

**CHAPTER CXXIV.**

An Act for making railways and piers in the counties of Sligo and Mayo to be called the Collooney Ballina and Belmullet Railways and Piers and for other purposes. A.D. 1907

[9th August 1907.]

WHEREAS the making and maintaining of the railways and piers herein-after described and by this Act authorised would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing to construct the railways and piers if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided :

And whereas it is expedient to authorise the traffic facilities and to confer the running and other powers as by this Act provided :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference thereto 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 have been deposited with the clerks of the peace for the counties of Mayo and Sligo and are herein-after respectively referred to as the deposited plans sections and books of reference :

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 King's most Excellent Majesty by and

A.D. 1907. 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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Collooney Ballina and Belmullet Railways and Piers Act 1907.

Act divided into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Incorporation of Company Capital &c.

Part III.—Construction of Works:—

(1) Railways:

(2) Piers:

(3) General Provisions as to Railways and Piers.

Part IV.—Lands.

Part V.—Rates &c.:—

(1) Railways:

(2) Harbour.

Part VI.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863:

The Harbours Docks and Piers Clauses Act 1847 except section 12 and except the provisions thereof with respect to lifeboats and to keeping a tide and weather gauge unless the Board of Trade shall in the case of such last-mentioned provisions otherwise require.

4. With reference to this Act all the provisions of sections 7 A.D. 1907.
8 and 9 of the Railways Clauses Consolidation Act 1845 shall As to correc-
be read and construed as if the expression "clerks of the urban tion of plans.
" or rural districts within which the parishes are included in
" Ireland " or the words "clerks of the urban or rural districts "
as the case may be had been used and inserted in such sections
in lieu of the expression "the postmasters of the post towns in
or nearest to such parishes in Ireland " or in lieu of the word
"postmasters " as the case may be and all the provisions of
sections 8 and 9 of the Harbours Docks and Piers Clauses Act
1847 shall be read and construed as if the expression "clerks
" of the urban or rural districts within which the parishes are
" included in Ireland " had been used and inserted in the said
section 8 in lieu of the expression "clerks of the unions of
the parishes in Ireland " and as if the expression "clerks of the
urban or rural districts " had been used and inserted in the said
section 9 in lieu of the expression "clerks of unions."

5. In this Act the several words and expressions to which Interpretation.
meanings are assigned by the Acts wholly or partly incorporated
herewith have the same respective meanings unless there be some-
thing in the subject or context repugnant to such construction
And in this Act unless the context otherwise requires—

"The Company " means the Company incorporated by this
Act;

"The Northern Company " means the Great Northern
Railway (Ireland) Company;

"The Southern Company " means the Great Southern and
Western Railway Company;

"The Midland Company " means the Midland Great Western
Railway of Ireland Company;

"The Sligo Company " means the Sligo Leitrim and Northern
Counties Railway Company;

"The railways " means the railways by this Act authorised
and the works connected therewith;

"The piers " means the piers by this Act authorised and
the works connected therewith and includes the limits
over which the jurisdiction of the Company in respect
thereof extends under this Act;

"The undertaking " means the undertaking of the Company
authorised by this Act;

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“The limits” means the limits described in the section of this Act whereof the marginal note is “Limits of harbour”;

“The harbour” includes the limits;

“High-water mark” means the high-water mark of ordinary spring tides;

“Vessel” includes steamer ship barge trow boat and craft of every class and description however propelled;

“Tug boat” means any vessel used for towing or guiding vessels however propelled;

“Goods” means and includes all goods minerals wares merchandise commodities matters articles and things other than animals in respect of which the Company may for the time being demand and take rates and charges;

“Cargo” includes goods and animals;

“Crane” includes crane coal-hoist coal-tip lift shear legs and capstan by whatsoever power worked:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act “the railway” and “the centre of the railway” respectively include the piers and the centre line of the piers:

All points and bearings mentioned in this Act are true and not compass points or bearings.

PART II.

INCORPORATION OF COMPANY CAPITAL &C.

Company
incorporated. **6.** Sir Thomas Herbert Cochrane Troubridge Baronet Sir Thomas Selby Tancred Baronet Robert Windsor Skipwith and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and piers and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “The Collooney Ballina and Belmullet Railways and Piers 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.

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

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First ordinary meeting.

8. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Number of directors.

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

Qualification of directors.

10. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Amendment of Companies Clauses Consolidation Act 1845 as to qualification of directors.

11. The quorum of a meeting of directors shall be two when the number of directors does not exceed three and three when the number of directors does not exceed five and four when the number of directors exceeds five.

Quorum of directors.

12. Sir Thomas Herbert Cochrane Troubridge Baronet Sir Thomas Selby Tancred Baronet Robert Windsor Skipwith and two other persons 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

First and subsequent directors.

A.D. 1907. meeting the shareholders present in person or by proxy may either continue 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 continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election. 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 varying 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. The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Continuing directors.

13. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors holding office shall be less than the minimum number prescribed by the section of this Act whereof the marginal note is "Number of directors" the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Notice of candidature for office of director.

14. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary to or left at the office of the Company ten days at least before the day of election.

As to appointment of managing director.

15.—(1) The directors may from time to time appoint one or more of their body to be managing director or managing directors either for a fixed term or without any limitation as to the period for which he or they is or are to hold such office and may from time to time remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while he continues to hold that office be subject to retirement by rotation and he shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may from time to time entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or any of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this subsection.

16. The capital of the Company shall be one million five hundred thousand pounds in one hundred and fifty thousand shares of ten pounds each. Capital.

17. 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 the amount of such share is paid in respect thereof. Issue of shares.

18. 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 three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

19. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

20. Notwithstanding anything in the Companies Consolidation Acts 1845 and 1888 it shall be lawful for the attorney of any shareholder duly authorised in writing to appoint a proxy to vote for and on behalf of any such shareholder and for such purpose to execute on behalf of such shareholder the As to appointment of proxies.

A.D. 1907. necessary form of proxy Provided that the instrument appointing such attorney shall be transmitted to the secretary to the Company at the same time as the instrument appointing such proxy.

Joint holders.

21. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share any one of such persons may vote at any meeting either personally or by proxy in respect of such share as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of such share shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share stands shall for the purposes of this section be deemed joint holders thereof.

Preference shares.

22. The Company may issue any portion not exceeding one half of their authorised capital of one million five hundred thousand pounds as preference shares with any dividend or interest not exceeding the rate of six pounds per centum per annum and with such rights to priority in the distribution of assets and so that if the profits in any one year are not sufficient to pay such dividend or interest the deficiency may be made good out of the profits of any subsequent year or otherwise as they may think fit The provisions of sections 13 and 15 of the Companies Clauses Act 1863 shall be applicable to the issue of such preference shares and to the Company in the same way as they apply to the issue of new preference shares provided that the amount of capital issued as preference shares under the provisions of this section shall not at any time exceed the amount of capital issued as ordinary shares.

Restriction as to votes in respect of preferential shares or stock.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock to which a preferential dividend shall be assigned.

Debenture stock.

24. 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 respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1907.

25. The Company may create and issue as redeemable stock all or any portion of the debenture stock which they are by this Act authorised to create and issue and such stock created as redeemable stock shall be redeemed by the Company at such date or on such event and on such terms and conditions and in such manner as the Company may determine at the time of creating and issuing such stock. Debenture stock may be redeemable.

26. The Company may with respect to the whole or any portion of fully paid up share capital or stock or debenture stock created or to be created by them and subject to such regulations as may from time to time be made by the Company issue under their common seal warrants and certificates (herein-after severally referred to as a "share warrant to bearer" and a "debenture stock certificate to bearer") stating that the bearer of the warrant or certificate is entitled to the shares or stock or debenture stock as the case may be therein specified and may provide by coupons whether attached to the warrant or certificate or not for the payment of interest or dividends as the case may be on the shares or stock or debenture stock included in the warrant or certificate. Power to issue share warrants and debenture stock certificates to bearer.

27. A share warrant to bearer and a debenture stock certificate to bearer shall entitle the bearers thereof respectively to the shares or stock or debenture stock therein specified and such shares stock or debenture stock may be transferred by delivery of the warrant or certificate. Effect of share warrant and debenture stock certificate.

28. On the issue of a share warrant to bearer or a debenture stock certificate to bearer in respect of any portion of share capital stock or debenture stock the Company instead of making in the register of shareholders or stockholders or register of debenture stockholders with reference to such portion of share capital stock or debenture stock the entries provided for by sections 9 and 10 of the Companies Clauses Consolidation Act 1845 or of section 28 of the Companies Clauses Act 1863 shall strike out of such register of shareholders or stockholders or register of debenture stockholders as the case may be the name of the person (if any) Entries in register on issue of share warrants or debenture stock certificates.

A.D. 1907. then entered therein as holding such shares stock or debenture stock as the case may be and shall enter in the registers the following particulars:—

- (i) The fact of the issue of the share warrant to bearer or debenture stock certificate to bearer:
- (ii) A statement of the amount of the portion of share capital or stock or debenture stock as the case may be included in the warrant or certificate:
- (iii) The date of the issue of the warrant or certificate.

The provisions of the Companies Clauses Consolidation Act 1845 as to the register of holders of shares and as to certificates of shares and transfer and transmission of shares and certificates and registration of debenture stock shall not apply in the case of a share warrant to bearer or a debenture stock certificate to bearer.

Registration of shares and debenture stock on surrender of warrant or certificate.

29. The bearer of a share warrant to bearer or a debenture stock certificate to bearer shall—

- (A) On surrendering the warrant or certificate with all coupons issued in respect thereof and for the time being outstanding for cancellation;
- (B) Complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of the bearer and for obtaining a specimen of his signature;
- (C) Paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of the surrender;
- (D) Paying to the Company such fee not exceeding five shillings as the Company may prescribe;

be entitled to have his name entered in the register of shareholders or stockholders or in the register of debenture stockholders as the case may be and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in the register the name of any bearer of a share warrant to bearer or a debenture stock certificate to bearer in respect of the portion of share capital or stock or debenture stock therein specified without the warrant or certificate with coupons as aforesaid being surrendered and cancelled.

30. The bearer of a share warrant to bearer shall subject to the provisions of this Act be deemed to be a member of the Company to the full extent. Provided that the bearer of a share warrant to bearer shall not be qualified in respect of shares or stock specified in the warrant for being director or manager of the Company.

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As to rights of holders of share warrants to bearer.

31. No person shall as bearer of a share warrant to bearer be entitled to attend or vote or exercise in respect thereof any of the rights of a member at any meeting of the Company or to sign any requisition for or aid in calling any extraordinary meeting unless three days at least before the date appointed for the meeting in the first case and unless before the requisition is lodged at the office of the Company in the second case he shall have deposited the share warrant to bearer at the office of the Company or such other place as the directors appoint together with a statement in writing of his name and address and unless the share warrant to bearer shall remain so deposited until after the meeting or any adjournment thereof has been held. The names of more than one as joint holders of a share warrant shall not be received.

On what conditions holders of share warrants may vote.

32. There shall be delivered to the person so depositing a share warrant to bearer a certificate stating his name and address and the number of shares or the amount of stock represented by the share warrant to bearer so deposited by him and the certificate shall entitle him to attend and vote at any meeting in the same way as if he were a registered shareholder of the Company in respect of the shares or stock specified and upon delivering up the certificate to the Company the share warrant to bearer in respect whereof it shall have been given shall be returned.

Certificates of deposit.

33. No person as bearer of any share warrant to bearer shall be entitled to exercise any of the rights of a member or shareholder of the Company (save as herein-before expressly provided in respect of meetings) without producing the warrant and stating his name and address.

Share warrants to be produced.

34. Any notice or intimation required to be given to shareholders of the Company under the provisions of the Acts incorporated herewith may in the case of any bearers of share warrants to bearer be given by advertising the notice once in two newspapers published in London such advertisements to be inserted within the period (if any) prescribed for the giving of such notice.

As to notices to holders of share warrants.

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Provision in
case of ap-
plications to
Parliament
affecting
rights of
holders of
debenture
stock.

35. If and so often as any application shall be made to Parliament for an Act affecting the rights of the holders of any class of debenture stock which shall for the time being have been issued by the Company and be outstanding and in respect whereof or any part whereof debenture stock certificates to bearer shall be then outstanding the following provisions shall have effect (that is to say):—

(1) In this section the following expressions shall have the following meanings unless repugnant to the context:—

“The debenture stock” means the debenture stock of such class as last aforesaid for the time being issued and outstanding;

“The bearer debenture stock” means such of the debenture stock as shall for the time being be comprised in debenture stock certificates to bearer;

“Bearer certificates” means the debenture stock certificates to bearer for the time being issued in respect of the debenture stock or any part thereof and outstanding;

“The bearers” means the bearers for the time being of the bearer certificates and “bearer” means one of the bearers;

“Registered holders” means the registered holders for the time being of any debenture stock;

“Meeting” means a meeting of registered holders and bearers under this section;

“Voting certificate” means a voting certificate issued in pursuance of this section:

(2) Any meeting convened for the purpose of approving any such application to Parliament or any Bill for such Act as aforesaid shall so far as the bearers are concerned be duly convened by advertising the notice convening the same once in two newspapers published in London and once in the same two newspapers in the next week following the publication of the first advertisement provided the same shall be convened for a date not less than fourteen days or more than thirty days after the last insertion of the advertisement thereof in such two newspapers. It shall also be lawful for but not obligatory on the Company to advertise such notice as

last aforesaid in any other newspaper or newspapers either in the United Kingdom or abroad ; A.D. 1907.

Every advertisement as aforesaid shall state that the bearers may not less than forty-eight hours before the time for holding the meeting or any adjournment thereof deposit at the head office of the Company their bearer certificates and obtain voting certificates in respect thereof :

(3) At a meeting or any adjournment thereof the bearer of a bearer certificate shall be treated as a legal holder thereof whether such bearer shall or shall not be the owner thereof and for all the purposes of the meeting or any adjournment thereof the bearer of a voting certificate issued under this section in respect of a bearer certificate shall be deemed to be the bearer of such bearer certificate :

(4) Prior to convening a meeting the Company shall make such arrangements as will entitle any bearer who shall not less than forty-eight hours before the time for holding such meeting or any adjournment thereof deposit a bearer certificate at the head office of the Company to receive from the Company—

(A) A receipt for the bearer certificate so deposited such receipt to be in such form as (subject to the provisions of the next succeeding subsection) will entitle the bearer thereof to have the bearer certificate in respect of which the same was given delivered to him in exchange therefor by the Company whether such bearer be or be not in fact the true owner of the bearer certificate ; and

(B) A voting certificate which receipt and voting certificate shall be signed by the secretary to or manager of the Company and shall specify the denoting number of the bearer certificate so deposited and the amount of the debenture stock comprised therein. A voting certificate shall not except as provided by subsection (3) of this section confer any title on the holder thereof to the bearer certificate or to the debenture stock referred to therein :

(5) A bearer certificate deposited as last aforesaid shall be deposited subject to (amongst others) the condition that

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the same shall be retained by the Company until the meeting has been held or abandoned or until the receipt given by the Company therefor and the voting certificate issued by the Company in respect thereof shall be delivered to the Company whichever shall be the earlier.

Loss or destruction of warrant certificate or coupon.

36. If a share warrant to bearer or debenture stock certificate to bearer or coupon is lost or destroyed then upon—

- (A) Proof to the satisfaction of the directors of the ownership of such lost or destroyed warrant or certificate or coupon and of the loss or destruction thereof;
- (B) Such indemnity to the Company and the directors as the directors deem adequate being given;
- (C) Payment of all stamp and other Government duties (if any) payable in respect of the new warrant or certificate or coupon together with a fee of five shillings;

a new share warrant to bearer or debenture stock certificate to bearer or coupon as the case may be in lieu of the warrant certificate or coupon so lost or destroyed shall be issued by the Company and a due entry of the issue of the new share warrant or debenture stock certificate to bearer or coupon shall be made by the secretary in the register of shareholders or register of debenture stockholders.

Trustees unless expressly authorised not empowered to hold bearer securities.

37. A trustee unless authorised by the terms of his trust shall not apply for or hold a share warrant to bearer or debenture stock certificate to bearer issued under the authority of this Act but nothing in this section shall impose upon the Company or any person authorised to issue any such share warrant or debenture stock certificate to bearer any obligation to inquire whether the person applying for a share warrant to bearer or debenture stock certificate to bearer is or is not a trustee or subject them to any liability in the event of their issuing to a trustee a share warrant to bearer or debenture stock certificate to bearer.

Endorsement of provisions on warrants and certificates to bearer.

38. A copy of the sections of this Act of which the marginal notes are "Registration of shares and debenture stock on surrender of warrant or certificate" "On what conditions holders of share warrants may vote" "Certificates of deposit" "Share warrants to be produced" and "As to notices to holders of share warrants" shall be endorsed on every share warrant to bearer and a copy of the sections of this Act of which the marginal notes are "Registration of shares and debenture stock on surrender

of warrant or certificate" and "Provision in case of applications to Parliament affecting rights of holders of debenture stock" shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Company. A.D. 1907.

39. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one half part of the amount of the share capital of the Company at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one half thereof is paid up and the Company shall 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 such shares have 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 issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof 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. Power to borrow.

40. The mortgagees of the undertaking 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 ten thousand pounds in the whole. Appoint-ment of re-ceiver.

41. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

PART III.

CONSTRUCTION OF WORKS.

(1) *Railways.*

42. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations buildings water towers wells weirs and other waterworks offices depôts platforms subways Power to make rail-ways.

A.D. 1907. sidings passages tunnels junctions viaducts bridges approaches
roads works conveniences machinery plant and appliances connected
therewith and for the supply of water thereto.

The railways herein-before referred to and authorised by this
Act are—

Railway No. 1 38 miles 1 chain or thereabouts in length
commencing in the townland of Knoxspark parish of
Ballysadare county of Sligo by a junction with the Mid-
land Great Western Railway of Ireland (Longford and Sligo
Branch) at a point on that branch situate opposite the
mile-post thereon indicating the distance from Dublin of
one hundred and twenty-nine miles and terminating in the
bed and foreshore of Killala Harbour in the county of
Mayo at a point situate one hundred and seven yards or
thereabouts from the centre of the turntable in the Killala
Terminus of the Midland Great Western Railway of Ireland
(Mayo Branch) measured in a north-westerly direction and
five hundred and sixty yards or thereabouts from the
south-east corner of the Roman Catholic Chapel at Killala
measured in a south-easterly direction :

Railway No. 1A 5 furlongs 4·75 chains or thereabouts in
length commencing in the townland of Carricknagat parish
of Ballysadare county of Sligo by a junction with the
Sligo Leitrim and Northern Counties Railway at a point
on that railway situate thirty-three yards or thereabouts
from the north-eastern corner of Carricknagat Junction
Station measured in a northerly direction and four hundred
and eight yards or thereabouts measured in a south-easterly
direction from the mile-post on the Midland Great Western
Railway of Ireland (Longford and Sligo Branch) indicating
the distance from Dublin of one hundred and twenty-nine
miles and terminating in the townland of Knoxspark parish
of Ballysadare county of Sligo by a junction with Railway
No. 1 at a point situate seven hundred and seventy-five
yards or thereabouts measured in a north-westerly direction
from the said mile-post and two hundred and three yards
or thereabouts from the centre of the public road bridge
spanning the Ballysadare River at Ballysadare measured
in a south-easterly direction :

Railway No. 1B 1 mile 6 furlongs 6 chains or thereabouts
in length commencing in the townland of Carrowkelly

parish of Ballysakeery county of Mayo by a junction with Railway No. 1 at a point situate four hundred and forty-three yards or thereabouts from the eastern extremity of Rabbit point measured in a north-westerly direction and one thousand and thirteen yards or thereabouts from the south end of Rosserk Abbey measured in a southerly direction and terminating in the townland of Culleens parish of Kilmoremoy county of Mayo by a junction with the Midland Great Western Railway of Ireland (Mayo Branch) at a point on the railway situate one hundred and forty-one yards or thereabouts measured in a southerly direction along the centre of the railway from the mile-post on the said railway indicating the distance from Dublin of one hundred and sixty-nine miles :

Railway No. 1c 1 furlong 7·5 chains or thereabouts in length situate in the townland of Townplots East parish of Killala the rural district of Killala and the bed and foreshore of Killala Harbour in the county of Mayo commencing by a junction with the Midland Great Western Railway of Ireland (Mayo Branch) at a point on the railway two hundred and ninety-two yards or thereabouts from the centre of the turntable at the Killala Terminus of the said railway measured in a south-easterly direction along the centre of the railway and terminating at the point of termination of Railway No. 1 :

Railway No. 2 48 miles 3 furlongs 9·20 chains or thereabouts in length commencing in the bed and foreshore of Killala Harbour in the county of Mayo by a junction with Railway No. 1 at its termination and terminating in the townland of Termon parish of Kilmore county of Mayo at a point situate at high-water mark five hundred yards or thereabouts from the easternmost extremity of Doobeg Point measured in a north-westerly direction along the line of high-water mark :

Railway No. 2A 1 mile 3 furlongs 6·75 chains or thereabouts in length commencing in the townland of Newtown parish of Kilmore county of Mayo by a junction with Railway No. 2 at a point situate one thousand and sixty-six yards or thereabouts from the south-western corner of Tiraun Roman Catholic Chapel measured in a southerly direction and seven hundred and eighty-three yards or thereabouts

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from the south-west corner of Clogher Post Office measured in a westerly direction and terminating in the townland of Clogher parish of Kilmore county of Mayo at a point at high-water mark situate four hundred and seventeen yards or thereabouts from the easternmost extremity of Moyrahan Point measured in a north-westerly direction :

Railway No. 2B 3 furlongs 1·5 chains or thereabouts in length commencing in the townland of Cartron parish of Kilmore county of Mayo by a junction with Railway No. 2A at a point situate 2 furlongs 8·4 chains or thereabouts from the commencement of Railway No. 2A and five hundred and ten yards or thereabouts from the south-west corner of Clogher Post Office measured in a south-westerly direction and terminating in the townland of Aghleam parish of Kilmore county of Mayo by a junction with Railway No. 2 at a point situate one thousand one hundred and twenty-five yards or thereabouts from the south-west corner of Clogher Post Office measured in a south-westerly direction and seven hundred and twenty-seven yards or thereabouts from the north-east corner of Aghleam School House measured in a northerly direction :

Railway No. 2c 1 mile 2 furlongs 6·5 chains or thereabouts in length commencing in the townland of Cartron parish of Kilmore rural district of Belmullet county of Mayo at the point of commencement of Railway No. 2B and terminating at the easternmost extremity of Moyrahan Point at high-water mark in the townland of Clogher parish of Kilmore county of Mayo :

Railway No. 3 7 miles 4·25 chains or thereabouts in length commencing at Crossmolina in the townland of Knockalegan parish of Crossmolina county of Mayo at a point situate two hundred and ninety-two yards or thereabouts from the north-east corner of Crossmolina Roman Catholic Chapel measured in a north-easterly direction and two hundred and forty-two yards or thereabouts from the centre of the Deel River Bridge in Crossmolina measured in an easterly direction and terminating in the townland of Ballina parish of Kilmoremoy urban district of Ballina county of Mayo by a junction with the Midland Great Western Railway of Ireland (Mayo Branch) at a point situate one thousand and fifty yards or thereabouts from

the centre of the level crossing on the said railway at Workhouse Road measured along the centre of the railway in a northerly direction : A.D. 1907.

Railway No. 3A 5 furlongs 1 chain or thereabouts in length wholly situate in the townland of Ballina parish of Kilmoremoy urban district of Ballina county of Mayo commencing by a junction with Railway No. 3 at a point situate at the junction of the southern fence of the Kilmoremoy Cemetery Road and the western boundary fence of the Midland Great Western Railway of Ireland (Mayo Branch) where the said railway crosses by a bridge over the said Cemetery Road and fifty yards or thereabouts from the intersection of Cemetery Road and the main road from Ballina to Killala measured in a westerly direction and terminating by a junction with the Midland Great Western Railway of Ireland (Mayo Branch) at a point on that railway situate at the northern side of the level crossing of the said railway at Workhouse Road.

43.—(1) The junction between the railway and the Sligo Leitrim and Northern Counties Railway and all openings in the rails of the Sligo Leitrim and Northern Counties Railway shall be made only at such point thereon within the limits of deviation shown on the deposited plans and in accordance with such plans as to the manner and form of junction as the engineer of the Sligo Company may approve. For protec-
tion of Sligo
Leitrim and
Northern
Counties
Railway
Company.

(2) The Company shall pay to the Sligo Company all costs charges and expenses which may be reasonably incurred by them in consequence of or incident to the junction by this Act authorised including the costs charges and expenses of any re-arrangement of the lines of railway of the Sligo Company and of any other works which may be required for the purposes or for the accommodation of the Company.

(3) In the event of any difference arising between the Company and the Sligo Company as to the amount so expended the same shall be settled by an arbitrator to be appointed on the application of either Company by the Board of Trade.

(4) Notwithstanding anything in this Act contained it shall not be lawful for the Company or for any person acting under or in the execution of this Act to enter upon occupy or use

A.D. 1907. — either permanently or temporarily any of the lands works or property of the Sligo Company or in any manner to alter vary or interfere with the Sligo Leitrim and Northern Counties Railway save only for the purpose of effecting the junction by this Act authorised with that railway.

As to junction with Sligo Leitrim and Northern Counties Railway.

44. The proposed junction to be made with the Sligo Leitrim and Northern Counties Railway shall be constructed either before or simultaneously with the construction of the proposed junction of Railway No. 1 with the Midland Great Western Railway of Ireland.

For protection of Midland Company.

45. For the protection of the Midland Company the following provisions shall unless otherwise agreed upon between the Company and the Midland Company have effect (that is to say):—

- (1) The Company shall not without the consent of the Midland Company sell or transfer the railways or any part or parts thereof to any railway company in existence at the passing of this Act and shall not lease the railways to or enter into any agreement with any such company to work the railways if and so long as the Midland Company are willing to lease or work the railways on terms failing agreement to be settled by arbitration:
- (2) The junctions by this Act authorised with the railways of the Midland Company shall be made at such point within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the chief engineer for the time being of the Midland Company or in case of difference as shall be settled by arbitration:
- (3) The said junctions shall be constructed either before or simultaneously with the construction of any junction with the Sligo Leitrim and Northern Counties Railway:
- (4) In constructing the said junctions and bridges for carrying the railways of the Company over the railways of the Midland Company the Company their agents or contractors or their respective servants or workmen shall so far as may be avoid any obstruction impediment or interference with the free and uninterrupted and safe

use of the railways and works of the Midland Company or with the traffic thereon and if any obstruction or interference shall be occasioned to the traffic of or upon the railways of the Midland Company the Company shall pay to the Midland Company such reasonable compensation in respect thereof as shall failing agreement be settled by arbitration :

- (5) The Company shall at their own expense construct the said junctions and bridges in all respects according to plans and specifications to be previously submitted to and approved in writing by the said chief engineer and any difference in respect of such plans between such chief engineer and the engineer for the time being of the Company shall be settled by arbitration and the Company shall not commence the construction of the said junctions or bridges or enter on the lands of the Midland Company or in any way interfere with their railways works or property until such plans and specifications have been so submitted and approved or any difference in respect thereof settled by arbitration as aforesaid Provided always that if the said chief engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (6) During the construction of the said junctions and bridges the Company shall bear and on demand pay to the Midland Company the reasonable expenses of the employment by the Midland Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways with reference to and during the execution of the works of the Company and for preventing as far as may be all interference obstruction danger and accident which may arise from any act or default of the Company or their agents or contractors or of any person or persons in the employment of the Company or their contractors or otherwise :
- (7) The Midland Company shall maintain the said junctions and works in connexion therewith in substantial repair

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and good order and condition to the reasonable satisfaction in all respects of the Company and all necessary and reasonable costs and expenses of or incidental to the said maintenance shall be repaid to the Midland Company by the Company at the end of each half year and in default of repayment the said sum may be recovered with full costs by the Midland Company from the Company in any court of competent jurisdiction. Provided that if and whenever the Midland Company fail to so maintain the said junctions and works the Company may after twenty-four hours' previous notice in writing to the Midland Company make and do in and upon the lands of the Midland Company and their own lands all such works repairs and things as may be reasonably necessary in that behalf:

- (8) The Company shall not in any case without the previous consent in writing and under the common seal of the Midland Company acquire any lands or property of the Midland Company but the Company may purchase and take and the Midland Company shall sell and grant accordingly easements or rights of using in perpetuity so much of the said lands or property of the Midland Company as may be necessary for the construction of the said junctions bridges and works in connexion therewith by this Act authorised. The consideration to be paid for any easement or right so acquired by the Company shall be settled in case of dispute in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:
- (9) If at any time after the grant of any such easement to the Company the Midland Company shall be desirous of using lands now belonging to them for the purpose of extending widening or altering their railways or works the Company shall give to the Midland Company all proper and reasonable facilities for that purpose:
- (10) The Midland Company may at their own expense at any time or times hereafter alter or remove any of the said junctions and substitute a new junction therefor

but so that such alteration or removal or substituted junction as the case may be shall be equally as convenient as the existing junction and shall not stop or unnecessarily interfere with the traffic of the railways by this Act authorised or cause increased expense to the Company in the working or maintenance of the substituted junction or the signal works or other conveniences connected therewith:

- (11) The Midland Company shall within one month after notice of the Company's desire to exercise running powers into Collooney Carricknagat Ballina and Killala Stations supply to the Company plans and an estimate of the cost of any enlargement extension or alteration which the Midland Company deem necessary for the purpose of such running powers and if the Company shall be of opinion that the whole or any parts of the works described on the said plans is or are unnecessary or that the estimate of cost thereof is excessive or unreasonable they shall within one month after receipt of such plans and estimate give notice of their objection to the Midland Company and the difference shall be decided by arbitration as herein-after mentioned and the Midland Company shall on receipt of the award forthwith carry out and complete with all reasonable despatch the works if any ordered to be done by or as the result of such award and both the Companies shall so far as practicable do all things necessary to ensure the completion of the said works if any by the Midland Company concurrently with the completion and opening of the Company's undertaking And such running powers shall upon such completion come into force and subject to the provisions of this Act be exercised by the Company forthwith and the Company shall thereupon pay to the Midland Company the reasonable actual cost of such works if any as aforesaid:
- (12) If at any time after the Company commence the exercise of the running powers granted by this Act any further enlargement extension or alteration of the said stations is rendered necessary by reason of the said running powers or powers of user such enlargement

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extension or alteration shall be carried out by the Midland Company but in all things subject to the provisions mutatis mutandis herein-before contained in the immediately preceding subsection of this section so far as the same may be applicable :

- (13) All matters which are by this section to be settled by arbitration or any difference which may arise in respect of any matters provided for by this section or as to the true intent and meaning thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

For protection of River Moy Commissioners.

46. For the protection of the River Moy Commissioners (herein-after in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed between the Company and the commissioners in addition to the provisions for their protection and benefit in this Act or any Act incorporated therewith apply (that is to say):—

- (1) The Company shall not commence the construction of the portions of Railway No. 1 which will be situate upon property of the commissioners or upon property over which they have control nor enter upon or interfere with the River Moy or any of their land works or property or execute any bridges or works in over or affecting the same until they shall have delivered to the commissioners plans sections and drawings of such portions of the railway and bridge over the River Moy or other works connected therewith showing the manner in which the works or property of or under the control of the commissioners will be affected and the Company shall upon being required so to do by the commissioners from time to time give them any such further information or particulars in relation thereto as the commissioners may reasonably require :
- (2) If within one month of the delivery of the plans sections and drawings the commissioners serve a requisition upon the Company requiring an alteration or alterations in the plans sections and drawings so submitted

as regards the manner in which the River Moy or the works or property of or under the control of the commissioners will be affected and the Company fail for fourteen days to agree to such alterations the points in difference between the Company and the commissioners in reference thereto and to the said plans sections and drawings shall be settled by an arbitrator to be appointed as herein-after provided The Company shall not commence such works until after the plans sections and drawings have been so settled :

(3) All such works shall be executed in all respects in accordance with the plans sections and drawings so submitted altered or settled as the case may be and to the reasonable satisfaction and under the reasonable superintendence of the commissioners and the Company shall pay the reasonable expenses of the commissioners of approving by their engineer (herein-after referred to as "the engineer of the commissioners") the said plans sections and drawings and superintending the execution of the works as aforesaid :

(4) The following provisions for the protection of the traffic in the River Moy shall unless otherwise agreed upon between the Company and the commissioners be binding on the Company and have effect:—

(A) The bridge for carrying Railway No. 1 over the River Moy shall be constructed with two opening spans each having a clear width of not less than sixty feet measured on the square with a headway when closed of not less than twenty feet above the level of high water of ordinary spring tides The remaining spans shall be not less than five in number or such greater number as the commissioners may reasonably require Each of such spans shall be constructed with a clear width of not less than seventy feet on the square and a headway of not less than twenty feet above the level of high water of ordinary spring tides The opening spans the abutments and the piers of the bridge shall be placed parallel to the true centre line of the river in such positions within the limits of deviation shown

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—

upon the deposited plans as the commissioners may reasonably require ;

(B) The said bridge shall be so constructed as to interfere in as small a degree as possible with the waterway ;

(C) The mode of the construction of the bridge and position of the opening spans and all other particulars in reference thereto shall be such as may be reasonably approved by the engineer of the commissioners before the works are carried into execution or may in the event of difference be determined by arbitration as herein provided ;

(D) The traffic of the River Moy shall not be at any time during the construction of the works stopped or interrupted more than is absolutely necessary for carrying out the works and the Company shall indemnify the commissioners from the result of any action at law both as to costs and damages in respect of any delay to or any accident or damage to any vessel caused by the default of the Company during the construction of the said bridge ;

(E) The Company shall at all times maintain the deep water channel through the opening spans of the bridge at the same depth as now and for a distance of five hundred yards above and below the said bridge unless the alteration in such channel and depth proceeds from causes other than the works of the Company and for this purpose may and if necessary and required by the engineer of the commissioners shall dredge or scour the same and construct such training banks or other works as the commissioners may reasonably require ;

(F) The Company shall provide and maintain such proper dolphins fenders lay-by piers jetties mooring posts and other protection for vessels navigating the river on each side above and below the said bridge for the purpose of checking vessels approaching the bridge and in such positions as the harbour master or engineer of the commissioners may reasonably require ;

(G) During such time as the said bridge over the River Moy shall be in course of construction or under repair the Company shall leave such sufficient channel for the navigation of the river at and about the said bridge as to enable vessels to be safely navigated past the said bridge and as the harbour master of the commissioners may reasonably approve ;

(H) The Company shall as well during the construction or repair as after the completion of the said bridge exhibit and keep burning every night from sunset to sunrise such lights (if any) as the commissioners with the approval of the Board of Trade or the Commissioners of Irish Lights as the case may be may reasonably require for the guidance of vessels If the Company fail to comply with the provisions of this subsection they shall be liable to a penalty as specified in the sections of this Act the marginal notes of which are "Lights on works during construction" and "Permanent lights on works" respectively ;

(I) The said bridge shall be worked under bye-laws or regulations to be made and amended from time to time by the commissioners and approved by the Company Provided that no such bye-laws or regulations shall have any force or validity until the same have been approved and confirmed by the Board of Trade ;

(J) The Company shall at all times maintain work signal and light the said bridge over the River Moy and shall keep the same in good and complete working order and condition :

- (5) The Company shall not in constructing Railway No. 1 where the same passes through or affects the property of the commissioners or over the said River Moy without the previous consent in writing of the commissioners (such consent not to be unreasonably withheld) deviate from the lines or levels shown on the deposited plans and sections except so far as may be necessary for the purpose of carrying out

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the provisions of this Act for the protection of the commissioners or any other obligation imposed upon the Company by this Act :

- (6) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for making good to the commissioners all loss costs damages or expenses which may be occasioned to them or they may incur by reason of the failure of the said bridge or the works connected therewith or through any act default or omission of the Company or any person in their employ or in the employ of their contractors and the Company shall effectually indemnify and hold harmless the commissioners from all claims and demands whatsoever upon or against them by reason of such execution or failure act default or omission :
- (7) All matters under this section referred to arbitration and any other difference which may arise between the Company and the commissioners touching any of the foregoing provisions of this section shall be settled by an arbitrator to be agreed upon by the said parties in difference or failing agreement by an arbitrator nominated on the application of either party by the Board of Trade the costs of such arbitration to be in the discretion of the arbitrator :
- (8)—(A) The Company shall not open for public traffic the portion of Railway No. 1 over the River Moy without at the same time opening for the like traffic Railway No. 1B and exercising the running powers over the portion of the Midland Great Western Railway of Ireland lying between the termination of Railway No. 1B and the station of the Midland Company at Ballina conferred upon the Company by this Act ;
- (B) The Company shall at all times and from time to time provide for and maintain an efficient train service with suitable and sufficient accommodation for passenger and goods traffic with at least the following trains (that is to say) Two trains in the forenoon and two trains in the afternoon one of such trains in the forenoon and afternoon to be from Belmullet viâ Ballina to Collooney and the other of such trains in the fore-

noon and afternoon to be from Collooney viâ Ballina to Belmullet Provided that upon Sunday Good Friday and Christmas Day the Company shall not be required to run more than one train each way between Collooney and Belmullet viâ Ballina.

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47. For the protection of the proprietors of the River Moy in the counties of Mayo and Sligo and the fisheries held in connexion therewith between the estuary thereof and the weirs thereon at Ardnaree and Ballina the following provisions shall unless otherwise agreed upon between the said proprietors and the Company have effect (that is to say):—

For protec-
tion of fish-
eries in
River Moy.

- (1) The works of the Company affecting the River Moy shall be carried out so as to interfere as little as may be possible with the flow of the water therein or the passage of fish up and down the same;
- (2) During the construction of the said works the Company shall bear and on demand pay to the said proprietors the reasonable expense of the employment by them of a sufficient number of watchmen for preventing poaching or other injury to the said fisheries:
- (3) The Company shall pay to the said proprietors compensation for any loss or damage which may be proved to be sustained by them by reason of injury to the said fisheries caused by the execution of the said works or the exercise of the powers of the Company under this Act such compensation if not agreed upon to be settled by arbitration as herein-after provided:
- (4) If any difference arises under this section between the Company and the said proprietors that difference shall be referred to and determined by a single arbitrator to be mutually agreed upon or failing agreement to be appointed on the application of either the Company or the said proprietors by the Senior Inspector of Fisheries of the Department of Agriculture and Technical Instruction for Ireland.

48. In the construction of the works for the purposes of this Act the Company shall when carrying Railway No. 2 over the approach road to Pickle Point Pier on lands in the townland of Atticonoun and parish of Kilcommon provide a suitable level

For pro-
tection of
Pickle Point
Pier.

A.D. 1907. — crossing with gates to safeguard the approach to such pier in accordance with plans to be approved by the Commissioners of Public Works in Ireland.

For protection of Robert William Goodwin Hillas.

49. For the protection of Robert William Goodwin Hillas and his successors in estate (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Company and the owner have effect in addition to and not in substitution for the provisions of this Act and the Acts incorporated herewith (that is to say):—

(1) The Company shall at their own expense and to the reasonable satisfaction of the owner construct and maintain for the use of the owner level crossings suitable for vehicular traffic over Railway No. 1 where it crosses the occupation roads numbered respectively on the deposited plans 107 184 and 190 in the parish of Templeboy. Such level crossings shall be protected by suitable and proper gates:

(2) The Company shall at the like expense and to the like reasonable satisfaction so construct the said railway and alter the level of the road shown in the property numbered 187 on the deposited plans in the said parish of Templeboy as to carry such road under the said railway at a height of at least three feet above the ordinary water level of the river shown on the said plans and with a headway for the passage of horses carts and persons of twelve feet.

Gauge of railways.

50. The Company may construct and work and maintain the railways on such gauge or gauges as may be approved by the Board of Trade.

Railways may be light railways.

51. The Company may construct work and maintain the railways as light railways but in such case shall not be limited as to the speed of trains or weight of rolling stock except so far as the Board of Trade may require.

Powers of lateral and vertical deviation and of altering gradients and curves of railways.

52. The Company notwithstanding the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act may deviate laterally from the lines of the railways as delineated on the deposited plans thereof to any extent within the limits of deviation shown on those plans and may deviate from the levels of the railways as delineated on the deposited sections

thereof ten feet upwards or downwards and to any further extent upwards or downwards as may be agreed upon in writing with the owners of any lands through which and with the owners lessees and occupiers of any house affected by or through the curtilage of which such deviations are intended to be made and may increase any inclination or gradient of the railways shown on the deposited sections thereof as not steeper than one in forty to such an extent as they may see fit provided that such inclinations or gradients where so increased be not steeper than one in forty and they may diminish the radius of any curve prescribed on the deposited plans of the railways to any extent which shall leave a radius of not less than one furlong Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

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53. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to 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 railways carry the same with a single line only whilst the railways shall consist of single lines and afterwards with double lines only across and on the level of the roads next herein-after mentioned (that is to say):—

Power to cross certain roads on level.

No. on deposited Plans.	Townland.	Parish.	Description of Road.
RAILWAY NO. 1.			
129	Streamstown - - - - -	Ballysadare -	Public.
32	Carrownaboll and Carrownree - - - - -	Skreen - - -	"
51	Gerribbig - - - - -	" - - -	"
15	Corkagh Beg - - - - -	Templeboy -	"
24	" " - - - - -	" - - -	"
40	Corkagh More - - - - -	" - - -	"
226	Donaghintraine - - - - -	" - - -	"
10	Ballygilcash and Carrowmably - - - - -	Kilmacshalgan -	"
24	Carrownrush - - - - -	" - - -	"
53	Curragnagap and Fortlands - - - - -	Easky - - -	"
86	Monereagh and Oldgrange - - - - -	" - - -	"
120	Finned - - - - -	" - - -	"
29	Cabragh - - - - -	Kilglass - -	"
70	Quigaboy - - - - -	" - - -	"
110	Parke - - - - -	" - - -	"
135	Cloonaderavally and Lackan - - - - -	" - - -	"
146	Cloonaderavally and Carrowhubbock North - - - - -	" - - -	"
10	Carrowhubbock South - - - - -	" - - -	"
41	Rosserk and Lecarrow - - - - -	Ballysakeery -	"
59	Ballysakeery - - - - -	" - - -	"
95	Rusheens and Newtownwhite - - - - -	" - - -	"
17 & 2	Kilroe and Moyne - - - - -	Killala - - -	"

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No. on deposited Plans.	Townland.	Parish.	Description of Road.
RAILWAY No. 1B.			
136	Rathroeen - - - - -	Ballysakeery -	Public.
RAILWAY No. 2.			
34	Townplots West - - - - -	Killala - -	Public.
53	Croghan - - - - -	" - -	"
13	Carn - - - - -	" - -	"
27	Rathoonagh - - - - -	Kilbride - -	"
95	Ballyknock - - - - -	Doonfeeny -	"
126	Doonfeeny Upper - - - - -	" - -	"
8	Muingelly - - - - -	" - -	"
24	Gortleatilla - - - - -	Kilcommon -	"
28	Srahnaplaia - - - - -	" - -	"
78	Bellagelly South - - - - -	" - -	"
2	" - - - - -	" - -	"
156	Rinnashinnagh - - - - -	" - -	"
270	Atticonau - - - - -	" - -	"
286	Belmullet - - - - -	" - -	"
14	Tallagh - - - - -	Kilmore - -	"
20	" - - - - -	" - -	"
20	Carn (Fowler) - - - - -	" - -	"
RAILWAY No. 2A			
267	Clogher - - - - -	Kilmore -	Public.
RAILWAY No. 3.			
15	Knockalegan - - - - -	Crossmolina -	Public.
47	Knockagarravaun - - - - -	" - -	"
12	Carrowerin - - - - -	Ardagh - -	"
34	Ballymanagh - - - - -	" - -	"
58	Cloonglasney - - - - -	" - -	"
34	Gorteen and Ardoughan - - - - -	Kilmoremoy -	"

Provided that notwithstanding anything shown on the deposited plans the Company shall carry the railways herein-before in this section mentioned over the roads also herein-before mentioned at right angles on the level of such roads.

Further provisions as to crossing certain roads on level.

54. Notwithstanding anything shown on the deposited plans and sections the Company shall divert the roads numbered 5 and 10 in the townland of Cabragh in the parish of Kilglass in the county of Sligo and also the roads numbered 104 and 113 in the townland of Ballyknock in the parish of Doonfeeny in the county of Mayo so as to form in each case one road at or near the point at which Railway No. 1 is shown on the deposited plans as intended to cross such roads on the level and the Company may

in the construction of that railway carry the same with a single line only whilst that railway shall consist of a single line and afterwards with a double line only across and on the level of such roads diverted as aforesaid. A.D. 1907.

55. 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 respectively (that is to say):— Inclination of roads.

No. on deposited Plans.	Townland.	Parish.	Intended Inclination.
RAILWAY No. 1.			
226	Donaghintraine - - - -	Templeboy -	1 in 12.
10	Ballygilcash and Carrowmably - -	Kilmacshalgan -	1 in 16.
RAILWAY No. 2.			
113	Ballyknock - - - -	Doonfeeny -	1 in 14.
8	Muingelly - - - -	" -	1 in 12.
24	Gortleatilla - - - -	Kilcommon -	1 in 13.
RAILWAY No. 2A.			
267	Clogher - - - -	Kilmore - -	1 in 12.

56. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):— Height and span of bridges.

No. on deposited Plans.	Townland.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 1.					
84	Masreagh - -	Skreen - -	Public	13 feet	20 feet.
RAILWAY No. 1B.					
95	Rosserk - -	Ballysakeery - -	Public	13 feet	20 feet.
RAILWAY No. 2.					
186	Derrynameel -	Kilcommon - -	Public	12 feet	12 feet.
RAILWAY No. 3.					
17	Cloontykillaw -	Kilmoremoy - -	Public	12 feet	20 feet.

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Width of
roadways
over bridges.

57. The Company may make the roadways over the bridges by which the following roads will be carried over the railways of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plans.	Townland.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY NO. 1.				
51	Kilboglashy and Cornawnagh - - -	Ballysadare -	Public	20 feet.
35	Carrownacreevy - - -	Dromard -	"	20 "
84	Toberawnaun - - -	Skreen -	"	20 "
76	Kilrusheighter - - -	Templeboy -	"	15 "
40	Bunowna and Aderavoher - - -	Easky -	"	20 "
136	Rathlee - - -	" -	"	15 "
182	Trotts and Carrowhubbock South -	Kilglass -	"	15 "
46	Carrowcardin - - -	Castleconor -	"	18 "
RAILWAY NO. 1B.				
1A	Lecarrow and Carrowkelly - - -	Ballysakeery -	Public	15 feet.
131	Rathroeen - - -	" -	"	15 "
RAILWAY NO. 2.				
31	Billoos - - -	Lackan -	Public	18 feet.
2	Rathoonagh - - -	Kilbride -	"	20 "
8	Carrow Kibbock Upper and Carrow Kibbock Lower.	Doonfeeny -	"	20 "
48	Ballyglass - - -	" -	"	15 "
8	Glenulra - - -	" -	"	20 "
5	Cregganmore and Gortleatilla -	Kilcommon -	"	15 "
20	Carn (Fowler) - - -	Kilmore -	"	20 "
20	Emlybeg North - - -	" -	"	20 "
92	Binghamstown - - -	" -	"	15 "
121	Curraghboy - - -	" -	"	12 "
20	Aghleam - - -	" -	"	20 "
RAILWAY NO. 3.				
2	Cloonkee - - -	Kilfian -	Public	15 feet.
RAILWAY NO. 3A.				
23	Ballina - - -	Kilmoremoy -	Public	20 feet.

Company not liable to repair surface of road gradient of which is not altered.

58. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways by a bridge or bridges or the immediate approaches to such bridge or bridges unless

the levels of such road or public highway or bridge approach shall be permanently altered so as to increase the gradient of any part thereof. A.D. 1907.

59. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated. Protection of gas and water mains of local authorities.

60. During the construction of Railways Nos. 1 2 2A and 2C on or near the foreshore and also at all times after completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the said railways as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the embankments of the said railways such boat-slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve. Access to and from shore.

61. If any work authorised by this Act involves the removal or alteration of any post office letter box the Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration. For protection of Postmaster-General.

62. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of seventy-four thousand two hundred and fifty pounds two and a half per centum consolidated stock whereof a part namely fifty-eight thousand two hundred and ten pounds (hereinafter referred to as "the railways deposit fund") is equal to five per centum upon the amount of the estimate in respect of the railways and the balance whereof namely sixteen thousand Railways deposit fund not to be repaid except so far as railways are opened.)

A.D. 1907. and forty pounds (herein-after referred to as "the piers deposit fund") is equal to four per centum upon the amount of the estimate in respect of the piers has been deposited with the Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act. Be it enacted that notwithstanding anything contained in the said Act the railways 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 persons 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 railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the railways deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railways deposit fund which bears to the whole of the railways deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors or the majority of them order the portion of the railways 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 railways
deposit fund.

63. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the railways 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 railways or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the railways deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railways deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the railways deposit fund has been repaid or retransferred 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.

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64. On the application of the depositors referred to in the section of this Act whereof the marginal note is "Railways deposit fund not to be repaid except so far as railways are opened" in a summary manner at any time after the passing of this Act the Supreme Court in Ireland may and shall order that the piers deposit fund as defined in the said section and the accrued interest and dividends thereon shall be transferred to the depositors or to any person or persons whom the depositors may appoint in that behalf.

Repayment
of piers de-
posit fund.

65. For a period of twenty-five years from the opening of the railways or any part thereof for public traffic the railways or so much thereof as is opened for traffic together with all stations yards works and lands connected therewith shall not be assessed to any local rates at a higher value than that at which the land occupied by or in connexion with the railways stations yards and works or such part thereof as is opened for public traffic would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purposes of the railways stations yards and works or such part thereof as aforesaid.

Assessment
of railways
to local rates.

A.D. 1907.
Period for
completion
of railways.

66. If the railways are 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 railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

(2) *Piers.*

Power to
make piers.

67. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown upon the deposited plans and sections the piers herein-after described which shall be partly open work and partly solid work or as may be approved by the Board of Trade.

The piers herein-before referred to and authorised by this Act will be situate in the county of Mayo and are—

A Causeway and Pier No. 1 commencing at the termination of Railway No. 2 and terminating at a point in the bed of Blacksod Bay two thousand three hundred yards or thereabouts from the northern extremity of Blacksod Pier measured in a north-easterly direction and one thousand eight hundred and fifty yards or thereabouts from the easternmost extremity of Moyrahan Point measured in a south-easterly direction :

A Causeway and Pier No. 2 commencing at the termination of Railway No. 2A and terminating at a point in the bed of Blacksod Bay one thousand nine hundred and twenty-five yards or thereabouts from the north-easternmost extremity of Doobeg Point measured in a north-easterly direction and one thousand and fifty-seven yards or thereabouts from the easternmost extremity of Moyrahan Point measured in a south-easterly direction.

Subsidiary
pier works.

68.—(1) Subject to the provisions of this Act the Company may from time to time maintain the piers and works connected therewith and alter improve and extend the same and may in connexion therewith construct lay down erect maintain alter improve and extend embankments landing places quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and electric lighting and water pipes sheds warehouses buildings cranes elevators and other works and conveniences plant and appliances which may be found necessary or convenient for the accommodation of vessels and the

reception security accommodation transit passage and interchange of traffic of all descriptions or the more convenient use of the piers and may also from time to time lay down and maintain railways tramways sidings and turntables on and along the piers and land connected therewith and may take down or remove portions of the existing works.

(2) All electric lighting works constructed laid down or erected under the provisions of this section shall be so constructed laid down erected and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

69. In constructing the piers the Company may deviate laterally to any extent within the limits of deviation shown upon the deposited plans and vertically from the levels shown upon the deposited sections to any extent not exceeding ten feet downwards and ten feet upwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to deviate.

70. The Company may for the purposes of this Act dredge and continue to dredge and otherwise deepen so much of the bed and foreshore of the sea within the harbour and of the channels leading thereto as may be necessary for the construction of the piers and works connected therewith and for securing and maintaining convenient access for vessels thereto and may purchase hire provide and maintain all necessary dredges barges and machinery therefor and may appropriate use and dispose of as they think fit the surplus soil and materials arising in the course of such dredging and deepening operations :

Power to dredge.

Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

71.—(1) The Company may for any purposes of the piers works and lands connected therewith for power lighting heating or any other use for which electrical energy can be employed and for supply to vessels at the piers generate transform transmit store and use electrical energy and provide and maintain all works machinery and appliances necessary or convenient for such

Power to Company to generate electrical energy for pier purposes.

A.D. 1907. — purposes Nothing in this section shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands used by them for the purposes of this section.

(2) All works machinery and appliances provided under the powers conferred by this section shall be so constructed and electrical energy shall be so supplied and used as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Removal of
stranded or
sunk vessels.

72.—(1) Whenever any vessel is stranded or sunk within the harbour or in or near any approach thereto from the sea or is laid by within the harbour or neglected as unfit for sea service the Company may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour.

(2) The Company may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also first paying the customs and excise duties (if any) all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894 and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto.

(3) If the proceeds of sale are insufficient to reimburse the Company for the aforesaid expenses the Company may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the master or other person who at the time of the sinking or stranding of the vessel had the charge or command of the vessel or from the person who at that time was the owner of the vessel or from the executors or administrators of such master or other person or of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Company under this section may be exercised notwithstanding any steps taken by the owner of the vessel stranded or sunk or by any other person for the raising removal or destruction of the vessel.

73. The harbour-master may in place of or before removing any wreck or other obstruction to the harbour and the approaches to the same buoy or light such wreck or other obstruction and the expenses of such buoys and lighting shall be recoverable by the Company in manner provided by section 56 of the Harbours Docks and Piers Clauses Act 1847 as though they were expenses incurred in the removal of wrecks.

As to buoys and lighting wrecks.

74. The Company may subject to the approval of the Commissioners of Irish Lights first had and obtained lay fix place and maintain such buoys mooring chains anchors fixed and floating lights and beacons and other conveniences as shall appear to them necessary or expedient upon or within any portion of the harbour for the use accommodation guidance or safety of the shipping and may subject to the like approval remove and replace the same and alter the character description and position thereof from time to time as they shall think proper.

Company may lay buoys &c.

75. Anyone who wilfully obstructs any person acting under the authority of the Company in setting out the line of the piers and the works connected therewith or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of the piers and the works connected

Penalty for obstructing works.

A.D. 1907. — therewith or defaces or destroys the same or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Period for completion of piers.

76. If the piers are not completed within ten 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 piers or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Limits of harbour.

77. The limits within which the authority and jurisdiction of the Company under this Act and the Acts incorporated herewith and any other Act or Acts conferring authority and jurisdiction in that behalf upon the Company with respect to the piers and the regulation thereof shall be exercised shall comprise the piers and the works and conveniences connected therewith the lands authorised to be acquired by the Company therefor and for the purposes mentioned in the section of this Act whereof the marginal note is "Subsidiary pier works" and the area included in a semi-circle described on the eastern side of a diameter lying on an imaginary line drawn from the centre of the northern end of Blacksod Pier to the easternmost extremity of Ardelly Point the said diameter extending along such line from the last-mentioned extremity to a point on such line three hundred yards or thereabouts measured in a northerly direction from the said centre of the northern end of the said pier together with so much of the area to the western side of the said diameter as is bounded by such portions of the circumference of a semi-circle described on the western side of the said diameter as extend from the ends thereof to the points at which such circumference cuts high-water mark and by the line of high-water mark between the two last-mentioned points and such limits shall be the prescribed limits and the harbour within the meaning and for the purposes of the Harbours Docks and Piers Clauses Act 1847 and the Merchant Shipping Acts 1894 to 1900 respectively and within the said limits the Company shall be the harbour authority within the meaning and for the purposes of such Acts.

Assessment of piers to local rates.

78. The piers works and lands connected therewith shall not during a period of fifty years from the date of the completion of the piers be assessed to any local rates at a higher value than that at which the land connected therewith or on which the same are situate would have been assessed if it had remained in the

condition in which it was immediately before it was acquired for the purposes of or in connexion with the said piers and works and after the expiry of the said period of fifty years the piers and works shall be assessed in the proportion of one-fourth part only of their net annual value. A.D. 1907.

79. The Company may lease the piers or any part thereof to any company body or person together with the tolls rates duties and other charges authorised to be taken in respect thereof or may let for hire or lease as aforesaid any warehouses sheds rooms or buildings or conveniences thereon separately from any other part of the piers upon such terms and conditions and for such period as they think fit and such company body or person shall during the continuance of the lease and to the extent provided therein have and may exercise all or any of the powers conferred upon the Company by this Act in relation to the piers and shall be subject to the same provisions in respect thereof as are the Company under this Act. Power to lease piers &c.

80. The Company shall have the appointment of meters weighers and other officers and servants. Power to appoint meters and weighers.

81. The Company shall at all times keep at the outer extremity of the piers and at reasonable distances along such piers and in accordance with any requirements which may be made by the Board of Trade a sufficient number of life-buoys and lines in good order and fit and ready for use. Life-buoys to be kept.

82. The officers of the coastguard and all other persons for the time being actually employed in connexion with any lifeboat or any apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the piers spars and other apparatus for saving life and may also in course of using the apparatus for saving life fire rockets over the piers. Life-saving apparatus may be attached to piers.

(3) *General Provisions as to Railways and Piers.*

83. In case of injury to or destruction or decay of the piers or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to the said Commissioners for directions as to the Provision against danger to navigation.

A.D. 1907. means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Works below high-water mark not to be commenced without consent of Board of Trade.

84. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on works during construction.

85. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

86. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

87. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

A.D. 1907.
Survey of
works by
Board of
Trade.

88. If a work constructed by the Company on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

PART IV.

LANDS.

89. Subject to the provisions of this Act the Company may in addition to the other lands which they are by this Act authorised to acquire enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of the railways and piers and works connected therewith and for all other the purposes of this Act.

Lands for
railways and
piers.

90. The Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may appropriate and use for the erection of dwelling-houses for the employees of the Company warehouses sheds depôts storehouses and other buildings and for the purposes of sidings and other general purposes of the undertaking all or any of the lands herein-after described and delineated on the deposited plans and described in the deposited books of reference and any estates or interests in any such lands The lands above referred to and by this section authorised to be entered upon and taken appropriated and used are as follows:—

Additional
lands.

Certain lands wholly situate in the townland of Termon parish of Kilmore in the rural district of Belmullet county of Mayo bounded on the north-east and east by a line commencing at the termination of Railway No. 2 and thence

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following the line of high-water mark to a point one thousand five hundred and seventy yards or thereabouts from the termination of Railway No. 2 measured in an easterly and southerly direction thence bounded on the south-west by the townland boundary between the townlands of Termon and Faulmore for a distance of six hundred yards or thereabouts thence by a line drawn in a north-westerly direction for a distance of seven hundred and seventy yards or thereabouts thence by a line drawn in a north-easterly direction for a distance of three hundred and fifty yards or thereabouts thence by a line drawn in a north-westerly direction for a distance of one thousand one hundred and fifty-three yards or thereabouts thence by a line drawn in a north-easterly direction for a distance of two hundred yards or thereabouts to high-water mark thence along the line of high-water mark for a distance of one thousand four hundred and eight yards or thereabouts to the point of termination of Railway No. 2.

Portion of capital to be subscribed before compulsory powers put in force.

91. When not less than one hundred thousand pounds of the share capital by this Act authorised shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of the Lands Clauses Acts or this Act or any other Act in relation to the compulsory taking of land for the purposes of this Act.

Certificate of justice that portion of capital has been subscribed.

92. A certificate under the hand of the justice certifying that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof and on the application of the Company and the production of such evidence as the justice shall think proper and sufficient the justice shall grant a certificate accordingly.

Lands for extraordinary purposes.

93. The Company may for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 and for the general purposes of the undertaking purchase lease or take by agreement and hold any lands or foreshore not exceeding in the whole fifty acres in addition to the lands which they are by this Act authorised to take by compulsion but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

94. The Company may hold and use for the purposes of the undertaking any lands and any estate or interest in lands purchased or acquired by or on behalf of the Company before the passing of this Act.

A.D. 1907.
Power to Company to hold lands already acquired.

95. The Company may embank reclaim raise and alter the level of all lands below high-water mark which they are by this Act authorised to acquire.

Power to Company to reclaim lands.

96. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the sea or of any river channel bay or estuary belonging to His Majesty shall be inured gained or reclaimed from the water the Company shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so inured gained or reclaimed for any purpose whatsoever without the consent in writing of the Board of Trade on behalf of His Majesty but such inuring gaining or reclamation shall enure absolutely for the benefit of the King's Majesty.

Any land reclaimed by works not to be taken without consent of Board of Trade.

97. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Persons under disability may grant easements &c.

98. And whereas in the construction of the railways piers and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion

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only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Company the owner of any of the scheduled properties of which a portion only is proposed to be acquired by the Company shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Company of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by

them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal: A.D. 1907.

- (5) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may delete the said portion from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps:
- (7) If the tribunal determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not agree to remove the portion first included from the said schedules and maps shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

A.D. 1907.

The provisions of this section shall be stated in every schedule deposited by the Company wherein a portion of the scheduled properties is included as proposed to be acquired compulsorily and where by statute notice thereof is required to be given by the Company to the owner shall also be stated in such notice.

As to limited owner.

99.—(1) Any limited owner as defined in this Act may with the sanction of the Commissioners of Public Works in Ireland (in this section called “the Commissioners”) given under this section grant to the Company either without payment of purchase money or compensation or in consideration of the issue as herein-after provided of shares or stock in the undertaking any land which the Company are authorised to purchase and take for the purposes of the railways or piers and may convey the same free from all incumbrances thereon. Provided that the costs or expenses incurred by such limited owner or any successor in title in the land or by the trustees (for the time being) herein-after mentioned or by any incumbrancer on the land of all conveyances and assurances to the Company of such lands and of evidencing and verifying the title to the same or to the said shares or stock when issued to the trustees as herein-after provided and of appearing before the Commissioners shall be paid by the Company and such costs and expenses may be taxed in manner provided in respect to costs incurred under the provisions of the Railways Act (Ireland) 1864 and if within seven days after demand of the amount certified the same be not paid it may be recovered in the manner provided by the thirteenth section of the Railways Act (Ireland) 1851.

(2) The Commissioners shall not give their sanction under this section unless they are satisfied that the estate of which the land so to be purchased and taken forms part will be permanently increased in value by the construction of the railways or piers. Provided always that in the case of a free grant of land by the limited owner to the Company the Commissioners shall certify that in their opinion the said estate will be permanently increased in value to an amount greater than the value of the land so granted and in case such land shall be granted in consideration of the issue of shares or stock that in the opinion of the Commissioners the said estate will be permanently increased in value to an amount exceeding the difference between the value of the land so granted and the actual value of such shares or stock at the date of the transfer or conveyance of the land to the Company. Provided also that if the land proposed to be granted

is subject to incumbrances the Commissioners before giving their sanction under this section shall cause notice to be given to the incumbrancers and shall consider the objections (if any) raised by them.

(3) Where any limited owner grants any land to the Company in consideration of the issue of shares or stock in the undertaking the amount of such shares or stock shall be equal in nominal value to the purchase money of such land and such shares or stock shall be issued to two trustees nominated by the limited owner to be held by them upon the like uses and trusts and for the same purposes as the estate of which such land formed part stood settled Provided that such shares or stock shall be deemed to be shares or stock fully paid up of the undertaking.

(4) If either or both of the trustees die resign or become incapable of acting then the limited owner or his successor in title may nominate by writing under his hand another person or other persons to be a trustee or trustees in place of the trustee or trustees having died resigned or become incapable of acting.

(5) If any one trustee die resign or become incapable of acting the remaining trustee shall continue to be as competent to act as if no such deficiency in number had occurred and no act of the surviving trustee shall be invalidated or illegal by reason of the vacancy not being filled up or by reason of any irregularity or omission in or about any appointment of a new trustee or trustees.

(6) Trustees appointed under this section shall be indemnified against any claim or any loss by reason of their acting and taking and holding any shares or stock under the provisions and for the purposes of this section.

(7) The term "limited owner" in this section shall mean any person or persons by whom the powers of sale conferred by section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised.

100. The Irish Land Commission and the Congested Districts Board for Ireland may sell to the Company any land vested in the said Commission or Board or any easement right or privilege in over under through or across such land required for the purposes of the railways or piers upon payment of such purchase money or compensation as may be agreed upon.

Land Commission and Congested Districts Board may sell lands to Company.

A.D. 1907.

Restriction
on taking
houses of
working
class.

101.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if they think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

As to private
rights of way
over lands
taken com-
pulsorily.

102. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Amendment
of Lands
Clauses
Acts.

103. Notwithstanding anything to the contrary contained in the Lands Clauses Acts the arbitrator in determining the amount of compensation to be paid by the Company thereunder in respect of the acquisition by the Company of lands or easements rights or privileges in over under through or across lands for the purposes of the railways and piers or otherwise in connexion

therewith shall have regard to the extent to which the remaining and contiguous lands and hereditaments belonging to the same proprietor may be benefited by the railways and piers and works connected therewith and the draft award of such arbitrator shall in all respects be deemed to be final and binding and not subject to review or repeal. A.D. 1907.

104. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may retain hold and use and from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired at any time or provided by them and not required for the purposes of the undertaking and may execute and do any deed act or thing proper for effectuating any such sale lease or other disposition and in any exchange may give or take any money for equality of exchange. Power to sell
&c. lands.

105. The powers of the Company for the compulsory purchase of lands for the purposes of the railways shall cease after the expiration of three years and for the purposes of the piers and other works after the expiration of seven years from the passing of this Act. Period for
compulsory
purchase of
lands.

PART V.

RATES &C.

(1) *Railways.*

106. The Company may demand and take for the use of the railways by any other company or person with engines and carriages such reasonable tolls as they think fit. Tolls.

107. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 which Order is scheduled to and confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall be Rates for
merchan-
dise.

A.D. 1907. applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for small parcels.

108. For the conveyance on the railways of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ; and

For any parcel exceeding fifty-six pounds but 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 :

Provided also that the charges for agricultural or market garden produce not provided for by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 shall not exceed one half the maximum rates authorised by this section.

Maximum fares for passengers.

109. The maximum fares to be charged by the Company for the conveyance of passengers upon the railways including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage A.D. 1907.
twopence per mile ;

For every passenger conveyed in a third-class carriage one
penny per mile ;

For every passenger conveyed on the railways for a less
distance than three miles the Company may charge as for
three miles and every fraction of a mile beyond three
miles or any greater number of miles shall be deemed a
mile.

110. Every passenger travelling upon the railways may Passengers'
take with him his ordinary luggage not exceeding one hundred luggage.
and fifty pounds in weight for first-class passengers one hundred
and twenty pounds in weight for second-class passengers and one
hundred pounds in weight for third-class passengers without any
charge being made for the carriage thereof.

111. The restrictions as to the charges to be made for Foregoing
passengers shall not extend to any special train run upon the charges not
railways in respect of which the Company may make such charges to apply to
as they think fit but shall apply only to the ordinary and express special
trains appointed from time to time by the Company for the trains.
conveyance of passengers upon the railways.

112. The Company may demand and take in respect of Rates for
railways and tramways made under the section of this Act subsidiary
whereof the marginal note is "Subsidiary pier works" such tolls pier rail-
rates fares and charges as they think fit not exceeding in the ways.
case of passengers using such railways and tramways a sum of
one shilling first class ninepence second class and sixpence third
class and in the case of merchandise such reasonable rates and
charges as they may think fit.

113. The Company shall forthwith upon application from Information
the Department of Agriculture and Technical Instruction for as to rates
Ireland (in this section called "the Department") supply to the to be given
Department full information with reference to the following matters to Depart-
(that is to say):— ment of
Agriculture
and Techni-
cal Instruc-
tion for Ire-
land.

- (1) As to any rates charged in respect of traffic conveyed on
the railways of the Company or partly on the railways
of the Company and partly on the railways of any
other company or companies :

A.D. 1907.

(2) As to any tolls for the use of the railways and sidings of the Company by any other company or person with engines and carriages :

(3) As to any tolls rates fares or charges in respect of the railways and tramways made under the section of this Act whereof the marginal note is "Subsidiary pier works" :

And the Company shall on the like application produce to the Department or to any inspector or officer of the Department any books or lists showing such rates fares charges and tolls or permit copies to be taken or supply copies thereof or extracts therefrom and shall also notify to the Department the particulars of any proposed alteration in any of the said rates fares charges or tolls in respect of which information has been supplied under this section at the same time as notification thereof is given to the parties concerned Any failure to comply with any of the provisions of this section shall be deemed to be an offence within the meaning of section 33 subsection (7) of the Railway and Canal Traffic Act 1888.

Notice as to rates.

114.—(1) If the Company intend to propose any increase in fares rates or charges the provisions of subsection (6) of section 33 of the Railway and Canal Traffic Act 1888 shall apply to such intended increase except that one month's notice shall be substituted for the fourteen days' notice mentioned in that subsection And the Company shall on the date of the issue of the notice as herein prescribed deliver to the Department of Agriculture and Technical Instruction for Ireland three copies of such notice.

(2) In this section the expression "rates" includes special or exceptional rates as well as all other descriptions of rates fares terminals and charges.

(2) *Harbour.*

Rates on persons.

115. The Company may demand and take for every person who shall land from or embark on any vessel at or from any pier jetty or other work constructed under the provisions of this Act and in respect of passengers' luggage and bicycles tricycles or other similar vehicle transhipped within the harbour or landed shipped unshipped received or delivered at or from the herein-before mentioned works and for persons and vehicles of

all descriptions using the said works any rates not exceeding the several rates and sums specified in the Second Schedule to this Act. A.D. 1907.

116. The Company may subject to the provisions of this Act demand take and be entitled to receive in respect of vessels entering using or frequenting the harbour any rates not exceeding the several rates and sums specified in the Second Schedule to this Act and every such rate shall be paid by the master of the vessel and in the case of steamers and other vessels trading to and from or frequently using the harbour other than steam and sailing vessels engaged in the capture of fish and sailing and rowing boats under the burden of ten tons in the ownership of persons residing in the barony of Erris the Company may agree to charge such annual or other sum as they may think reasonable by way of compounding for the rates or sums payable in respect of such vessel but so that no preference be in any case given to any person. Provided that no charge shall be made in respect of the sailing or rowing boats mentioned in this section if not making fast to the piers: Rates on vessels.

Provided further that except as is otherwise expressed in the said Second Schedule the Company shall not demand or take any rate on any vessel driven into the harbour by stress of weather or wind bound therein and not loading or unloading any part of the cargo thereof or unloading the same only for the purpose of necessary repairs to the vessel or on any of the goods therein.

117. All rates and charges due in respect of any vessel under this Act shall be paid upon the arrival of the vessel to some collector of rates at the offices of the Company or at such other place or places as the Company may fix by byelaw in that behalf. Rates to be paid upon arrival of vessels.

118. Any collector of rates may receive by way of deposit and on account of the rates and charges to which any vessel person animals minerals goods articles or things may be liable such a sum of money as shall in his opinion be sufficient to cover the amount thereof. Authorising deposit on account of rates.

119. Any person applying to make payment of rates and charges due in respect of any vessel may be questioned by the collector of rates as to the most distant port from which such vessel has arrived or to which such vessel is bound and if such Penalty for not making a true report of vessel's destination &c.

A.D. 1907. — person shall refuse to answer any reasonable question or shall wilfully give a false or untrue answer he shall be liable to a penalty not exceeding fifty pounds.

Vessels not to depart until rates paid.

120. No vessel shall leave the harbour until a certificate from some collector of rates of the payment of all rates and charges payable to the Company in respect of such vessel shall have been produced to and left with the collector of rates for that part of the harbour where such vessel was stationed and if any vessel liable to such rates and charges shall depart from the harbour without the production and leaving of such certificate as aforesaid the owner of such vessel shall be liable to the payment by way of damages to the Company of a sum not more than double the amount of the rates and charges which should have been paid and in addition thereto the master of such vessel shall be liable to a penalty not exceeding twenty pounds.

Collectors to refuse entry when previous rates on vessels are unpaid and vessels may be detained.

121. While any rates and charges remain unpaid in respect of any vessel or any person animals minerals goods articles or things at the time being or previously aboard and liable thereto the collector of rates shall not receive any further or other entry in respect of such vessel and the Company may cause such vessel to be detained until all such rates and charges have been paid.

Rates on goods and animals.

122. The Company may demand take and be entitled to receive in respect of the shipment unshipment transshipment reception or delivery within the harbour of any of the goods minerals articles and things included from time to time in each class in the classification so far as applicable of goods and minerals annexed to the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 which Order is scheduled to and confirmed by the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 any rates or charges not exceeding those respectively specified in the Second Schedule to this Act in respect of the class in which such goods minerals articles and things are from time to time included and in respect of the shipment unshipment transshipment reception or delivery within the harbour of the animals or things from time to time described in Parts II. III. and IV. so far as applicable of the schedule to the said Order any rates or charges not exceeding those respectively specified in the Second Schedule to this Act in respect of the description in such parts of such animals

or things and every such rate shall be paid by the owner or consignee of such goods minerals animals articles and things and sections 12 to 17 of the schedule to the said Order shall so far as applicable extend and apply to the fixing of the rates and charges by this section authorised : A.D. 1907.

Provided that in respect of the shipment unshipment transshipment reception or delivery of fresh fish and cured fish within the harbour inclusive charges not exceeding one shilling per ton may be made.

123. No vessel shall except with the previous consent in writing of the Company under the hand of the harbour-master or other duly authorised officer of the Company land or embark receive or deliver passengers or ship unship tranship receive or deliver animals or goods within the harbour except at or upon some one of such place or places as shall from time to time be licensed in that behalf by the Company in accordance with byelaws to be made under the provisions of this Act and any person knowingly committing or wilfully permitting a breach of this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds and to a further penalty not exceeding five pounds for every hour such breach shall continue. Passengers and cargo to be landed &c. at licensed places only.

124. The Company may erect or provide such warehouses buildings and sheds as they may think necessary for warehousing storing and preserving animals or goods shipped or unshipped received or delivered at or within the harbour and may warehouse store and preserve the same and may charge in respect of such warehousing storage and preservation any rates not exceeding those specified in the Second Schedule to this Act Provided that the rates in this section mentioned shall not be deemed to apply to transit sheds. Rates for warehouses &c.

125. The Company may require previous to any animals or goods being warehoused by them as aforesaid that the same shall be weighed by weighers and recorders appointed by the Company and they shall be entitled to make such reasonable charges in respect of such weighing as they may from time to time fix. Goods &c. warehoused to be previously weighed.

126. The Company may levy for and in respect of the use of cranes at the piers and lands and works connected therewith and for weighing and for the use of machinery any rates not exceeding those respectively specified in the Second Schedule to this Act and all such rates shall be paid by the owners or Rates for cranes &c.

A.D. 1907. persons in charge of the animals or goods lifted or by the owner agent master or other person in charge of the vessels using the said cranes or machinery or requiring the services specified in the said Second Schedule.

Company
may fix
ballast rates.

127. All ballast to be discharged or removed from or put into any vessel within the harbour and all services in relation to the stowing and trimming thereof shall if and when the Company so determine be discharged or removed or performed by the Company and the Company may fix any rates they may think proper not exceeding those mentioned in the Second Schedule to this Act to be paid for the supply and removal of ballast from and into vessels and such ballast rates shall be payable to the Company by the master or owner of every vessel which discharges or loads any ballast within the harbour in respect of the vessels into or out of which such ballast is loaded or discharged and shall be recoverable by the Company as other rates in respect of vessels are by this Act recoverable and no persons other than the Company shall supply ballast to any vessel within the harbour unless with the permission of the Company and all ballast removed or discharged upon any of the premises of the Company shall be and become their absolute property.

Company
may supply
water.

128. The Company may supply water to vessels within the harbour and therefor charge at a rate not exceeding that mentioned in the Second Schedule to this Act.

Charges for
goods &c.
left on piers.

129. The Company in respect of any animals or goods which shall remain upon any part of the piers and lands and works connected therewith for a longer period than shall be allowed by the byelaws or regulations of the Company for the time being in force with respect to such part of such piers lands or works may charge for every twenty-four hours or part thereof during which any such animals or goods shall so remain without the consent of the harbour-master an additional sum not exceeding the rates and charges leviable or levied under the provisions of this Act in respect of such animals or goods and any sum so chargeable may be recovered from the owner of such animals or goods in like manner as such rates and charges are recoverable.

Company to
have exclu-
sive right of
loading and

130. The Company shall have the exclusive right to load and discharge all vessels at the piers and works connected therewith and to perform all services in respect of shipping transshipping

unshipping stowing unstowing landing relanding housing un-
 housing handling weighing coopering packing repairing cording
 tying marking numbering labelling lettering sorting lotting tareing
 filling sewing bagging sampling piling unloading watching loading
 unloading trucking untrucking hauling protecting and delivering
 animals goods and other cargo at the piers lands and works
 connected therewith and for preparing and furnishing certificates
 of weights or contents in respect thereof and for any other service
 with respect to animals goods and cargo shipped transhipped
 unshipped or warehoused or deposited at the piers lands and
 works connected therewith and the Company may provide all
 such trucks plant gear machinery and appliances and labour as
 may be necessary to effect or be convenient in relation to the
 purposes aforesaid.

A.D. 1907.
 ———
 discharging
 vessels and
 handling
 cargo at
 piers.

131. The Company may demand and take in respect of any
 use of the piers or any lands works or appliances connected
 therewith and of any power material matter or thing supplied by
 them under this Act or of any animal article or thing shipped
 unshipped transhipped received or delivered within or person or
 vehicle using the harbour whereon rates are not under this Act
 specifically chargeable and for any services rendered by them in
 respect of the shipping transhipping unshipping stowing unstowing
 landing relanding housing unhousing handling weighing coopering
 packing repairing cording tying marking numbering labelling
 lettering sorting lotting tareing filling sewing bagging sampling
 piling unloading watching loading unloading trucking untrucking
 hauling protecting delivering and repairing goods animals minerals
 things and other cargo at the piers lands and works connected
 therewith and for preparing and furnishing certificates of weight
 and for any other service with respect to animals minerals goods
 articles and things shipped transhipped unshipped warehoused or
 deposited by the Company for which rates or charges are not
 specifically fixed by this Act such reasonable sums as they think
 fit or as may be agreed upon between the Company and the person
 desiring to avail himself of such use of the piers or of the lands
 works or appliances connected therewith or of the provision by
 the Company of such power material matter or thing or of any
 such services and the Company may render all and any services
 when and how they think proper Provided that such charges
 shall at all times be made equally to all persons in respect of
 the same description of services and accommodations.

Charges not
 specifically
 prescribed.

A.D. 1907.

Power to
Company to
set apart and
appropriate
berths &c.

132. The Company may set apart and appropriate to or for the exclusive use or accommodation of any particular trade person traffic or vessel or class of vessels any lands or any part or parts of the harbour or the whole or any part of any of the piers or of any warehouses sheds quay-space or other facilities connected therewith and in addition to the other rates they are authorised to demand and take they may for such exclusive appropriation or use demand and take such reasonable charges and make such regulations as they from time to time think fit No person or vessel shall make use of any lands part or parts of the harbour or the whole or part of any of the piers or of any warehouses sheds quay-space or other facilities so set apart or appropriated without the consent of the Company under the hand of the harbour-master and any person knowingly offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding ten pounds for every day during any part of which such offence shall continue after notice not to use such berth and the harbour-master may order such person and any such vessel to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

Power to
Company to
remit rates.

133. The Company if and when they think fit may remit or return the whole or any part of any rates or charges in respect of any vessel or animals or goods shown to their satisfaction to have been wrecked spoiled or damaged and may remit or return the whole or any part of any rates under any other circumstances which in their judgment make the remission or return reasonable and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Company within such time as under the circumstances they deem reasonable Provided that such remission shall be at all times made equally to all persons in respect of all vessels and all animals or goods falling within the same class or description and subject to the like rates and charges and in the like circumstances.

Power to
Company to
exempt from
rates and
charges.

134. The Company may from time to time confer exemption from such portion as they think fit of any rates and charges payable under this Act Provided that every such exemption shall be made equally to all persons in respect of all vessels

and all animals or goods falling within the same class or description and subject to the same rates and charges and in the like circumstances. A.D. 1907.

135. All rents rates and charges payable to the Company under this Act shall be payable and paid in such manner at such time or at such intervals as the case may be and to such person or persons as the Company may from time to time direct. When rates &c. to be paid.

136. With the consent and subject to the regulations of the Commissioners of Customs the Company may provide or adapt on any of the piers or lands connected therewith transit sheds for the reception of goods on such plan and of such dimensions as the Commissioners of Customs may approve Such transit sheds shall be part of the piers and subject to the approval of the Commissioners of Customs the Company may from time to time repair renew alter discontinue or remove them and may keep the same provided with all requisite apparatus and conveniences for weighing and measuring goods and may demand and take for the use of such sheds apparatus and appliances such reasonable rents and charges as they may from time to time fix. Power to Company to provide and declare transit sheds.

137. The master or owner of or the agent for any vessel lying at or in and using the harbour or the owner of any of the cargo of such vessel lying on the piers upon or in connexion with which any transit shed may have been erected and be open for the reception of goods may with the permission of the Company or the superintendent of the transit sheds and subject to such regulations as the Commissioners of Customs may deem necessary for the security of the revenue cause such goods or any part thereof upon giving due notice to the proper officer of customs to be landed (if need be) and deposited in such transit sheds without previously making any entry thereof and such goods so landed and deposited in such transit sheds shall for all purposes be considered as still on board the vessel from whence the same shall have been landed and shall be removable only from such transit sheds in the same manner and by the same process in all respects as the same might by law have been removed from such vessel in case the same were still actually on board thereof Provided always that nothing herein shall affect or limit the rights or obligations of the said master agent or owner of the said vessel or the owner of the goods under the contract made Deposit of goods in transit sheds.

A.D. 1907. — for the carriage thereof with respect to the mode time or place of delivery or landing thereof.

Company may enter goods if not entered by owner or consignee.

138. If the cargo of any vessel lying at any pier shall not be duly entered with the customs the Company may on the requisition of the shipmaster or shipowner or of the agent of such shipmaster or shipowner or without such requisition if and when the despatch of business is hindered by reason of such cargo not being so entered cause an entry to be made of such cargo or of so much thereof as shall not have been entered as aforesaid (such cargo being such as by law may be imported) and may in due course land such cargo and warehouse or otherwise take charge of the same and the Company may likewise warehouse any animals or goods left on the piers or lands or works connected therewith so as in the opinion of the Company to hinder the despatch of business.

Power to Company to charge for service and to detain &c.

139. The Company may make reasonable charges for work and labour done by them in relation to any animals or goods which they enter or warehouse as aforesaid and may retain such animals or goods as security for the payment of the customs duties and of the Company's charges and the Company may if they think fit also detain the same for rent freight lien or other charges claimed in respect thereof in case they have notice in writing to do so.

Power to appoint superintendent and interim superintendent of warehouses and transit sheds.

140.—(1) The Company may from time to time appoint a superintendent of the warehouses and a superintendent of the transit sheds who shall respectively take the charge and management of the same respectively on behalf and under the direction of the Company and all notices or other documents which are hereby required to be given to the Company with respect to the transit sheds or warehouses or the business connected therewith respectively if addressed to the Company and left at the place of business of the proper superintendent during the usual business hours shall be deemed to be given to the Company.

(2) The Company also may from time to time appoint an interim superintendent to act in place of the superintendent in case of his absence.

(3) The Company may appoint the same person to be superintendent and interim superintendent of the warehouses and of the transit sheds.

141. The Company may from time to time appoint license and employ weighers and recorders of weights in connexion with the powers by this Act conferred on them as warehouse keepers and may pay such salaries and wages to the superintendents and interim superintendents and such remuneration to the said weighers and recorders of weights as to the Company shall seem proper and they may also from time to time fix the remuneration to be paid to such parties when and if employed by parties other than the Company.

A.D. 1907.
Power to appoint weighers and recorders of weights and others and to pay salaries and wages.

142. The provisions of the Harbours Docks and Piers Clauses Act 1847 as to providing huts and weighing materials for the officers of the Revenue and imposing penalties for not providing the same and for allowing the same to fall into disrepair shall apply to the transit sheds and warehouses erected or adapted or acquired by the Company under the provisions of this Act.

Provision as to huts &c. for Revenue officers.

143. Subject to the provisions of any Act for the time being in force and the regulations of the Commissioners of Customs or Inland Revenue with respect to approval and otherwise in relation to transit sheds and warehouses the Company may at their discretion use as a customs or excise warehouse or transit shed any warehouse belonging to or leased by them or any part of such warehouse.

Warehouses to be used as customs or excise warehouses.

144. In case default shall be made in payment of any rents or charges in respect of animals minerals goods articles or things it shall be lawful for the Company first paying the customs and excise duties (if any) to retain and sell the animals minerals goods articles or things or any or any part thereof and after retaining the amount of such duties to retain and pay in the first place the rents and charges so unpaid as aforesaid including the expenses of detention and sale and all other expenses to which the Company had been put in respect of such animals minerals goods articles or things and in the next place the freight due thereon (in case the Company shall have received notice that such freight has not been paid) paying the surplus (if any) and also delivering such of the said animals minerals goods articles or things as shall remain unsold (the rents charges and expenses due in respect thereof having been discharged as aforesaid) to the person entitled thereto upon demand Provided always that it shall be lawful for the Company either in lieu of selling such animals minerals goods articles or things or notwithstanding such sale if the produce of such sale shall be insufficient to recover

Company may sell goods &c. for payment of rent and charges or may bring action.

A.D. 1907. — the amount of such rents charges and expenses or the balance thereof as the case may be which shall be due to them by action or claim to be brought or made in any court of competent jurisdiction Provided that where a notice in writing to detain goods shall have been given to the Company in terms of the section of this Act whereof the marginal note is "Notice may be given to " Company to detain goods until freight &c. be satisfied or deposit " made" the provisions of that section and the other sections of this Act in further relation thereto shall apply to the sale of such goods by the Company.

Restrictions
as to time of
sale by Com-
pany for
recovery of
charges.

145. Provided further that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them and animals) the Company shall not so sell any goods under the provisions of the immediately preceding section of this Act until after the expiration of six months after the time at which the goods are unshipped or delivered upon at or into their piers yards sheds warehouses or other works.

Sale of
animals and
perishable
goods for
freight.

146. Notwithstanding anything in this Act contained the Company may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being further retained by them and may sell at any time any animals so deposited and lodged with them in respect whereof default has been made of payment of any rents or charges and whether or not they have notice to detain such goods or animals Provided always that in no case shall any goods whatever liable to a duty of customs or excise be sold unless payment shall have been first made of the duty payable thereon.

Application
of proceeds
of sale of
animals or
perishable
goods for
freight.

147. When the Company so sell any such animals or perishable goods they shall apply the proceeds of the sale in payment of the rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale rendering on demand the surplus (if any) of the proceeds and the unsold animals or goods (if any) to the person appearing to them to be entitled thereto.

Company
may give
certificates
of deposited
goods and

148. With respect to the giving of certificates and warrants by the Company for the delivery of goods (and if the Company think fit of animals which shall in that event for the purposes of this section and the other sections of this Act relating to such

certificates and warrants be deemed to be goods) the following provisions shall apply and have effect:—

A.D. 1907.
warrants for
delivery of
goods.

The Company at the request of any person warehousing or depositing any goods in any transit shed or warehouse or upon or in any of the piers wharves sheds or yards of the Company specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Company think fit issue and deliver to him a certificate of such goods having been so warehoused or deposited or a warrant for the delivery of the same or any or any part thereof to be specified in such warrant and the Company may charge for each certificate or warrant any sum not exceeding two shillings.

149. Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by indorsement and any holder of such certificate or warrant whether the person named therein or the indorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Effect of
certificate or
warrant.

150. Every such certificate or warrant shall state on the face thereof the effect of the preceding section and that it is issued under the powers of this Act.

Effect to be
stated on face
of certificate
or warrant.

151. Before a warrant for the delivery of all or any goods specified in a certificate is issued by the Company the certificate shall be delivered to them to be cancelled. Provided that if the warrant be for the delivery of part only of the goods the Company shall issue to the person delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Certificate of
deposit of
goods to be
cancelled
before issue
of warrant
for delivery.

152. No such certificate or warrant shall be given unless and until all liens and claims for freight and all other liens or claims whatsoever to which the goods were liable while on board any vessel and before the warehousing or depositing of the same and of which the Company have had notice in writing and all rates charges and expenses payable to the Company with respect to the warehousing or depositing of the goods or for services performed by the Company in respect thereof are paid or discharged.

Certificate or
warrant not
to be given
till freight
rates &c.
paid.

153. All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the

Warrants
&c. signed
by duly

A.D. 1907. Company or to the management of the business of their piers
being signed and issued by any officer duly authorised in that
authorised officers sufficient. behalf shall be effectual in law and binding on the Company and
all other parties interested without any other signature and without
any seal.

Goods ware-
housed to
remain sub-
ject to
freight.

154. All goods warehoused by the Company or deposited in
any of their transit sheds or warehouses by any person having or
claiming an interest in such goods or by the owner or master of
the vessel out of which the same may have been warehoused or
by any person interested in the freight of such vessel or entitled
to or claiming the benefit of any other claim or lien whatsoever
to which the goods were subject while the same were on board
and before the warehousing thereof shall continue liable to such
and the same claim or lien for freight and also to all other
claims or liens whatsoever in favour of the owner or master of
such vessel or of any other person interested in such goods or in
the freight of such vessel or entitled to or claiming the benefit
of any other claim or lien thereon as such goods were liable
to whilst the same were on board such vessel and before the
warehousing thereof Provided that nothing in this section shall
extend to prohibit the Company from exercising the powers of
the section of this Act whereof the marginal note is "Company
" may sell goods &c. for payment of rent and charges or may
" bring action " unless notice to detain such goods shall have been
given to the Company as in this Act provided in which event the
provisions of this Act in relation to such notice and the powers
of the Company thereafter to sell such goods shall have effect.

Transfer of
goods in
sheds de-
tained for
freight.

155. The Company may (but only with the consent of the
collector of Customs or of Inland Revenue when such consent is
requisite) transfer from any shed or warehouse to any other shed
or warehouse any goods deposited in such first-mentioned shed or
warehouse and detained therein for payment of freight.

Freight not
to be affec-
ted by re-
moval.

156. No removal of goods from any shed or warehouse of
the Company to any other shed or warehouse of the Company
shall prejudicially affect any lien for freight attaching to such
goods.

Notice may
be given to
Company to
detain goods
until freight

157. If notice in writing to detain goods other than perish-
able goods shall be given to the Company by such owner or
master or other person interested as aforesaid previously to the
warehousing thereof being completed the Company shall detain

and keep such goods in their sheds and warehouses until such claims or liens together with all rates rents and charges to which the same shall have become subject or liable shall be paid or until such rates rents and charges shall be paid and a deposit equal in amount to the demand made by the owner or master of the vessel or other person interested as aforesaid for or on account of any such claim or lien as aforesaid shall have been made which deposit the Company shall receive and hold in trust until the amount due in respect of such claim or lien shall have been tendered or satisfied when upon proof thereof being given to the Company to their satisfaction and payment made to them of all rates rents and charges (if any) due upon such goods such deposit shall be returned upon demand to the person by whom the same was made or to his executors administrators or assigns.

A.D. 1907.
&c. be satisfied or deposit made.

158. Such deposit shall be considered as made in payment of the claim or lien in respect of which such deposit shall have been made and the Company on the expiration of ten days next after such deposit shall have been made and in case notice in writing to retain the amount of such deposit shall not in the meantime have been given to the Company by some person claiming to be entitled to such goods shall out of so much of the said deposit as shall remain after deducting and retaining the rates rents and charges (if any) then due to the Company on the goods in respect of which such deposit shall have been made and all other expenses (if any) incurred by the Company in respect thereof pay to the master or owner of the vessel from which such goods shall have been warehoused or other person entitled to or interested in such claim or lien the amount of his claim or lien and the payment so made by the Company shall release and discharge them from all claims and demands whatsoever in respect of so much of such deposit as they shall have paid to such master owner or other person interested as aforesaid.

Deposit to be considered as made in payment of claim.

159. Such notice to the Company to retain the amount of any such deposit as aforesaid shall not continue to operate or have effect for a longer period than thirty days from the service thereof unless some action claim suit or other proceeding for determining the title or liability to the claim or lien in respect of which such deposit shall have been made or the right to or the ownership of such deposit shall in the meantime be actually commenced and notice in writing thereof served on the Company.

Notice to have effect for thirty days only unless action &c. be brought.

A.D. 1907.

Power of
sale if de-
posit be not
made.

160. If such deposit shall not be made within ninety days next after any such goods shall have been warehoused and in case notice to detain such goods shall have been given as aforesaid the Company may after the payment of duty (if any) payable to the Commissioners of Customs or Inland Revenue sell all or any part of such goods and out of the proceeds thereof retain the amount of the duties so paid and also retain and pay the rents rates and charges payable to the Company and the expenses of such sale and all other expenses to which in respect of such goods the Company has been put and in the next place may pay the freight and other claims or liens to which such goods may be liable paying the overplus (if any) to the person entitled thereto on demand.

Power of
sale only to
be exercised
after notice.

161. No such sale shall be made by the Company until ten days' previous notice in writing of such claim or lien thereon as aforesaid and of the intention to sell the said goods for satisfaction thereof shall have been given to the owner thereof if his name and residence or place of business shall appear on the manifest of the cargo or shall have been entered in the books of the shed or warehouse in which such goods shall have been deposited by sending such notice in a registered letter by post to such residence or place of business and if such owner shall not be known then until ten days after such notice shall have been inserted once in some newspaper published in London or Dublin as the Company think fit and one or more newspapers published in the county of Mayo and the Company shall not sell a greater portion of such goods than shall in their judgment be sufficient to cover the amount of the said duties rents charges and expenses and of such claim or lien as aforesaid.

Notice to
detain goods
must be
given.

162. Notice to detain goods for payment of freight or any other claims or liens to which such goods were liable whilst on board any vessel and before the warehousing thereof shall not be available unless the same shall be given to the Company before the warehousing thereof shall have been completed.

Preserving
rights of
parties at
common law.

163. Nothing in this Act contained shall be held to take away limit prejudice or affect any power of the shipmaster or shipowner or other party having claims and liens for freight dead-freight demurrage salvage average or other charges in respect of or relating to goods imported into or unshipped at the harbour to enforce and secure such claims and liens in

conformity with the contract express or implied under which such claims and liens arise Provided that the Company shall not be in any manner responsible for or affected by the invalidity of any such alleged claim or lien. A.D. 1907.

164. The Company may if they think fit insure from loss or damage by fire their sheds and warehouses and the contents thereof or any of them but they shall not be under any obligation to do so. Power for Company to insure against fire.

165. The Company shall not under any circumstances or in any case whatsoever be answerable or accountable for or be liable to make good any loss or damage which may happen to any animals or goods or to any vessel or to any property of any description by fire theft storm tempest floods or vermin or from any civil commotion or by the act of the King's enemies or other inevitable accident or from any other cause not arising directly from the default or neglect of the Company their officers or servants. Company not to be liable for loss by fire &c.

166. For the purpose of providing transit sheds and warehouses (whether free or bonded) the Company may exercise the following powers and the following provisions shall have effect (that is to say):— Lands &c. for transit sheds and warehouses.

- (1) They may by agreement purchase or take by way of exchange or on lease or hire any lands warehouses or buildings :
- (2) They may on any lands for the time being belonging to them erect fit up and maintain transit and other sheds and warehouses with all necessary conveniences and appliances :
- (3) They may sell let on lease or otherwise dispose of any such lands for the erection thereon by any person or company of such sheds and warehouses :
- (4) They may hold use or let such sheds and warehouses and may appropriate them or any of them to and for the use of certain trades persons or companies for such periods and at such rents or for such other payments and upon such terms and conditions as may be agreed on between the contracting parties :
- (5) They may enter into and fulfil contracts and agreements with any other person or company for and in relation

A.D. 1907.

to the exercise of the powers of this section either by the Company alone or jointly with any such other person or company :

- (6) They may with the consent and subject to the regulations of the Commissioners of Inland Revenue and the Commissioners of Customs make all such usual and proper provisions and regulations as they think fit with respect to the management and user of the transit sheds and warehouses and the security of the goods therein :
- (7) All transit sheds and bonded warehouses shall be erected or provided only with the consent and subject to the regulations of the Commissioners of Inland Revenue and the Commissioners of Customs.

Company
may provide
and license
tugboats.

167. The Company may from time to time provide purchase or hire and let and take charges and remunerations for tugboats vessels lighters and boats for the assistance or use of vessels into out of within or beyond the harbour and may also from time to time license such number of tugboats for such purposes belonging to any person for such period and on such terms and conditions as they may think fit and may from time to time fix such rates and charges as appear to them reasonable for or in respect of the use of such tugboats and such rates and charges shall be paid by the owner master agent manager or other person having charge of the vessel obtaining assistance of such tugboats to the Company or to the owner of such tugboats if licensed by them as the case may be and such rates and charges shall be due and payable whether such tugboats shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such tugboats.

Masters of
tugboats to
be licensed
&c.

168. No tugboat shall tow a vessel into out of or within any part of the harbour unless such tugboat be under the command of a person licensed in that behalf by the Company and the Company may license for such period and on such terms and conditions as they think fit any competent persons to act as masters of tugboats to tow vessels within the harbour and may for reasonable cause revoke or suspend such licence.

169. Every person who without the permission of the Company first applied for and obtained shall use or employ any tugboat for towing vessels into out of or within the harbour except such as shall be licensed provided or employed by the Company or other person having their authority and not commanded by a person licensed in that behalf by the Company shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1907.
Penalty for tugboats plying without a licence.

170. Officers of the Royal Irish Constabulary Inland Revenue Department of Agriculture and Technical Instruction for Ireland Board of Trade and of the Commissioners of Irish Lights being in the execution of their duty and licensed pilots shall at all times have free ingress passage and egress to or along and from the piers by land and with their vessels or otherwise without payment.

Certain officers and pilots exempt from rates.

171. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the piers without payment.

Lifeboat crew exempt from tolls.

172. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the piers or works connected therewith have been so far completed as to afford increased accommodation for vessels and for the landing or embarking or the shipping or unshipping of passengers animals or goods by means of those works the Company may notwithstanding section 25 of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the piers and works connected therewith and authorised by this Act have not then been completed demand recover and receive such of the rates or such proportion of all or any of the rates which the Company are by this Act authorised or entitled to levy as will in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Rates may be levied though piers not completed.

173. The Company shall at such times and in such form as the Department of Agriculture and Technical Instruction for Ireland may prescribe furnish to the Department statements of the merchandise imported and exported at the harbour.

Returns of imports and exports.

A.D. 1907.
Company to
be pilotage
authority.

174.—(1) The Company shall be the pilotage authority within the harbour and the following provisions shall have effect with reference to the Company as such pilotage authority Provided always that nothing in this Act or in any byelaws made or which may be made by the Company shall render it compulsory on any shipmaster or other person to employ a pilot within the harbour or make it compulsory on any master or mate of any vessel to obtain a pilotage licence or certificate.

Company
may grant
licences to
pilots.

(2) The Company may examine and inquire into the skill ability and experience of any person who shall offer himself to be admitted as a pilot for the harbour in such manner as to them shall seem proper and if upon such inquiry the person so offering himself as a pilot shall be approved of by the Company the Company may grant a licence or warrant certifying that such person is duly qualified to act as pilot to conduct vessels within the harbour which licence or warrant shall be subscribed by the secretary to the Company and thenceforth such person shall be deemed qualified to exercise the occupation of pilot for the harbour Provided always that nothing herein contained shall be deemed to exempt the harbour from the provisions of any general Act relating to pilots now in force or which may hereafter pass during the present or any future session of Parliament.

Sum to be
paid for
licence.

(3) Every person who shall upon his first admission as a pilot receive such licence or warrant shall for his first licence or warrant pay to the Company the sum of two shillings and sixpence and for every subsequent licence or warrant the sum of one shilling and sixpence and shall be subject to the several provisions of this Act and to such orders rules and byelaws as shall be made in pursuance hereof and every such licence or warrant shall continue in force during the period stated therein or until recalled by the Company as herein-after provided.

Pilot's li-
cence to be
withdrawn
in case of
misconduct.

(4) In case any pilot who shall receive such licence or warrant shall refuse to take the charge or conduct of any vessel upon a proper signal being made or a gun fired by any vessel inward bound or upon the application of the commander master owner agent or consignor of any vessel outward bound or of the harbour master or his assistants or any of them or shall refuse to assist any vessel in distress or in case it shall appear to the Company that such pilot has improperly conducted himself in the conduct of any vessel or in the execution of his duty as a pilot or if any such pilot shall refuse to obey any order the Company

may make or shall in anywise offend against the provisions of this Act the Company may upon proof thereof to their satisfaction suspend the licence or warrant granted to such pilot for such time as they shall deem proper or recall such licence or warrant and declare the same to be thenceforth void. A.D. 1907.

(5) If any person other than the master or any member of the crew employed on board the vessel navigated shall act in the capacity of a pilot in out of or within or about the harbour without being licensed and appointed as aforesaid every person so offending shall be liable to a penalty not exceeding ten pounds. The procedure against offenders under this section shall be at the instance of the Company under the Summary Jurisdiction Acts. Penalty on unauthorised pilots.

(6) All penalties recoverable under the provisions of this section shall be paid over to the Company to be applied by them towards the general purposes of the undertaking. Application of penalties.

(7) All pilots licensed by the Company may demand and take such reasonable rates of pilotage as may from time to time be prescribed by the Company. Rates of pilotage.

(8) The Company may when and so often and for such periods of time as they may see proper vary all or any of the rates of pilotage according to what may appear to them to be for the interest of the trade and shipping of the harbour. Provided always that the same rates shall be at all times charged equally to all persons in respect of the like services in the like circumstances. Power to alter rates of pilotage.

(9) The Company shall not be liable or responsible for any loss or damage which may arise to any vessel or to the cargo or to the persons on board thereof or to the property of such persons in consequence of the employment of any pilot licensed by the Company while piloting any vessels nor shall the Company be liable or responsible for any loss or damage which may arise to that vessel or to the cargo or to the persons on board thereof or to the property of such persons in consequence of the employment of any towing vessel belonging to or under the control of the Company while engaged in the act of putting a pilot on board of that vessel or taking a pilot from that vessel but the pilot so employed or the master or other person actually on board of and having the immediate charge of such towing vessel shall be answerable for his own fault or neglect. Responsibility of Company and pilots.

A. D. 1907.

Responsi-
bility of
owners of
vessels.

(10) Nothing in this section contained shall entitle the owners of any vessel to claim relief from liability or responsibility to the Company or other person for loss or damage caused within the harbour or to any vessel or person or cargo while in or beyond the harbour in consequence of the fault or neglect of any pilot licensed by the Company while employed piloting their vessel but without prejudice to any limitation of liability competent to such owners by statute.

Application
of certain
provisions of
Merchant
Shipping
Act.

(11) For the purposes of this section the Company shall be deemed a pilotage authority within the meaning of the Merchant Shipping Act 1894 and all the powers by that Act conferred on pilotage authorities shall be vested in the Company as the pilotage authority for the harbour.

PART VI.

MISCELLANEOUS.

Additional
byelaws.

175. In addition to the powers of making byelaws contained in any other enactment enabling the Company to make byelaws they may from time to time subject to the provisions of this Act make such byelaws as they think fit for all or any of the following purposes (that is to say):—

For regulating the vessels goods and traffic within the harbour ;

For preventing any part of the harbour piers works or lands connected therewith specially appropriated by the Company for any particular trade business or purpose being used for any other purpose so as to prevent or interfere with its use for the purpose for which it is so appropriated ;

For preventing and removing obstructions or impediments at in or alongside the harbour piers works and lands connected therewith and the channels roads and accesses thereto respectively ;

For regulating the use of and the moving of carriages waggons and trucks along the piers works and lands connected therewith and the rails sidings and turntables of the Company thereon ;

For regulating the conditions of user of the harbour piers works and lands connected therewith or any portion or portions thereof ;

For preventing injury to and protecting the piers and the works and lands connected therewith and property thereon or within the harbour ;

For regulating the conduct of the owners masters and crews of vessels propelled by steam with respect to the rate of speed at which they may proceed within the harbour and for requiring such vessels to stop or slow their engines at such times and places as the Company may require and to keep the advertised times of sailing and for regulating the taking on board transhipping landing or putting out of passengers ;

For regulating the conduct of persons frequenting or employed on or at the piers and the works and lands connected therewith and approaches thereto and the harbour and preserving order thereon and therein ;

For regulating the towing of vessels into out of or within the harbour the size and number of vessels to be towed in one train or by one or more tugboats the speed at which tugboats or other towing power shall proceed (whether towing or not) the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon tugboats or other towing power ;

For regulating the using of the buoys of the Company and the charges to be made therefor ;

For regulating the terms and conditions of the granting of licences for tugboats or other towing power ;

For regulating the terms and conditions of and the payments to be made for the granting of any licences under the powers of this Act ;

For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof ;

For the prevention of cruelty in the shipping transhipping unshipping landing and removal of animals ;

For fixing the rents rates tolls duties and charges for and for regulating the use of warehouses sheds depôts quays trucks barges machinery plant and appliances and labour provided by the Company and the levying and collection thereof ;

A.D. 1907.

For fixing the rates to be charged for hire and use of tugboats and for the towing of vessels ;

For regulating the times and manner of paying and the places for payment of the rates and rents payable to the Company ;

For berthing and removing vessels lying in any part of the harbour and regulating the conduct and behaviour of boatmen lumpers jobbers stevedores and others resorting to the harbour piers or works or lands connected therewith ;

For regulating the ballasting of vessels within the harbour and the order and manner in which they shall be supplied with ballast and the discharging and removal or disposal of ballast and for preventing ballast being thrown overboard from vessels within the harbour or so as to obstruct access thereto ;

For preventing refuse of any kind being thrown or suffered to fall into the sea within the harbour ;

For preventing the exhibiting or placing in or on any of the piers or works or lands connected therewith of any goods for sale other than such goods as the Company from time to time think fit to be permitted to be sold there and other than perishable articles landed on the piers or works or lands connected therewith and sold within forty-eight hours of their being landed ;

For directing regulating or preventing the user of fires candles and lamps within and upon the harbour piers or works or lands connected therewith or on board of any vessel lying alongside or within one hundred yards of any of the piers ;

For preventing the smoking lighting or burning of tobacco or any herb or substance whatsoever in any such vessel lying alongside or within one hundred yards of any of the piers :

And such byelaws except so far as they relate solely to the Company or their officers or servants shall be subject to the provisions with respect to byelaws of the Harbours Docks and Piers Clauses Act 1847 except section 85 of that Act but no such byelaws shall have any force or effect unless and until the same be confirmed by the Board of Trade and no byelaws relating to transit sheds shall have any force or effect unless and until they shall have been sanctioned by the Commissioners of

Customs and as regards bonded warehouses unless and until they shall also have been sanctioned by the Commissioners of Customs or the Commissioners of Inland Revenue as the case may be and only so long as such sanction shall continue. A.D. 1907.

Any person who offends against any byelaw shall be liable for every offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings for every day such offence shall continue after conviction therefor and such penalties shall be in addition to any damages which may be recoverable by the Company or by any other person or company for any loss or injury to them or him or to their or his property consequent on such offence.

176. The Company may in connexion with and for the purposes of the harbour enter into and carry into effect contracts and agreements with any companies shipowners and owners of vessels and other persons with reference to the use of the harbour or warehouses or other accommodation thereat the receiving forwarding and conveyance of passengers animals minerals goods and traffic of all kinds to from or viâ the harbour and the granting of through rates through bookings and other facilities but so that no preference be in any case given to any body or person. Power to enter into agreements with companies &c.

177.—(1) The Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any purpose whatsoever and for the purposes of traffic of every description— Running powers over Midland Great Western Railway.

(A) So much of the Longford and Sligo branch railway of the Midland Company as lies between Collooney Station and the point of junction with that railway of Railway No. 1 including the Carricknagat and Collooney Stations of the Midland Company;

(B) So much of the Mayo branch railway of the Midland Company as lies between the mile post on the said branch indicating the distance of one hundred and sixty-six miles from Dublin and the termination of that branch at Killala including Ballina and Killala Stations;

together with all other stations and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions

A.D. 1907.] machinery works and conveniences on or connected with the said portions of railways and stations respectively and as regards traffic of every description conveyed by them the Company may demand and take upon and in respect of the said portions of railways and stations the rates and charges which the Midland Company are entitled to demand and take.

Terms of such user.

(2) The terms conditions and regulations to be observed and fulfilled including the times of the trains to be run by the Company and the tolls charges rent or other consideration to be paid by the Company for and in respect of the use of the said portions of railways stations works and conveniences shall be such as may be agreed upon between the Company and the Midland Company or failing agreement as may be determined on the application of the Company or the Midland Company by the Railway and Canal Commissioners or any two of such Commissioners.

Byelaws to be observed.

(3) In running over and using the said portions of railways and using the stations sidings works and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the railways so used shall be at all times observed so far as such byelaws shall be applicable.

(4) In exercising the running powers under this Act the Company shall not without the consent in writing of the Midland Company take up at any station of the Midland Company traffic of any description and deliver the same at any other station of the Midland Company Provided that for the purposes of this subsection Collooney and Carricknagat Stations shall not be deemed to be stations of the Midland Company in respect of such traffic.

Running powers to Midland Company over Company's railways.

178.—(1) The Midland Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the railways excepting Railway No. 1A together with the stations thereon and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences on or connected with the said railways and stations respectively and as regards traffic of every description conveyed by them the Midland Company may demand and take upon and in respect of the said railways and stations the rates and charges which the Company are entitled to demand and take.

(2) The terms conditions and regulations to be observed and fulfilled including the times of the trains to be run by the Company and the tolls charges rent or other consideration to be paid by the Midland Company for and in respect of the use of the said railways stations works and conveniences shall be such as may be agreed upon between the Midland Company and the Company or failing agreement as may be determined on the application of the Midland Company or the Company by the Railway and Canal Commissioners or any two of such Commissioners.

A.D. 1907.
Terms of
such user.

(3) In running over and using the said railways and using the stations sidings works and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the railways so used shall be at all times observed so far as such byelaws shall be applicable.

Byelaws to
be observed.

(4) In exercising the running powers under this Act the Midland Company shall not without the consent in writing of the Company take up at any station of the Company any passengers parcels animals goods minerals or other traffic of any description and deliver the same at any other station of the Company.

(5) All traffic arising or terminating on or passing over the railways of the Midland Company east of Mullingar Station and carried by the Midland Company in the exercise of the said running powers to or from any station or pier of the Company other than any station or stations on Railway No. 3 shall unless otherwise agreed between the Company and the Midland Company be conveyed by the Midland Company viâ Collooney or Carricknagat Stations.

179. During the exercise by the Company of any running powers by this Act conferred upon the Company over the said portions of the railways of the Midland Company the railways of the Midland Company and the railways of the Company affected by such running powers shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railways of the Company and partly on the railways of the Midland Company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only.

Short dis-
tance charges
where rail-
ways are run
over.

180. In order to facilitate the interchange and transmission of traffic going or coming from beyond and passing over or

Reciprocal
facilities for
forwarding

A.D. 1907.
—
and inter-
change of
traffic to and
from rail-
ways.

coming to or going from the railways and piers from or to any place or places on or beyond the railways of the Midland Company the Southern Company and the Northern Company (hereinafter in this section called "the other companies") or any of them respectively the Company shall for the purposes of all traffic whatever whether passengers animals goods minerals or other things from time to time and at all times hereafter have the right to book and invoice through or over the railways of the other companies respectively all such traffic intended to pass to from or over the railways from or to any place or places on the railways of any of the other companies or to any places beyond those railways and the other companies respectively shall for and in respect of all such traffic at all times afford to and for the Company all needful accommodations facilities and conveniences at on and over the lines and stations approaches and conveniences of those companies respectively as aforesaid by the trains of such respective companies and by through booking and invoicing through rates and also (so far as reasonably may be) through waggons and carriages and shall at all times and in all respects conduct forward and carry on and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic The through rate in respect of such traffic shall be apportioned between the Company and all the companies whose lines form part of the through route in such manner as may be agreed upon between the companies concerned or as failing agreement may be determined by arbitration as hereinafter provided Provided always that the Company shall afford to the other companies all such and the like facilities in respect of traffic coming from beyond from or to the railways of any of the other companies to or from or beyond the railways or piers of the Company as are by this Act provided and secured to the Company If any dispute shall at any time arise between the other companies or any of them on the one hand and the Company on the other hand as to the amounts to be allowed or charged by the one to the other for the services and accommodations to be respectively performed and supplied as aforesaid or as to any matter or thing in this enactment mentioned or between any of the other companies on the one hand and any other of such companies on the other hand as to the apportionment of any through rate such dispute shall from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any of the companies.

181. The Company with the previous approval of the votes of three fourths of the shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may from time to time acquire take on lease erect provide hold enjoy and maintain hotels upon or adjoining the railways and piers as part of the undertaking and may provide refreshment rooms at their stations and may furnish stock equip and manage any such hotel and refreshment rooms and may conduct the business thereof and may employ officers managers and servants therein or in connexion therewith and may notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained appropriate to and use for the before-mentioned purposes or any of them any lands acquired by them by agreement or otherwise and not required for the purposes of the railways and piers and may let on lease or otherwise for a term not exceeding twenty-one years any such hotel or for a term not exceeding five years any refreshment room provided by them under the powers of this section.

A.D. 1907.
Company
may provide
hotel accom-
modation.

182.—(1) The Company may provide own work and use in connexion with or in extension of their railway system or otherwise in any district to which their said system affords access omnibuses coaches cars and other road vehicles to be drawn or moved by animal power or electrical or any mechanical power and may therein convey persons luggage parcels and goods whether to and from any of their stations or otherwise and may make and recover charges in respect of such conveyance and may enter into contracts or agreements with any company or person for the supply to the Company or working of any such omnibuses coaches cars and other road vehicles and may apply their corporate funds to the purposes aforesaid or any of them.

Company
may provide
omnibuses.

(2) Any electrical power used shall be entirely contained in and carried along with such omnibuses coaches cars and other road vehicles in such a manner that no magnetic or other influence is created which is likely to affect telegraphic communication by means of any telegraphs of the Postmaster-General.

183. With respect to the conveyance of mails by omnibuses coaches cars and other road vehicles the following provisions shall apply (that is to say):—

Conveyance
of mails by
road vehicles.

(1) The Company shall convey by any omnibus coach car or other road vehicle provided worked or used on a regular or periodical service and habitually moved by

A.D. 1907.

mechanical power all such mails (with the officers of the Post Office in charge thereof) as may be tendered by the Postmaster-General for conveyance by such vehicle and shall receive and deliver such mails from or to any Post Office or officer of the Post Office on the route of such vehicle :

Provided that the conveyance of mails by every such vehicle shall be subject to the following rules :—

(A) If the vehicle is intended to convey passengers only without luggage the Company shall not be bound to convey Post Office parcels ;

(B) If the vehicle is intended to convey passengers and their luggage but no goods or parcels the Company shall not be bound to convey Post Office parcels which in the aggregate exceed the limits of weight or size from time to time prescribed by the Company for the luggage of an ordinary passenger ;

(c) If the vehicle is intended to convey passengers and their luggage and parcels but not goods the Company shall not be bound to convey Post Office parcels exceeding in the aggregate such limits of weight and size as may be agreed between the Company and the Postmaster-General or in default of agreement settled by arbitration ;

(D) Except where the vehicle is in charge of a guard (other than the driver of the vehicle) and except in the case of a vehicle carrying goods the Company shall not be bound to convey any mails unless they are in charge of an officer of the Post Office :

- (2) The remuneration for any services performed in pursuance of this section shall be such as may be from time to time determined by agreement between the Postmaster-General and the Company or in default of agreement by the Railway and Canal Commission and any question to be settled by arbitration under this section shall be determined by the said Commission who in all proceedings relating to any matter of difference referred to them under this section shall have the

same powers as if it had been a matter referred to them in pursuance of the Railway and Canal Traffic Acts 1873 and 1878 or any Act amending the same: A.D. 1907.

- (3) The expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and the expression "Post Office parcel" means a parcel as defined by the Post Office (Parcels) Act 1882.

184. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding four pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

Power to pay interest out of capital during construction.

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors of and the secretary to the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:
- (C) The aggregate amount to be so paid for interest shall not exceed one hundred and fifty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid:
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued

A.D. 1907.
—

by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of shares :

- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise 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.

Crown
rights.

185. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

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

186. 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.

Provision as
to Merchant
Shipping
Acts &c.

187. Subject to the provisions of this Act nothing contained in this Act shall exempt the harbour or the Company from the provisions of the Merchant Shipping Acts or of any general Act relating to harbours and piers or to dues on shipping or on goods carried in ships now in force or which may be passed

during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Act. A.D. 1907.

188. Nothing in this Act contained shall exempt the Company or any other company named in this Act or the railway of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 the said companies respectively. Provision as
to general
Railway
Acts.

189. 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.

A.D. 1907.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Townland.	Parish.	No. on deposited Plans.
RAILWAY No. 2.		
Belmullet - - -	Kilcommon - - -	303 304 305 306 307.
RAILWAY No. 3A.		
Ballina - - -	Kilmoremoy - - -	32.

SECOND SCHEDULE.

I.—RATES ON PERSONS.

	s.	d.
For every passenger or other person who shall tranship or land from or embark on board of any vessel from or for places beyond the seas for each time any sum not exceeding -	1	0
All other places - - - - -	0	4
For every person using any pier jetty or other work any sum not exceeding - - - - -	0	2
For every vehicle of whatever description using any pier jetty or other work any sum not exceeding - - - - -	0	6

II.—RATES ON PASSENGERS' LUGGAGE BICYCLES &C. LANDED SHIPPED
UNSHIPPED TRANSHIPPED RECEIVED OR DELIVERED.

	s.	d.
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by passengers not exceeding 84 pounds - - - - -	0	6
Over 84 pounds and not exceeding 224 pounds - - - - -	1	0
And for every 20 pounds weight in addition - - - - -	0	1
For every bicycle tricycle or other similar vehicle - - - - -	0	4

Not exceeding A.D. 1907

III.—RATES ON VESSELS.

	per Ton Register.	s. d.
For every vessel under the burden of 15 tons other than steam or sailing vessels engaged in the capture of fish -	0	6
For every vessel of the burden of 15 tons and over other than steam or sailing vessels engaged in the capture of fish entering from or departing for—		
Class 1—Any part of the north and west coasts of Ireland between Bengore Head county Antrim and Mizen Head county Cork -	0	6
Class 2—All other parts of Ireland or any part of the west coast of Scotland Wales and England between Cape Wrath and Land's End -	0	9
Class 3—All other parts of Scotland and England except those defined in Class 2 -	1	0
Class 4—All other places and countries beyond the seas -	1	4
Vessels shall be liable to the rates payable in respect of the most distant of all the ports from which such vessel shall have traded inwards or to which they shall trade outwards but one arrival and one departure shall be considered as one voyage.		
All boats entirely open landing or taking on board passengers or goods - each	0	6
Rowing boats or sailing boats under the burden of 10 tons in the ownership of persons residing in the barony of Erris shall if making fast to the piers be liable to an annual charge not exceeding -	2	6
Sailing vessels over the burden of 10 tons in the ownership of persons residing in the barony of Erris and sailing vessels from other places engaged in the capture of fish shall be liable to a charge for each visit not exceeding -	1	0
Or to an annual charge not exceeding -	10	0
Steam vessels engaged in the capture of fish shall be liable to a charge for each visit not exceeding -	3	0
And to a charge for a season of three months not exceeding -	30	0

IV.—RATES ON GOODS AND MINERALS ANIMALS AND THINGS SHIPPED
 UNSHIPED TRANSHIPPED RECEIVED OR DELIVERED.

The classification is that annexed to and the parts are the parts of the schedule to the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order 1892 confirmed by the Railway

A.D. 1907

Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.)
Order Confirmation Act 1892.

							s.	d.
Goods and minerals from time to time included in Class A	per ton						0	6
"	"	"	"	"	"	B	0	9
"	"	"	"	"	"	C	1	0
"	"	"	"	"	"	1	1	6
"	"	"	"	"	"	2	2	0
"	"	"	"	"	"	3	3	6
"	"	"	"	"	"	4	4	0
"	"	"	"	"	"	5	5	0

Animals from time to time included in Part II. Description 1	each						1	6
"	"	"	"	"	"	2	1	0
"	"	"	"	"	"	3	0	4

Things from time to time included in Part III. - - - - - 2 0
(and sixpence for each additional quarter of
a ton over the weight specified).

Animals and things from time to time } such reasonable sum as the
included in Part IV. - - - } Company may think fit.

V.—RATES FOR THE USE OF WAREHOUSES (OTHER THAN TRANSIT SHEDS).

							s.	d.
For every ton of goods which shall remain in any warehouse or shed or on any wharf not more than 2 days	-	-	-	-	-	-	0	4
And for every part of a day after such 2 days	-	-	-	-	-	-	0	1½
Or hire for warehouse &c. as may be agreed on.								
For any portmanteau trunk or other article of passengers' luggage for each day or part of a day after the first 24 hours	-	-	-	-	-	-	0	2

VI.—RATES FOR THE USE OF CRANES.

For Cranes Lifting under Six Tons.

	For the First Lift.			For each succeeding Lift.		
	£	s.	d.	£	s.	d.
Under one ton	0	2	6	0	0	4
One ton and under two tons	0	3	0	0	0	6
Two tons and under three tons	0	3	6	0	0	8
Three tons and under four tons	0	4	0	0	0	10
Four tons and under five tons	0	4	6	0	1	0
Five tons and under six tons	0	5	0	0	1	2

For Cranes Lifting up to Ten Tons.

A.D. 1907.

	For the First Lift.	For each succeeding Lift.
	£ s. d.	£ s. d.
Six tons and under seven tons	0 10 0	0 5 0
Seven tons and under ten tons - - - - .	1 0 0	0 10 0

Ten tons and upwards any sum the Company think fit to demand. The labour to be done by the parties requiring the use of the cranes.

In addition to the above rates for cranes sixpence per hour to be paid for wages to cranesmen attending while the crane is in use.

VII.—RATES FOR WEIGHING &C.

For weighing coal shipped into or removed from vessels not exceeding twopence per ton.

For use of machinery employed for shipping coal not exceeding threepence per ton.

For use of barges for any purpose as by agreement.

VIII.—RATES FOR BALLAST.

	£	s.	d.
Stone ballast - - - - - per ton	0	3	0
Sand clay or other ballast including the shipping of same - - - - - per ton	0	2	0
For ballast put in or taken out of any vessel - per ton	0	2	0

IX.—RATES FOR WATER.

	£	s.	d.
Water per 25 gallons - - - - -	0	0	3

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