



CHAPTER vii.

An Act for making a Railway from Listowel to Ballybunion in the county of Kerry ; and for other purposes. A.D. 1886.

[16th April 1886.]

WHEREAS the making and maintaining of the railways hereinafter described would be of public and local advantage :

And whereas the several persons in this Act named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for that purpose (which company is hereinafter called "the Company") :

And whereas plans and sections showing the lines and levels of the railways authorized by this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kerry and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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

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

1. This Act may be cited as the Listowel and Ballybunion Short title. Railway Act 1886.

2. The Companies Clauses Consolidation Act 1845 and Part I. Incorporation of
(relating to cancellation and surrender of shares) and Part III. general Acts.
(relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Railway Companies Act 1867 the Lands Clauses Consolidation Act 1845 as amended by the Railways Act (Ireland)

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1851 the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpreta-
tion.

3. In this Act (unless the context otherwise requires) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and in this Act (unless the context otherwise requires) the expression "the Company" means the Company incorporated by this Act the expressions "the railway" "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorized.

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 "clerks of the unions" (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).

Company
incorporated.

5. The Right Honourable William Reginald Earl of Devon, Falkiner Collis Sandes, Joseph William Hume Williams and all other persons and corporations 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 for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Listowel and Ballybunion Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways.

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 railways hereinafter described with all proper bridges viaducts stations sidings approaches junctions roads yards 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 railways hereinafter referred to and authorized by this Act are wholly situate in the county of Kerry and are—

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A railway (No. 1) nine miles one furlong and eight chains in length commencing in the townland of Listowel in the parish of Listowel at a point in the western fence of the road approach which carries the public road at Listowel station over the Limerick and Kerry Railway the said point being distant twenty-five lineal yards or thereabouts measured in a north-westerly direction from the centre of the western face of the bridge which carries the before-mentioned road over the Limerick and Kerry Railway and terminating at Ballybunion in the townland of Ballybunion in the parish of Killehenny at a point on the eastern boundary of the road leading from Ballybunion to Sandhill Cottage distant thirty-eight yards or thereabouts measured in an easterly direction from the eastern door of Ballybunion church and two hundred yards or thereabouts measured in a south-easterly direction from the south-east corner of Ballybunion Castle.

A railway (No. 2) one mile three furlongs in length commencing in the townland of Ballybunion in the parish of Killehenny by a junction with the intended railway (No. 1) at a point two hundred yards or thereabouts measuring in an easterly direction from the point of termination of railway No. 1 above described and three hundred and sixty yards or thereabouts measuring in a south-easterly direction from the north-west corner of Ballybunion Castle and terminating in the parish of Killehenny on the foreshore of Ballybunion Bay at the western extremity of the townland boundary separating the townlands of Killehenny and Ballyeagh and being distant two thousand yards or thereabouts measuring in a southerly direction from the north-west corner of Ballybunion Castle and two thousand and ninety yards or thereabouts measured in a south-westerly direction from the intersection at Ahafona of the cross road leading from Ballybunion to Listowel with the cross road leading from Barracks Village to the townlands of Dromin.

7. The Company may make work and maintain the railways by this Act authorized by means of a single rail in accordance with the system known as the Lartigue Elevated Single-Rail Railway or the Company may at any time change the method of construction and make work and maintain the said railways on a gauge of not less than three feet in the usual manner.

Method of
construction
and working
of railways.

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Capital.

Shares not
to be issued
until one-
fifth paid.

Calls.

Receipt
clause in
case of
persons not
sui juris.Power to
borrow.For appoint-
ment of a
receiver.

8. The capital of the Company shall be twenty-two thousand pounds in two thousand two hundred shares of ten pounds each.

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

10. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

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

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eleven thousand pounds and of that sum they may borrow not exceeding five thousand five hundred pounds in respect of every eleven thousand pounds of share capital but no part of any of such several sums of five thousand five hundred pounds shall be borrowed until the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such respective portion has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such respective portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

13. 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 authorize the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

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**Debenture
stock.**

Application of moneys.

First ordinary meeting.

Number of
directors.

Qualification of directors.

Quorum.

First
directors:

Election of directors.

A.D. 1886. — number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for
extra-
ordinary
purposes.

21. 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 five acres.

Period for
compulsory
purchase of
lands.

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

Powers as to
construction
of railways.

23. If and while the railways are worked in accordance with the Lartigue Elevated Single-Rail System the Company may in the construction of the same notwithstanding anything contained in the Railways Clauses Consolidation Act 1845 but subject to the provisions contained in Part I. relating to the construction of a railway of the Railways Clauses Act 1863 in reference to crossing of roads on the level carry the same with a single line only whilst the railways shall consist of a single line and afterwards with a double line only across the public roads next hereinafter mentioned (as shown on the deposited sections) but subject to the usual powers of deviation contained in the Railways Clauses Consolidation Act 1845 (that is to say):

No. on Plan.	Parish.	Townland.	Description of Road.
RAILWAY NO. 1.			
11	Galey - - -	Derra West - - -	Public road
3	Galey - - -	Inch East - - -	Public road
4	Lisselton - - -	Lahesherragh South	Public road
RAILWAY NO. 2.			
9	Killehenney - - -	Ballybunion - - -	Public road

Provided always that if the railways shall be constructed and worked in accordance with the Lartigue Elevated Single-Rail System the Company shall at the said crossings construct such turn-outs or works as the Board of Trade may consider necessary for the security of the public:

Provided further that if the railways shall be constructed and worked at any time in the usual manner the Company may 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 carry the same with a single line only whilst the railways shall consist of a single line and afterwards with a double line only across and on the level of the roads hereinbefore specified and the Company may for the purpose of such level crossings lower the level of the rail (as shown on the deposited sections) so as to cross the said roads on the level.

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

Power to take easements, &c., by agreements.

25. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purposes of this section the expression "labouring class" includes 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 does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Provision as to houses occupied by labouring class.

26. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand and forty-five pounds being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Accountant-General of the Supreme Court of Judicature in Ireland

Deposit money not to be repaid except so far as railways are opened.

A.D. 1886. in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which 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 the completion of the railways open the same for the public conveyance of passengers 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 deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Chancery Division of the High Court of Justice in Ireland shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

27. 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 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 Chancery Division of the High Court of Justice in Ireland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient

to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore 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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28. 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 to be exercised except as to so much thereof as is then completed. Provided always that if the Company shall complete the railways within the said period of five years and the whole or any part of the railways so completed shall be constructed in accordance with the Lartigue Elevated Single-Rail System nothing herein contained shall prevent the Company after the expiration of the said period of five years from converting the whole or any part of the railway constructed on the Lartigue System into an ordinary railway of not less than three feet gauge as hereinbefore provided and subject to the provisions of this Act the Company may upon the lands acquired by them under the powers of this Act make all necessary works for the purpose of such conversion.

Period for
completion of
works.

29. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

Tolls.

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof as follows:

Passengers.

For every person conveyed in or upon any such carriage per mile twopence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny half-penny:

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Animals.

Class I.—For every horse mule ass or other beast of draught or burden conveyed in or upon any such carriage per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny :

Class II.—For every ox cow bull or neat cattle conveyed in or upon any such carriage per head per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny :

Class III.—For every calf pig sheep lamb or other small animal conveyed in or upon any such carriage per mile one penny and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one farthing :

Goods.

In respect of the goods conveyed on the railway—

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

Class V.—For all coke culm charcoal and cinders all stones for building pitching and paving tiles slates clay ironstone iron ore and pig iron sheet iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils bricks salt sand fireclay and stone per ton per mile one penny halfpenny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny :

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

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

Class VIII.—And for every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company per mile sixpence and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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

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Limiting
charges for
propelling
power.

31. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act (that is to say):—

Regulations
as to tolls.

For all passengers animals minerals or goods conveyed on the railway for a less distance than three miles the Company may demand and receive the before-mentioned tolls 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 number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

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

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

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

32. 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):—

Tolls for
small parcels
and great
weights.

For the carriage of small parcels on the railway—

For any parcel not exceeding seven pounds in weight three-pence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight five-pence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven-pence:

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

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

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

For the carriage of single articles of great weight—

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding sixpence a ton per mile:

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit:

Provided further that if and while the railway is worked upon the Lartigue Elevated Single-Rail System it shall not be obligatory on the Company to carry any single article on the railway of a greater weight than one ton.

Maximum
rates for pas-
sengers.

33. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and of carriages and for locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

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

For every passenger conveyed in a second-class carriage twopence per mile:

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

Maximum
rates for
animals and
goods.

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

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For every animal mentioned in Class I. per mile fourpence :

For every animal mentioned in Class II. per mile twopence :

For every animal mentioned in Class III. per mile three farthings :

For the articles and goods mentioned in Class IV. per ton per mile
one penny halfpenny :

For the articles and goods mentioned in Class V. per ton per mile
twopence :

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

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

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

Provided always that if the railways shall be worked on the ordinary
system when a separate waggon or truck shall be retained by one
person for the conveyance only of cattle or sheep belonging to him
or under his charge the aggregate of the tolls to be paid for such
waggon or truck capable of containing six oxen or twenty-five sheep
and not containing more than that number shall not exceed nine-
pence per mile.

35. 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.

36. 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.

37. 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. Foregoing charges not to apply to special trains.

38. 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 Company may take increased charges by agreement.

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Classification
table to be
open to in-
spection and
copies to be
sold.

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

Accounts to
be rendered
as to terminal
charge.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

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

Power to the
Company to
acquire
certain sand-
hills and sand
at or near
Ballybunion
Bay.

40. The Company may by agreement purchase lease or otherwise acquire any sand-hills and sand situate in the townland of Ballybunion and the foreshore at or near Ballybunion Bay and appropriate the sand therein and thereon and may make and carry into effect arrangements and agreements with the owners and lessees of such sand-hills sand and foreshore with reference thereto.

Saving
rights of the
Crown in the
foreshore.

41. Nothing contained in this Act shall authorize the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

42. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

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Saving
rights of
Crown under
Crown Lands
Act 1866.

43. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other 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.

Interest not
to be paid on
calls paid up.

44. The Company shall not out of any money by this Act authorized 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 authorizing the Company to construct any other railway or to execute any other work or undertaking.

Deposit for
future bills
not to be
paid out of
capital.

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

Provision as
to general
Railway
Acts.

46. 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.

