



## CHAPTER vii.

An Act for making a railway in the county of Kerry, from Castleisland to Gortatlea, on the Great Southern and Western Railway ; and for other purposes.

A.D. 1872.

[13th May 1872.]

**W**HEREAS the making of a railway in the county of Kerry, commencing by a junction with the railway of the Great Southern and Western Railway Company (herein called the Great Southern Company) in the townland of Glanbane and parish of Currans, and terminating in the town of Castleisland, would be of great local and public advantage :

And whereas the persons herein-after named, with other persons, are willing to make such railway :

And whereas the construction of the intended railway will contribute to the advantage and improvement of the county of Kerry, and it is therefore expedient that the barony of Trughenackmy in the county of Kerry should, to the extent herein-after mentioned, pay or contribute towards the payment of any moneys, and the interest of any moneys borrowed, to complete such railway under the provisions of this Act :

And whereas a resolution was unanimously adopted at the spring assizes, 1872, of the grand jury of the county of Kerry, held in and for the said county, at Tralee, recommending a guarantee by the barony of Trughenackmy of five pounds per centum on the sum of ten thousand pounds for twenty-three years, to be borrowed for the purposes of the railway by this Act authorised :

And whereas it is expedient to enable the Company and the Great Southern Company to enter into contracts and agreements in manner herein-after provided :

And whereas plans and sections of the railway by this Act authorised, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the lines of the proposed works, or within

A.D. 1872. — the limits of deviation, as defined upon the plans, and describing all such lands, have been deposited with the clerk of the peace of the county of Kerry, which plans and sections and books of reference are in this Act referred to as the deposited plans, sections, and book of reference respectively :

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

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

Short title.      1. This Act may be cited for all purposes as "The Castleisland Railway Act, 1872."

Provisions of general Acts herein named incorporated.      2. "The Companies Clauses Consolidation Act, 1845," and Part I., relating to cancellation and surrender of shares, of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," as amended by the Railways Act (Ireland), 1851, "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I., relating to construction of a railway, and Part III., relating to working agreements, of "The Railways Clauses Act, 1863," save so far as any of the sections and provisions of these Acts respectively are by this Act expressly varied or excepted, shall be incorporated with and form part of this Act.

Interpretation of terms.      3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway hereby authorised.

As to deposit of plans with clerks of unions.      4. With reference to this Act, all the provisions of sections 7, 8, and 9 of "The Railways Clauses Consolidation Act, 1845," shall be read and construed as if the expression "clerks of " the unions within which such parishes are included in Ireland," or the words "clerk of the union" (as the case may be), had been used and inserted in such sections in lieu of the expression "the " postmasters of the post towns in or nearest such parishes in " Ireland," or in lieu of the word "postmaster" (as the case may be).

Company incorporated.      5. Charles Chute, Redmond Roche, junior, Robert McCowen, Alexander Raymond, John Lumsden, and Thomas Hodgins, and



all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company, for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Castleisland Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act. A.D. 1872.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is— Power to make railway according to deposited plans.

A railway four miles and four furlongs in length or thereabouts, commencing by a junction with the Great Southern and Western Railway, in the townland of Glanbane in the parish of Currans, at a point thereon being the middle point of the rails on said Great Southern and Western Railway one hundred yards at the south side of the level crossing gate at Gortatlea, and terminating at the market house in the town of Castleisland.

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

8. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one fifth paid up.

9. 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 fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of twenty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the Power to borrow on mortgage.



A.D. 1872. — justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six hundred pounds in the whole.

Barony to pay interest on loans in certain events.

12. If any moneys shall be borrowed by the Company under the provisions of this Act, then a sum equal to the half-yearly interest on the sum or sums so borrowed and remaining unpaid, but not exceeding the rate of five pounds per centum per annum on such sum or sums, shall (subject as herein-after mentioned) be paid half-yearly to the said Company by the barony of Trughenackmy, in the county of Kerry: Provided nevertheless, that if, after the railway or any part thereof shall have been opened, there shall be any profit arising from the railway in any half year (such profit to be ascertained as herein-after mentioned), then the amount thereof shall be deducted from the half-yearly amount which would otherwise be payable by such barony; and if such profit shall equal or exceed the amount so to be paid, then no such payment shall be made by such barony for such half year: Provided also, that if the profit in any half year shall exceed the amount of interest payable by such barony, then the amount of surplus profit shall be deducted from the half-yearly amount payable by such barony for the next subsequent half year: Provided further, that no liability to any of such payments shall attach to the said barony until the railway shall have been completed and opened for public traffic.

Board of Trade to appoint auditors of

13. The Board of Trade shall and they are hereby authorised and required from time to time to appoint a fit and proper person or fit and proper persons, not exceeding three in number, as auditor

or auditors to audit the accounts of the Company, and to make certificates in pursuance of the directions herein-after contained ; and it shall and may be lawful to and for the Board of Trade from time to time to revoke the appointment of such auditor or auditors, or any of them, and such auditor or auditors from time to time to remove, and his or their powers and authorities to revoke, and any other person or persons in the place of such person or persons so displaced, or of any person dying, to appoint, with the same powers or authorities ; and the Company shall pay to each of the auditors so appointed such a sum for his trouble in making such audit and in relation thereto as the Board of Trade shall from time to time fix and determine.

A.D. 1872.  
Company's  
accounts.

14. For the purpose of ascertaining the amount of net profits (if any) of the railway the Company shall from time to time and at all times, and within one calendar month after the thirtieth day of June and the thirty-first day of December in every year, make out or cause to be made out and rendered to the said auditor or auditors a full, true, and distinct account of all the receipts and expenditure for the then preceding half year of and relating to the railway and every part thereof, which account the said auditor or auditors shall and he or they is and are hereby authorised and empowered to examine with the documents and vouchers evidencing the same (which documents and vouchers, and all books, papers, and accounts in the custody or control of the Company relating to the business of the Company, shall, upon the request of the said auditor or auditors, be forthwith produced by the Company to such auditor or auditors, who shall be at liberty to examine the same) ; and for the purpose of judging of the accuracy of such account such auditor or auditors shall and may, and he and they is and are hereby empowered to examine all the accounts of the Company, which said accounts, and the vouchers relating to the same, the Company are hereby directed to keep and produce during such time as aforesaid as the said auditor or auditors shall direct ; and such auditor or auditors shall adjust and balance such accounts ; and as to all other matters relating to the said accounts, or what shall be considered as profit, their decision shall in all respects be final and conclusive on all parties.

Company  
to keep  
accounts of  
profits.

15. On the completion of every half-yearly audit, such auditor or auditors shall ascertain and determine whether the Company have by themselves or otherwise for the preceding half year made such half-yearly payments as by virtue of the security or securities for any such loan or loans the Company shall be liable to pay, and shall ascertain and determine the amount (if any) of profit which

Auditors  
to ascertain  
payments  
made by  
Company,  
and amount  
of profit.



A.D. 1872.      shall appear on such account to have been made during such half year.

Auditors  
to certify  
sums payable  
by barony.

**16.** After the railway shall have been completed and opened for public traffic, when and as often as such auditor or auditors shall find that the Company have made such payments as aforesaid for the preceding half year, and not before, then he or they shall, by a certificate under his or their hand or hands, certify the same, and also the amount of profit (if any) appearing on such account as aforesaid, and after deducting such profit (if any) from the amount of the said half-yearly payments of two pounds ten shillings per centum, or such other and lesser sum as aforesaid to be paid by the said barony as aforesaid, the said auditor or auditors shall in such certificate ascertain and state the amount which is to be raised and levied in the said barony: Provided nevertheless, that when and so often as the profit on any such account as aforesaid shall equal to or exceed the said half-yearly payment of two pounds ten shillings per centum, or such other and lesser sum as aforesaid to be paid by the said barony, then such auditor or auditors shall state the same in such certificate, and that consequently for such half year no payment is to be made in respect of such half-yearly payments secured to be made by the said barony; and every such certificate shall be final and binding on all parties: Provided also, that whenever in any half year the amount of profit shall not equal the amount of interest payable by the said barony, the said auditor or auditors shall, and he is or they are hereby required to take into account the surplus profit (if any) of the next preceding half year, and to deduct from the amount to be paid by the said barony the amount of such surplus profit, and shall state in the said certificate the amount of surplus profit so deducted.

Provisions  
with respect  
to profit and  
loss account.

**17.** In taking and keeping the aforesaid account of profit and loss, no payment by the Company, nor any receipts by the Company in respect of such half-yearly payments of two pounds ten shillings per centum, or such other and lesser sum as aforesaid, shall be taken into account as profit or loss, but the same shall solely contain the amount of income and expenditure relating to the railway.

Auditors  
to deliver  
certificate to  
Company.

**18.** The said auditor or auditors shall, on the request of the Company, and within one calendar month after the date of every such certificate, deliver the said certificate and a duplicate or duplicates thereof to the Company.

Sums  
mentioned  
in auditors  
certificate to  
be presented  
by grand

**19.** The Company shall from time to time deliver such certificate, or such duplicate thereof as aforesaid, to the secretary of the grand jury of the county of Kerry, and such secretary shall lay such certificate or duplicate thereof before the grand jury of such county



at the assizes next after he shall have received the same; and it shall be lawful for such grand jury, and they are hereby required from time to time, and without application to presentment sessions, to present the sum mentioned in every such certificate relating to such barony to be raised and levied off the said barony, and the same shall be raised and levied accordingly, together with, and in like manner, and subject to like provisions as other moneys presented by such grand jury at the same assizes are raised and levied; and the treasurer of such county, out of the first moneys collected and remaining in his hands after repayment of Government advances, gaol expenses, and salaries of public officers payable by him, shall pay the sum so presented by the grand jury unto the Company, or in such other manner as the Company shall direct; and if the said grand jury shall fail to present the sum or any part thereof contained in any such certificate relating to the said barony, the treasurer of such county shall and he is hereby required to insert such sum, or such omitted part thereof, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly presented by such grand jury to be raised in manner herein-before mentioned off the said barony chargeable therewith as aforesaid, and the same shall be raised and levied off the said barony accordingly, as if the same had been so presented; and the said treasurer shall pay over the amount, when by him received, as herein-before provided, as if such money had been presented by such grand jury.

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jury, and  
paid by  
treasurer.

**20.** Every bond of a collector of grand jury cess for the said barony of Trughenackmy within the said county of Kerry, to be hereafter given or executed by way of security for duly collecting and paying public money, shall contain a condition for his duly collecting and paying to the treasurer of such county, on or before each next succeeding assizes, all such money as he shall from time to time be authorised to levy under this Act, and such bond shall be subject to all provisions now applicable to bonds given or executed by collectors of grand jury cess.

Condition  
of bonds by  
collectors of  
grand jury  
cess.

**21.** The grand jury of the said county shall also present such sum of money to be levied off the said barony as aforesaid, to be paid to any such collector as aforesaid for his remuneration in the collection of such assessment, as is payable in the case of the collection of grand jury cess.

Remune-  
ration to  
collector to  
be presented  
by grand  
jury.

**22.** If at any time it shall appear to the said auditor or auditors that the net profits of the Company in any year ending on the thirty-first day of December within ten years from any period at which any such payment by the said barony as aforesaid shall have been made shall have amounted to such a sum as to leave a surplus after

In a certain  
event, the  
barony to be  
recompensed  
out of the  
profits of the  
undertaking.



A.D. 1872. — deducting a sum sufficient to pay the interest for that year upon the then existing mortgage or bond debt of the Company, and also after deducting a sum sufficient for paying to the shareholders a dividend at the rate of four pounds per centum per annum on the then paid-up capital of the Company, the said auditor or auditors shall, and he is or they are hereby required forthwith to certify such fact, by writing under his or their hand or hands, stating the amount of any such surplus, to the treasurer for the time being of the said county, and thereupon the said treasurer shall be entitled to receive from the Company the said surplus to an extent not exceeding the aggregate amount of payments made by the said barony since the passing of this Act; and the said treasurer shall apply the sum so received by him in aid of the county cess upon the said barony.

Auditors to deliver a certificate to the treasurer of the county of Kerry, stating what proportion of the surplus such treasurer is entitled to receive.

**23.** The auditor or auditors shall, within one month from the time at which he or they shall have certified as aforesaid to the treasurer of the said county of Kerry, deliver to the said treasurer a certificate in writing under his or their hand or hands, stating what proportion of the said surplus the treasurer to whom such certificate shall be given is (by virtue of the last preceding enactment) entitled to receive; and the said treasurer shall be entitled, on demand, to receive from the Company the amount mentioned in such certificate, and in default of payment on demand to recover the same, with full costs of suit, by action of debt or on the case in any court of competent jurisdiction; and in any such action the treasurer for the time being of the said county shall be the nominal plaintiff, and as such entitled to sue on behalf of the county for which he may be the treasurer; and no such proceeding shall abate or be discontinued by reason of the death, removal, or resignation of such treasurer, but shall continue and proceed in the name of any treasurer from time to time appointed in the stead of any such treasurer who may die, be removed from or resign his office, upon entering a suggestion for that purpose, by leave of the court in which any such proceeding may be pending.

No payments to be made by barony after expiration of 23 years.

**24.** After the expiration of twenty-three years from the passing of this Act, no further payment to the Company shall be made by the said barony; and from and after the expiration of that period all the powers of this Act which relate to the payments to be made by and the rates to be levied upon the said barony shall for ever cease and determine.

Application of moneys.

**25.** All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

**26.** The first ordinary meeting of the Company shall be held within four months after the passing of this Act.



**27.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three. A.D. 1872.  
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Number  
of directors.

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

**29.** The quorum of a meeting of directors shall be three, but in case the number of directors shall be reduced to three, the quorum shall be two. Quorum.

**30.** The Right Honourable Day Rolles Baron Ventry, the Right Honourable Charles Allanson Baron Headley, Samuel Murray Hussey, Francis Blennerhassett Chute, and Redmond Roche, junior, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First  
directors.  
  
Election  
of directors.

**31.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre. Lands  
for extra-  
ordinary  
purposes.

**32.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act. Powers for  
compulsory  
purchases  
limited.

**33.** Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in construction of the railway, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with Power to  
cross certain  
roads on the  
level.

A.D. 1872. — a double line only, across and on the level of the roads next hereinafter mentioned; (that is to say,)

No. on deposited Plan.	Townland.	Parish.	Description of Road.
4	Camp East - -	Castleisland -	Public carriage road.

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

**34.** Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of one thousand pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of one thousand pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

**35.** The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been



subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivor or survivors of them: Provided that, until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

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

Period for  
completion  
of works.

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

Tolls for  
passengers.

In respect of passengers and animals conveyed on the railway:

For every person conveyed in or upon any carriage on the railway, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny halfpenny:

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny:

For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding one penny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one farthing.

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Tolls for  
goods.

**38.** In respect of goods conveyed on the railway :

For all coals, cinders, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny :

For all coke, culm, and charcoal, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron, and iron castings, not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding one penny halfpenny ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny :

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

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

And for every carriage, of whatever description, and not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence :

And a sum of twopence per mile for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh ; and if conveyed on a truck or platform belonging to the Company, an additional sum per mile not exceeding twopence.

Tolls for  
propelling  
power.

**39.** The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Maximum  
rates for  
passengers.

**40.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power,



and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) A.D. 1872.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

41. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,) Maximum rates for animals and goods.

For all coals, cinders, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile one penny halfpenny :

For all coke, culm, and charcoal, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron, and iron castings, not manufactured into utensils or other articles of merchandise, per ton per mile twopence halfpenny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile twopence halfpenny :

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence halfpenny :

For every carriage, of whatever description, and not being adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, or per mile sixpence :

For every horse, mule, ass, or other beast of draught or burden, per mile fourpence ; and for every ox, cow, bull, or neat cattle, per mile twopence :

And for every calf or pig, sheep, lamb, or other small animal, per mile three farthings.

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Regulations  
as to tolls.

**42.** The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

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

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for  
small parcels  
and single  
articles of  
great weight.

**43.** With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway:

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

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

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

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence; and for any parcel exceeding fifty-six pounds in weight the Company may demand any sum which they may think fit:

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



For the carriage of single articles of great weight on the railway : A.D. 1872.

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile :

For the carriage of any single piece of stone, timber, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

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

45. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal station.

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

47. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

48. The Company on the one hand, and the Great Southern Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time enter into working agreements with respect to the following purposes, or any of them ; that is to say, Power to enter into traffic arrangements with Railway Company.

The management, use, working, and maintenance of the railway, or of any part or parts thereof :

A.D. 1872.  
—

The supply of any rolling or working stock, and of officers and servants for the conduct of the traffic on the railway :

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

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between the said companies of the receipts arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Great Southern Company.

**49.** During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the Great Southern Company, the railways of the Company and of the Great Southern Company shall, for the purposes of tolls and charges, be considered as one railway ; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Great Southern Company for a less distance than three miles, tolls and charges may only be charged as for three miles ; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only ; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only ; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Great Southern Company.

Interest not to be paid on calls paid up.

**50.** The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him : Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with “ The Companies Clauses Consolidation Act, 1845.”

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

**51.** 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.

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

**52.** Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass



during this or any future session of Parliament, or from any future A.D. 1872.  
revision or alteration, under the authority of Parliament, of the  
maximum rates of fares and charges, or of the rates for small  
parcels, authorised by this Act.

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

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