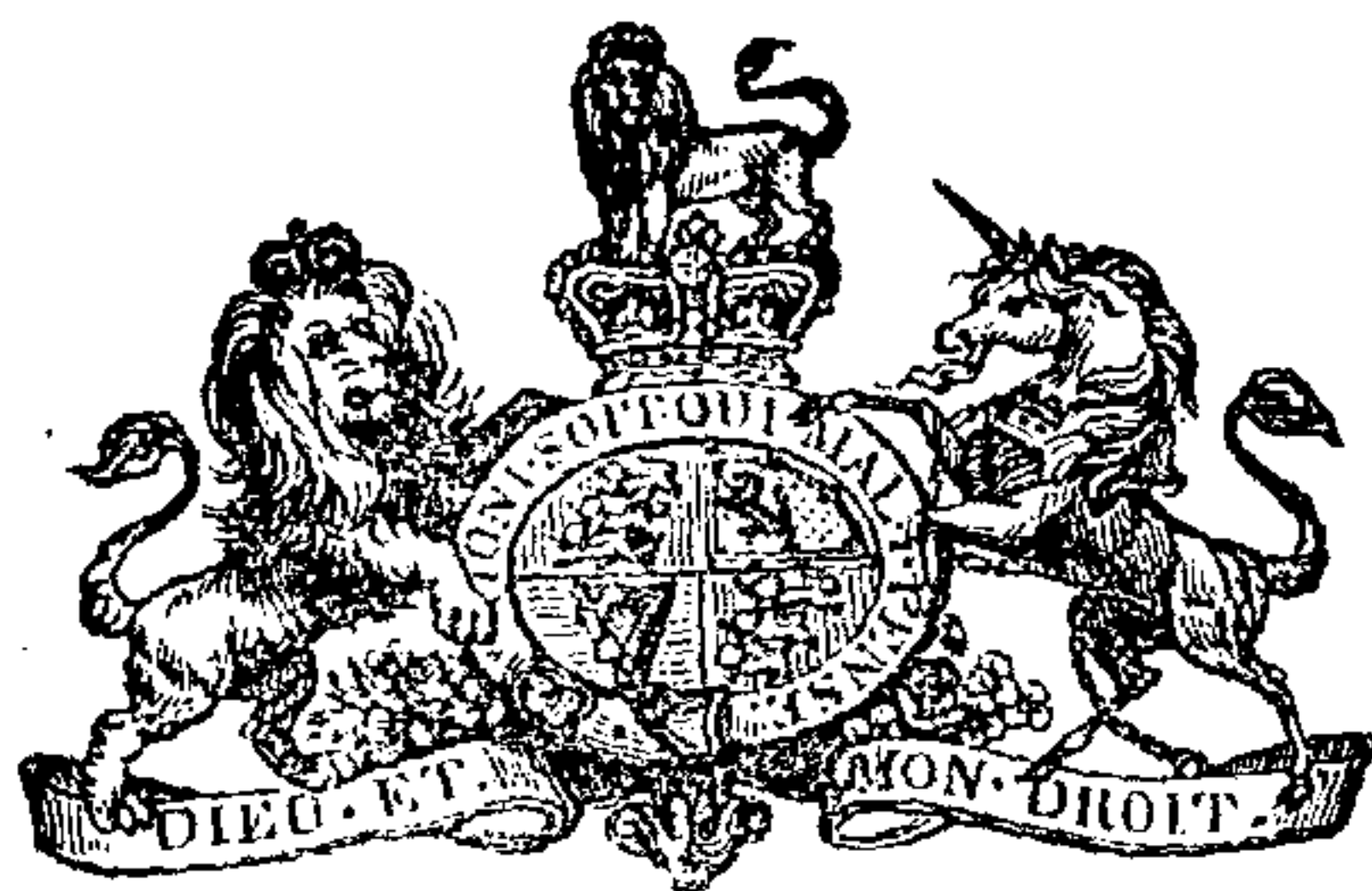


[39 & 40 VICT.] *The Enniskillen and Bundoran* [Ch. cxcii.]
Extension Railway Act, 1876.



CHAPTER cxcii.

An Act for making Railways in the Counties of Donegal, Leitrim, and Sligo, to be called the Enniskillen and Bundoran Extension and Branch Railways; and for other purposes. A.D. 1876.
[24th July 1876.]

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

And whereas the persons in this Act named, with others, are willing at their own expense to construct such railways, and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that the Enniskillen, Bundoran, and Sligo Railway Company and the Great Northern Railway Company (Ireland) should be authorised to enter into and carry into effect the agreements with the Company by this Act authorised:

And whereas plans and sections of the railways, showing the lines and levels thereof, and also books of reference to the 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 several clerks of the peace for the counties of Donegal, Leitrim, and Sligo, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

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

1. This Act may be cited for all purposes as "The Enniskillen and Bundoran Extension Railway Act, 1876." Short title.

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Provisions
of certain
general Acts
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 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," and "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 this Act) incorporated with and form part of this Act.

Interpreta-
tion 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 railways by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company in-
corporated.

4. David McBirney, John Caldwell Bloomfield, Francis Darcy, James Kidd, and William Petrie, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, or assigns respectively, shall be and are hereby 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 and are hereby incorporated by the name of "The Enniskillen and Bundoran Extension 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 accord-
ing to depo-
sited plans.

5. 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, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the

lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are—

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(1.) A railway eleven miles seven furlongs and five chains in length, commencing in the townland of Drumacrin, in the parish of Inishmacsaint in the county of Donegal, by a junction with the Enniskillen, Bundoran, and Sligo Railway, at a point thereon four hundred yards or thereabouts, measuring along that railway in an easterly direction, from the principal entrance to the passengers booking office at the Bundoran Station of that railway, and terminating in the townland of Newtown, in the parish of Ahamlish in the county of Sligo, at a point on the north side of the public road from Grange (by Ballaghнатrillick Bridge) to Kinlough and Manorhamilton forty-five chains or thereabouts from the junction of the said road, in the village of Grange, with the main road from Sligo to Bundoran, measured along the first-mentioned road in a north-easterly direction :

(2.) A railway five furlongs five chains and eleven yards in length, wholly situate in the county of Donegal, commencing in the townland of Carrickboy, in the parish of Inishmacsaint in the county of Donegal, by a junction with the Enniskillen, Bundoran, and Sligo Railway, at a point nine hundred yards or thereabouts from the booking office of the Ballyshannon Station of that railway, measuring along the line in a south-westerly direction, and terminating in the said townland of Carrickboy, on the south bank or shore of the Erne river or estuary, at a point one thousand yards or thereabouts west of Ballyshannon Bridge.

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

As to deposit
of plans with
clerks of
unions.

7. The capital of the Company shall be seventy thousand pounds, in seven thousand shares of ten pounds each.

Capital.

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Shares not
to be issued
until one fifth
paid up.

Calls.

8. 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 of the amount of such share is paid in respect thereof.

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

Receipt
clause in case
of persons
not sui juris.

10. 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.

Power to di-
vide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on
half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends
on preferred
shares to be
paid out of
the profits of
the year
only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment

of the full amount of dividend on any preferred half shares for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company. A.D. 1876.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it. Half shares to be registered, and certificates issued.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated on certificates.

16. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for the non-payment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest. Forfeiture of preferred shares.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company. Preferred shares not to be cancelled or surrendered.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share. Half shares to be half shares in capital.

19. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole thirty-five thousand pounds, and of that sum they may borrow not exceeding seventeen thousand five hundred pounds in respect of every thirty-five thou- Power to borrow moneys on mortgage.

A.D. 1876. sand pounds of their capital, but no part of either of such sums of seventeen thousand five hundred pounds shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

20. 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 be not less than one tenth of the amount which the Company are for the time being authorised to borrow on mortgage.

Debenture stock.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and of the Company's undertaking only.

First ordinary meeting.

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

Quorum of general meetings.

24. The quorum of a meeting of the Company shall be not less than ten proprietors, holding in the aggregate not less than one twentieth of the capital of the Company.

A.D. 1876.

25. The prescribed number of shareholders who may require the directors to call, an extraordinary meeting of the Company shall be not less than ten shareholders, holding in the aggregate not less than one-fortieth part of the nominal capital of the Company.

Number of shareholders who may require an extraordinary meeting.

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

Number of directors.

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

Qualification of directors.

28. The quorum of a meeting of directors shall be four, and if the number of directors be reduced to three the quorum shall be two.

Quorum of directors.

29. David McBirney, John Caldwell Bloomfield, James Kidd, William Petrie, and two other persons duly qualified to be nominated by them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either 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 places of those not continued in office, the directors appointed by this Act or nominated as aforesaid 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 of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

30. 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 three acres.

Lands for extraordinary purposes.

31. 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 for compulsory purchases limited.

32. 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

Power to cross certain roads on the level.

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A.D. 1876. reference to the crossing of roads on the level, the Company may in the construction of the railway hereby authorised carry the same with a single line only, whilst the railway so crossing shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Townland.	Description of Road.
10	Rossinver - -	Corbeg - -	County road.
77	Ahamlish - -	Castlegal - -	County road.
69	Ahamlish - -	Creevykeel - -	County road.
85	Ahamlish - -	Cartronplank - -	County road.

Inclination of a certain road.

33. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclinations herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish.	Townland.	Description of Road.	Intended Inclination.
60	Inishmacsaint	Magheracar	County road	1 in 14 on one side, and level on the other.

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 year of Her present Majesty, chapter twenty, a sum of three thousand five hundred and eleven pounds consolidated three per cent. annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been transferred into 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 Act, the said sum of stock so transferred 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 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 stock transferred 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 above-mentioned Act to the contrary notwithstanding.

A.D. 1876.

35. The said sum of stock transferred 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 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 stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, 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 Court of Chancery in Ireland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, 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 said sum of stock has been 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 person or persons,

Providing
for appli-
cation of
deposit.

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A.D. 1876. or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them.

Period for completion of works.

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

Tolls.

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,)

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 halfpenny:

Animals.

Class I. For every horse, mule, ass, or other beast of draught or burden conveyed in or upon 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 head of 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.

Tolls for goods.

In respect of 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, brick, 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 half-penny :

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.

38. 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 or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Limiting charges for propelling power.

39. 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 four miles, the Company may demand and receive the before-mentioned tolls as for four miles :

For a fraction of a mile beyond four 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

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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 great
weights.

40. With respect to small packages 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, threepence ;

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

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

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 a 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.

Maximum
rates for pas-
sengers.

41. 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 a mile :

For every passenger conveyed in a second-class carriage, twopence a mile: A.D. 1876.

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

42. 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,)

Maximum rates for animals and goods.

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 one penny:

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.

43. 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.

44. 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.

45. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in Foregoing charges not

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A.D. 1876. respect of which the Company may make such charges as they think
to apply to special trains. 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.

Company
may take
increased
charges by
agreement.

46. 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.

Running
powers over
other rail-
ways.

47. The Company and any other company or companies using the railway may run over and use, with their engines and carriages of every description, and for the purposes of their traffic, the railway of the Enniskillen, Bundoran, and Sligo Railway Company, with all stations, works, and conveniences belonging thereto, and also so much of the Great Northern Railway (Ireland) as lies between the junction of the Enniskillen and Bundoran Railway therewith and the station of the Great Northern Railway Company (Ireland) at Enniskillen, including all or any lines of railway through the said station at Enniskillen, together with the booking and other offices and the conveniences connected with the said stations respectively, and the companies to whom the railways and stations so run over and used belong shall make all necessary arrangements for such purposes.

Terms of
such use.

48. The terms, conditions, and regulations to which the Company and such other companies as aforesaid shall be subject in respect of running over and using the said railways and portions of railways, and the stations, sidings, booking offices, and other conveniences as aforesaid, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between them and the companies to whom the same belong, be from time to time determined upon by an arbitrator to be appointed by their common consent, or in default of such consent to be appointed by the Board of Trade on the application of any company, and the decisions of such arbitrator shall be binding and conclusive on the said companies, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct; and any of the said companies who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other company any sum

not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue. A.D. 1876.

49. The Company and such other companies as aforesaid in using or traversing the said railways or portions of railways, and in using the stations and conveniences thereof, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the company exercising such powers. Byelaws to be observed.

50. The Company on the one hand, and the Great Northern Railway Company (Ireland) and the Enniskillen, Bundoran, and Sligo Railway Company (herein-after called the contracting companies), or either of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,) Working and traffic arrangements with the Great Northern Railway Company (Ireland) and other companies.

The use of the railway, or of any part thereof, and the conveyance of traffic thereon :

The arrangements for the conduct of the traffic of the railway :

The payments to be made and the conditions to be performed with respect to such use, and with respect to the transmission, forwarding, and delivery of traffic upon the railway, and the railways of the contracting companies, or either of them :

The tolls and charges or other payments for or in respect of such traffic :

The apportionment between and amongst the contracting companies of tolls and charges received in respect of such traffic.

51. When and so long as such running powers shall be exercised, and during the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the contracting companies, the railway of the Company and of those companies shall, for the purposes of short-distance 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 railways of the contracting companies for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge Tolls on traffic conveyed partly on the railway and partly on the railways of the contracting companies.

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shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the contracting companies.

Saving rights of the Crown in the fore-shore.

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

Interest not to be paid out of capital.

53. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls paid 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."

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

54. 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 execute any other work or undertaking.

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

55. Nothing in this Act contained shall 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 revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

56. All the 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.