CHAPTER ccvi.

An Act to authorise the Waterford, Dungarvan, and Lismore Railway Company to extend their railway from their present terminus at Waterford into the city of Waterford; and for other purposes. [22d July 1878.]

A.D. 1878.

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 the undertaking authorised by the Act of 1872 as amended by the Act of 1873 is now nearly completed:

And whereas by the Act of 1872 as amended by the Act of 1873 the Company was authorised to raise two hundred and eighty thousand pounds by ordinary shares, and to borrow ninety-three thousand three hundred pounds on mortgage:

And whereas it would be of public and local advantage that powers should be given to the Company to extend their railway as in this Act provided:

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of such extension of their railway by this Act authorised, and that the same should form a separate capital, and that such extension railway should be deemed a separate undertaking of the Company:

And whereas it would be of public advantage that running powers and facilities should be granted to the Company over the railway of the Fermoy and Lismore Railway Company, and that the two companies should be empowered to enter into agreements for that purpose:

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And whereas plans and sections showing the line and levels of the railway authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of this Act, were duly deposited with the clerk of the peace for the county of Waterford and with the clerk of the peace for the county of the city of Waterford, and are hereinafter respectively referred to as the deposited plans, sections, and book 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the Waterford, Dungarvan, and Lismore Railway (Extension) Act, 1878.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act:

8 & 9 Vict. c. 18.
14 & 15 Vict. c. 70.
23 & 24 Vict. c. 106.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
14 & 15 Vict. c. 70.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

The Lands Clauses Consolidation Act, 1845, as amended by the Railways Act (Ireland), 1851, and the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, the Railways Traverse Act, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863:

8 & 9 Vict. c. 16.

The 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 subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends;

The giving of notices;

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

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863. 26 & 27 Vict. c. 118.

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 Waterford, Dungarvan, and Lismore Railway Company:

The expression "the" or "their" "Act of 1872" means the Waterford, Dungarvan, and Lismore Railway Act, 1872: 35 & 36 Vict. c. cvi.

The expression "the" or "their" "Act of 1873" means the Waterford, Dungarvan, and Lismore Railway Act, 1873: 36 & 37 Vict. c. cxxxii.

The expression "the extension railway" means the new line of railway by this Act authorised:

The expression "Railway Commissioners" means the tribunal created by virtue of the Regulation of Railways Act, 1873. 36 & 37 Vict. c. 76.

Power to make extension railway according to deposited plans.

4. 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 book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway (in this Act referred to as "the extension railway"), three furlongs nine chains and fifty links in length, commencing in the townland of Gibbethill, in the parish of Trinity Without, in the county of Waterford, by a junction with the Waterford, Dungarvan, and Lismore Railway at or near the commencement thereof, adjoining the River Suir, eight hundred and seventy yards or thereabouts from the south end of the wooden bridge which crosses that river at the town of Waterford, measured along New Quay and Bilberry Road in a westerly direction, and terminating in the townland of Gibbethill and parish of Trinity Without, in the county of the city of Waterford, on the western side of Bridge Street, at a point fifty yards or thereabouts from the intersection of the south side of Mary Street, with the west side of Bridge Street, measured along the footway of Bridge Street in a southerly direction.

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As to deposit of plans with clerks of unions. 8 & 9 Vict. c. 20.

5. 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).

For protection of Davis, Strangman, & Company.

6. For the protection of Davis, Strangman, and Company, the lessees or reputed lessees and occupiers of the brewery at Waterford situated in the townland of Gibbethill and parish of Trinity Without, the following provisions shall have effect, and shall be performed and observed by the Company at their own expense; viz.,

(*a.*) The Company shall deviate the centre line of the railway shown upon the deposited plans where the same passes through the lands and property in the occupation of Davis, Strangman, and Company, marked Nos. 6 and 8 on the said plans, in the townland of Gibbethill and parish of Trinity Without, so that the centre line of the railway, in passing through the said lands and property marked No. 6 on the said plans, shall not be situated as to any part thereof at a less distance than seventy feet on the south side from the centre of the brewery well, in the occupation of Davis, Strangman, and Company adjacent thereto, and marked on the said plans:

(*b.*) If Davis, Strangman, and Company so require, the Company in constructing the railway, so far as the same is situated between the points marked upon the deposited plans and sections two furlongs and one and a half chains and three furlongs four and a half chains, shall raise the level of the railway, and shall construct the same at a height of two feet above the levels shown upon the deposited sections:

(*c.*) Before commencing the construction of the railway through Davis, Strangman, and Company's premises, the Company shall sink, in such position as may be required by the said Davis, Strangman, and Company on their premises, a well of not less than twelve feet in internal diameter, and to the depth of their existing brewery well, and to be connected with the said existing well by pipes or syphons:

(*d.*) The tank marked on the said plans, No. 7, in the townland of Gibbethill, in connexion with the said brewery, shall not be removed until a new tank of equal capacity shall

be constructed in lieu thereof in such position on Davis, Strangman, and Company's premises as they may require:

(*e.*) The construction of the railway and the new well, tank, pipes or syphons, and other works in accordance with the provisions of this clause shall be subject to the approval of Richard Hassard, C.E., or failing him, such other engineer as may be named by Davis, Strangman, and Company:

(*f.*) If by reason of the construction of the said railway, and notwithstanding the provisions of this clause as to alterations of centre line and levels of the railway and new well and other works, the present water supply to the said brewery of Davis, Strangman, and Company shall be injuriously affected in any manner, the same shall be made good by and at the cost of the Company:

(*g.*) All the costs, charges, and expenses to be incurred by Davis, Strangman, and Company in reference to carrying out the stipulations of this clause shall be paid by the Company: Provided always, that the foregoing stipulations shall be in addition to and not in lieu of or diminution of any other accommodation, works, damages, or compensation to which Davis, Strangman, and Company may, under this Act or otherwise, be or become entitled: Provided also, that the Company and Davis, Strangman, and Company may by mutual agreement vary any of the foregoing stipulations, and in that case the stipulations shall be carried into effect with the variations agreed upon.

Extension railway a separate undertaking.

7. The extension railway by this Act authorised shall form a separate undertaking of the Company, and all accounts relating thereto shall be kept separate and distinct from all other accounts of the Company.

Power to raise additional capital for purposes only of extension railway. 26 & 27 Vict. c. 118.

8. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise (in addition to the capital which they are now authorised to raise) any further capital, not exceeding in the whole thirty-five thousand pounds (herein-after termed "extension shares or stock"), by the issue, at their option, of new ordinary shares or stock, or wholly or partially by either of those modes respectively, but the Company shall not issue any share of less nominal value than ten pounds, and such further capital shall be applied exclusively for the purposes of the extension railway by this Act authorised, and shall be entitled to the net profits applicable to dividend of the said extension rail-

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way, but not to any profits derived from the Waterford, Dungarvan, and Lismore Railway of the Company, or to any part of the contribution to which the county of the city of Waterford and the baronies of Middlethird, Decies-without-Drum, Decies-within-Drum (including the town of Dungarvan), Coshmore and Coshbride, Upperthird, Gaultier, Kilculliheen and Glenaheiry, in the county of Waterford, are respectively liable under the Act of 1872 and the Act of 1873, or either of them, in the events therein mentioned.

Shares not to issue until one-fifth part paid up.

9. 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.

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

Receipts in case of persons not sui juris.

11. 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.

As to efficient working of extension railway.

12. After the opening of the extension railway or any part thereof for public traffic the Company shall work the same and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by the extension railway. In case any difference shall arise between the Company and any of the holders of extension shares or stock authorised by this Act with respect to the working or non-working or insufficient working by the Company of the extension railway or otherwise in relation thereto, whereby the holders of such extension shares or stock deem themselves to be injuriously affected, such difference shall be settled by the Railway Commissioners, who shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as the said Commissioners shall think fit, and to make such order with respect to the costs of such arbitration as the said Commissioners shall think just.

Terms of working, &c.

13. The terms and conditions upon which such separate undertaking shall be worked and managed by the Company shall be such as shall be defined and settled by any extraordinary general meeting of the Company duly convened with notice of the object; and the

substance of such terms and conditions shall be approved by the Board of Trade.

As to voting by holders of extension capital.

14. Extension shares or stock authorised by this Act shall not confer on the holders thereof any right of voting or interference at any meeting of the Company on the general affairs of the Company, excepting for the election of directors and in any matters directly affecting the said share or stock holders, for both which purposes those share or stock holders shall have the same right of voting as the shareholders in the general capital of the Company, nor on the other hand shall it be lawful for the holders of shares in the general capital of the Company to interfere in the construction of the extension railway or in the expenditure thereon or in any other matters affecting that railway, excepting in so far as those matters immediately affect the general interests of the Company: Provided always, that the holder of any extension share or stock capital shall not be entitled to vote in respect thereof at any meeting of the Company on any matter not relating to the construction of the extension railway unless and until fifty per centum shall have been paid up on account of the respective share or amount of stock.

Power to borrow on mortgage.

15. The Company may from time to time borrow on mortgage for the purposes of this Act any sum not exceeding in the whole eleven thousand six hundred pounds in respect of the said thirty-five thousand pounds of extension shares or stock capital; but no part thereof shall be borrowed until the whole capital of thirty-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital 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 or amount of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the 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 shall be sufficient evidence thereof.

8 & 9 Vict. c. 16.

As to mortgages on

16. Nothing in this Act contained shall affect any mortgages granted by the Company in pursuance of the powers of the Acts of

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existing undertaking.

1872 and 1873 before the passing of this Act, and subsisting at the passing hereof, as against the undertaking of the Company authorised by those Acts; but any such mortgages so granted or which may be granted under the powers of the said Acts shall not include or affect the extension railway authorised by this Act, or any works and conveniences connected therewith, or any tolls, profits, income, and revenue arising therefrom and in this Act assigned thereto.

Mortgages granted under this Act to affect only extension undertaking.

17. The mortgages from time to time granted by the Company for all or any part of the sum of eleven thousand six hundred pounds which they are authorised to borrow under this Act shall affect only the extension undertaking authorised by this Act, and the tolls, profits, income, and revenue arising therefrom and in this Act assigned thereto.

Rights of mortgagees.

18. No mortgage granted by the Company under the provisions of this Act shall give to the mortgagee any claim or right against any assets of or shareholders of the Company other than the assets of and the shareholders in the particular undertaking comprised in such mortgage, according to the terms thereof in each case.

As to appointment of a receiver.

19. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the tolls, income, and revenue included in their mortgages. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock. 26 & 27 Vict. c. 118.

20. 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 after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

One holder of extension shares or stock may be a director

22. The Company may from time to time, on vacancies occurring, appoint one duly qualified holder of extension shares or stock to be a director of the Company (whose qualification for holding such office shall be equal in amount in such capital to the qualification

prescribed for a director in the existing capital of the Company); provided that the number of directors of the Company shall never exceed twelve, and the Company may by resolution duly passed at any general meeting of the shareholders of the Company determine the rotation and going out of office of any director appointed by virtue of this section.

of the Company.

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

Period for compulsory purchase of lands.

24. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts, with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

25. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of two thousand five hundred pounds, being five per centum upon fifty thousand pounds, the amount of the estimate in respect of the extension railway and tramway shown upon the deposited plans and sections, has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act: And whereas since the said deposit was made the estimate has by the abandonment of the said tramway been reduced to thirty-five thousand pounds, five per centum upon which is the sum of one thousand seven hundred and fifty pounds, which said last-mentioned sum is herein-after referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which person, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the extension railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the extension railway for the public conveyance of passengers, then on the pro-

Deposit fund not to be repaid except so far as extension railway is opened.

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duction of a certificate of the Board of Trade specifying the length of the portion of the extension railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the extension railway so opened bears to the entire length of the extension railway, the said Chancery Division shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

26. If the Company do not previously to the expiration of the period limited for the completion of the extension railway complete and open the same for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the extension railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory power of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit

fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Release of part of deposit fund.

27. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the Chancery Division of the High Court of Justice in Ireland may and shall order that the sum of seven hundred and fifty pounds (part of the said sum of two thousand five hundred pounds), and the dividends thereof, shall be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

28. If the extension 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls, &c. for extension railway.

29. The extension railway by this Act authorised shall, for the purposes of tolls, rates, and charges, and for all other purposes, except as by this Act otherwise expressly provided, be deemed to be part of the original undertaking of the Company authorised by their Acts of 1872 and 1873.

Running powers over the Fermoy and Lismore Railway.

30. The Company and all companies and persons lawfully using the railways of the Company may at all times run over and use, with their engines and carriages, waggons and trucks, of every description, and for the purposes of their traffic of every description, and with their clerks, officers, and servants, the whole or any part of the railway of the Fermoy and Lismore Railway Company (incorporated by the Fermoy and Lismore Railway Act, 1869), together with the stations, signals, telegraphs, watering-places, water, booking offices, warehouses, wharves, sidings, approaches, landing-places, machinery, standing room for engines, and works and conveniences connected with that railway, upon such terms and conditions, and upon payment of such tolls, rates, and charges, as may be agreed upon between the Company and the Fermoy and Lismore Railway Company, or, failing such agreement between them, as may be settled by arbitration in accordance with the provisions of the Railway Companies Arbitration Act, 1859; and

32 & 33 Vict. c. xxi.

22 & 23 Vict. c. 59.

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the Fermoy and Lismore Railway Company shall afford all requisite facilities for the exercise of the powers conferred by this section.

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

31. During the exercise of the running powers over the Fermoy and Lismore Railway by this Act conferred upon the Company, or during the continuance of any agreement entered into under the provisions of this Act for the use by the Company of the railway of the Fermoy and Lismore Railway Company, the railways of the two said companies 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 one company and partly on the railway of the other 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 charges shall be made for the conveyance of passengers, animals, or goods partly on the railway of the one company and partly on the railway of the other company.

Byelaws to be observed.

32. The Company and their servants, in using the railway or any part thereof of the Fermoy and Lismore Railway Company under the provisions in this Act contained, shall at all times observe the regulations and byelaws of that company for the time being duly in force, so far as they shall be applicable to the Company.

Limitation on exercise of powers under Act.

33. The powers by this Act conferred shall not, nor shall any of the same, be exercised by the Company until the railway authorised by the Act of 1872 and the Act of 1873 shall be open for public traffic.

Saving for county and county of the city of Waterford.

34. Nothing in this Act contained or to be done in pursuance thereof shall alter, prejudice, or affect the undertaking of the Company authorised by the Act of 1872 and the Act of 1873, or shall directly or indirectly increase, alter, or affect any liability of the several baronies of the county of Waterford or of the county of the city of Waterford, or any of them, to contribute towards making up any dividend in respect of any of the capital authorised by the said Acts or either of them, or shall directly or indirectly entail any liability upon the said county, county of the city, or baronies, or any of them, in respect of the working, or share or loan capital of the extension railway by this Act authorised, or any other railway.

Saving rights of the Crown in the foreshore.

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

36. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

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

37. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

38. Nothing in this Act contained shall exempt the 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 this Act.

Expenses of Act.

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

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