinary meeting.

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

Votes of shareholders in separate undertakings

22. At all meetings of the Company the proprietors of shares or stock in any separate capital and undertaking formed by the Company under the powers of this Act shall alone be entitled to vote and shall be entitled to vote only in respect of matters exclusively affecting the separate capital and undertaking of which they are proprietors: Provided that any proprietors of shares or stock in any such separate capital or undertaking shall be entitled to vote in the election of directors.

Number of directors.

23. The number of directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum of directors.

25. The quorum of a meeting of directors shall be four provided that when the number of directors is reduced to three the quorum shall be two.

First directors.

26. Henry Doughty Browne, Edward Joseph Halsey, Walter Amos Michael, John Winterbotham, Batten John Wilson Theobald, John Crick and one other person to be nominated by them or the

majority of them and consenting to such nomination 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 retain in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not retained in office the directors appointed by this Act or nominated as aforesaid being if qualified re-eligible 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.

Provision as to general Railway Acts.

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

Costs of Act.

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

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Printers to the Queen's most Excellent Majesty. 1882.

CHAPTER clxxviii.

An Act to confer further powers on the Waterford, Dungarvan and Lismore Railway Company; to make provision with reference to traffic on the Railway of that Company and on the Railway of the Great Western Railway Company; and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS by the Waterford, Dungarvan and Lismore Railway Act, 1872 (herein-after called "the Act of 1872"), as amended by the Waterford, Dungarvan and Lismore Railway Act, 1873 (herein-after called "the Act of 1873"), the Waterford, Dungarvan and Lismore Railway Company (herein-after called "the Company") were incorporated and authorised to make a railway from Waterford to Dungarvan and Lismore in the county of Waterford; 35 & 36 Vict. c. cvi. 36 & 37 Vict. c. cxxxii.

And whereas by the Waterford, Dungarvan and Lismore Railway (Extension) Act, 1878, (herein-after called "the Act of 1878") the Company were authorised to extend their railway from their present terminus at Waterford into the city of Waterford; 41 & 42 Vict. c. ccvi.

And whereas it is expedient to extend the respective periods limited by the Act of 1878 for the compulsory purchase of land and for the completion of the extension railway thereby authorised;

And whereas it is expedient that the Company should be empowered to continue to carry the railway authorised by the Act of 1872 on the level over a public road in the townland of Boherawillin, parish of Modelligo, and county of Waterford, as by this Act provided;

And whereas the Company have expended all the loan and share capital authorised to be raised by them for the purposes of their railway, which was opened for public traffic on the 12th day of August, 1878, and have had no means of providing rolling stock and plant, and have no means of providing for other purposes necessary for the carrying on of their railway, save as herein-after set forth and provided;

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And whereas by an agreement entered into between the Great Western Railway Company, herein-after called the Great Western Company, and the Company, (which two companies are in this Act referred to as the "two companies") on the twenty-first day of July, 1874, certain stipulations were made as to the traffic on the railways of the two companies, herein-after specially mentioned, and it was provided that these stipulations should continue in force for a period of twenty-one years from the opening of the Company's railway for public traffic, which took place on the 12th day of August, 1878;

And whereas it was stipulated by the said agreement that in each year during the continuance thereof, when the Company's proportion of the gross receipts, together with all other sums available for dividend, including all sums received in respect of the county guarantee, was insufficient to pay a dividend at the rate of five pounds per centum per annum for that year on the ordinary share capital of the Company of two hundred and eighty thousand pounds, and on a sum of not exceeding fifty thousand pounds required for rolling stock, plant, or other purposes, the Great Western Company would allow to the Company out of their proportion of the receipts received from the said traffic, a rebate of twenty pounds per centum until such rebate amounts to a sum not exceeding one thousand pounds in any one of such years;

And whereas it was farther stipulated between the two companies that in the event of the proceeds from such rebate at the rate aforesaid not amounting to the sum of one thousand pounds in any one of such years, and when there was a deficiency, that the Great Western Company would allow to the Company out of their proportion of the gross receipts, such a sum as with the rebate at the percentage aforesaid, would make up to the Company the sum of one thousand pounds for such year;

And whereas a sum of thirty thousand pounds being part of the said sum of fifty thousand pounds has been applied by certain persons interested in the railway of the Company in the purchase of rolling stock and plant, which stock and plant they have hired out to the Company for the purposes of their railway, and it has been arranged that the remaining twenty thousand pounds shall be provided upon the security of the intended rebate;

And whereas the Company have not yet received any moneys on account of the said rebate;

And whereas it is expedient that these stipulations between the two companies should be by them carried into effect as by this Act provided;

And whereas it is expedient that the Company and the Fermoy and Lismore Railway Company should be empowered to make and carry into effect agreements as herein-after provided;

And whereas the objects aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Waterford, Dungarvan and Lismore Railway Act, 1882.

Incorporation of Parts II. and III. of 26 & 27 Vict. c. 92.

2. Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, except where expressly varied by this Act are incorporated with and form part of this Act.

Extending period for compulsory purchase of lands.

3. The powers of the Company for the compulsory purchase of lands for the purposes of the railway authorised by the Act of 1878 may be exercised within two years, but shall not be exercised after the expiration of two years from the passing of this Act.

Extending period for completion of works.

4. The period limited by the Act of 1878 for the completion of the extension railway authorised by the Act of 1878 is hereby extended to three years from the twenty-second day of July, one thousand eight hundred and eighty-two, and if the railway be not then completed, then at the expiration of that period the powers granted to the Company for making and completing the said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed, and section twenty-eight of the Act of 1878 shall be read and construed as if the period by this Act limited for the completion of the extension railway had been the period limited by the said section.

Authorising level crossing over a certain road affected by Act of 1872. 8 & 9 Vict. c. 20.

5. Notwithstanding anything contained in the Act of 1872, the Company, 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, may continue to carry the railway authorised by the Act of 1872 with a single line only, whilst the railway consists of a single line, and afterwards with a double line only across and on the level of the road next herein-after mentioned, which is referred to by the number by which the same is

1882. distinguished on the plans deposited for the purposes of the Act of 1872, that is to say :—

No. on Plans of 1872.	Townland.	Parish and County.	Description of Road.
4	Boherawillin -	Modelligo, County of Waterford.	Public Road.

Provisions with reference to traffic on the railways of the Great Western Railway Company and of the Company.

6. The provisions contained in this section shall be binding, and shall be carried into effect by the Great Western Company and the Company, that is to say :—

(1.) The Great Western Company and the Company shall at all times during the period herein-after in this section provided, maintain between all principal stations on the Great Western Railway and the Waterford, Dungarvan and Lismore Railway (herein-after called the Dungarvan Railway) respectively a complete system of through fares and rates and through booking and invoicing for all cross Channel traffic passing or intending to pass by way of New Milford and Waterford respectively on, to, over and so far as they can beyond their respective systems of railway when they form a convenient route.

(2.) The through fares and rates to be taken by the two companies for traffic conveyed partly over any part of the Great Western Company's Railway and partly over any part of the Company's railway, and so far as they can also over any other railway, shall from time to time be agreed upon between the respective general managers of the two companies, or if and when they fail to agree then to be determined by arbitration in the manner herein-after provided.

(3.) The through fares and rates shall cover the whole trip by sea as well as by railway.

(4.) The two companies, or either of them as the case may be, will convey on the Great Western and Dungarvan Railways respectively, and so far as they can over any railways leased or worked by them, all traffic for which such through fares and rates are fixed in accordance with the provisions of this section at the through fares and rates so fixed and from time to time in force.

(5.) The two companies will establish and at all times maintain and afford to each other all proper and sufficient facilities for the interchange, reception, accommodation and conveyance of

all traffic to which this section relates, and for the delivery of such traffic at such places as they collect, and deliver other traffic of a similar description, with such arrangement of trains between the several principal stations on the Great Western Railway and New Milford and between the several principal stations on the Dungarvan Railway and Waterford, and all such other facilities for through traffic as are usual between railway companies working together as friendly companies.

(6.) The two companies shall, so far as they can, forward by and over their own railways and the railways of each other, whenever they form a convenient route, all traffic which they can so forward and convey, and every difference as to the performance of this stipulation shall be determined by arbitration.

(7.) As regards terminal services actually performed by either of the companies in relation to any traffic to which the provisions of this section relate, the Company performing such service shall be entitled to reasonable terminal allowances for the same in accordance with this section, but in no case shall any terminal charge be allowed in respect of passengers; and the costs from time to time of transfer to and from the railway station at New Milford from and to the steam vessel there, and to and from the railway station at Waterford from and to the steam vessel there, shall be allowed to the Company performing the same.

(8.) Each company shall be allowed the proportion of the receipts earned on their own railway, but from the gross receipts there shall first be deducted the proportion payable or to be allowed in respect of the steam packet service, and all paid-ons and paid-outs, and Government duty when payable, and also costs of trans-shipment, lighterage, cartage and terminal allowances to be made to them respectively in accordance with the provisions of this section.

(9.) In each year during the continuance of the period herein-after provided, when the Company's proportion of the gross receipts, together with all other sums available for dividend, including all sums received in respect of the county guarantee, is insufficient to pay a dividend at the rate of £5 per cent. per annum for that year on their ordinary share capital of £280,000, and on a sum not exceeding the said sum of £50,000 required for rolling stock, plant, or other purposes of the railway of the Company, to which capital is properly applicable, the Great Western Company will allow to the Company out of their proportion of the receipts received from the traffic the subject of this section, a rebate of £20 per centum until such rebate

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amounts to a sum not exceeding £1000 in any one of such years.

(10.) In the event of the proceeds from such rebate, at the rate aforesaid, not amounting to the sum of £1000 in any one of such years where there is a deficiency, the Great Western Company will allow to the Company, out of their proportion of the gross receipts, such a sum as, with the rebate at the percentage aforesaid, will make up to the Company the sum of £1000 for such year.

(11.) All sums received by the Company from the Great Western Company by way of rebate under the provisions of this section shall be applied by the Company in payment of interest at the rate of five pounds per centum per annum on a sum of £20,000, being part of the said sum of £50,000 so required for the purposes of the railway of the Company as aforesaid, and shall be applied to no other purpose whatever except with the consent in writing of the party or parties, their executors, administrators or assigns, who may advance such sum.

(12.) The two companies respectively shall at all times keep proper and sufficient vouchers, and render to each other or to the clearing house, as may be arranged, true and perfect accounts of all the traffic to which the provisions of this section relate, and of all the through rates and fares received or receivable by them respectively in respect of the same, and of all other matters requisite for the purposes of this section to be included therein.

(13.) The accounts to be kept in accordance with this section shall be passed and settled half-yearly, so far as practicable, by the two companies, or through the clearing house if so arranged, in accordance with the terms and conditions of this section, and a final settlement shall be made at the end of each year, and no account shall be re-opened by either company unless objected to within six months after the settlement of the same.

(14.) The balance of the accounts for every half-year shall be settled and discharged within one month after the receipt of the accounts.

(15.) If and whenever any difference arises between the Company, their successors or assigns, and the Great Western Company, their successors or assigns, touching the true intent or construction of the provisions of this section, or touching anything to be done, suffered or omitted in pursuance of this section, or touching any of the incidents or consequences of this section,

or touching the carrying into effect of any of the provisions of this section, or touching any breach or non-fulfilment, or alleged breach or non-fulfilment, of the provisions of this section, or touching any liability, damages, losses, costs or expenses by reason of any such breach or non-fulfilment, or alleged breach or alleged non-fulfilment, or touching any claim or demand relating to any such liability, damages, losses, costs or expenses, or otherwise relating to the premises, every such difference shall, except as herein otherwise provided, be referred to and determined by arbitration in accordance with the provisions of the Railway Companies Arbitration Act, 1859, and this stipulation shall accordingly be and have effect as an agreement between the two companies for a reference to arbitration under that Act.

22 & 23 Vict. c. 59.

(16.) The provisions of this section, shall, except as herein-before provided for, continue and be operative for the period of twenty-one years from the 12th day of August, 1878, being the date of the opening for public traffic of the Company's railway between Waterford and Lismore, but at the expiration of the first or any subsequent period of ten years after the said date of opening of the said railway, the Railway Commissioners may, if they are of opinion that the interests of the public are prejudicially affected by the provisions of this section, cause these provisions to be modified, under the provisions of Part III. of the Railways Clauses Act, 1863, as if these provisions were the subject of an agreement between the two companies: Provided always that no modification to be made as aforesaid under this sub-section shall prejudicially affect the payment of the interest on the said sum of twenty thousand pounds as prescribed in sub-section 11 or the security or securities for the payment thereof.

Power to enter into working agreements with the Fermoy and Lismore Railway Company. 36 & 37 Vict. c. 48.

7. The Company on the one hand and the Fermoy and Lismore Railway Company on the other hand herein-after called the Contracting Companies, may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say)—

The working, use, management, and maintenance by the Contracting Companies or either of them of their respective railways and works or any part or parts thereof respectively.

The management, regulation, interchange, collection, transmission and delivery of traffic upon or coming from or destined for

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the railways of the Contracting Companies or either of them.

The supply and maintenance under any agreement for the respective railways being worked and used by the Contracting Companies or either of them of engines, stock, and plant necessary for and during the continuance of such agreement, and the employment of officers and servants for the conduct of traffic.

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

The fixing, collection, payment, appropriation, apportionment and distribution of the tolls, rates, income and profits arising from the respective railways and works of the Contracting Companies, or any or either of them or any part thereof.

Tolls on traffic conveyed partly on the railway of Company and partly on the railway of Fermoy and Lismore Railway Company.

8. During the continuance of the said agreement the railways of the Company and of the Fermoy and Lismore Railway Company shall for the purposes of 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 of the Company and partly on the railway of the Fermoy and Lismore Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles, and in respect of passengers for every mile or fraction of a mile beyond four 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 four 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 of the Company and partly on the railway of the Fermoy and Lismore railway Company.

Classification table to be open to inspection and copies to be sold.

9. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company, shall, during all reasonable hours, be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission, and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying, in which the charge made or claimed by the Company for the

carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any), and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. A.D. 1882.

If the Company fail to comply with the provisions of this section they shall for each offence, and, in the case of a continuing offence, for every day during which the offence continues be liable to a penalty not exceeding five pounds, which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873. Penalty.

10. Nothing in this Act contained shall exempt the Company or the Great Western Company or the Fermoy and Lismore Railway Company or their railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels authorised by the Acts relating to the Company, or the Great Western Company, or the Fermoy and Lismore Railway Company respectively. Provision as to general Railway Acts.

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

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.