ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xciii.

An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Portarlington* to *Tullamore*. 2d *July* 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for* 7 & 8 Vict.
making a Railway from the City of Dublin *to the Town of* Cashel, *with* c. 100.
a Branch to Carlow: And whereas in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her said Majesty another Act was passed, intituled *An Act to authorize an Extension of* 8 & 9 Vict.
the Great Southern and Western *Railway to the City of* Cork, *with a* c. 124.
Branch Railway to the City of Limerick: And whereas in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her said Majesty another Act was passed, intituled *An Act to enable* 9 & 10 Vict.
the Great Southern and Western *Railway Company to extend their Rail-* c. 196.
way from their present Terminus in the City of Cork *to the River* Lee *in the same City:* And whereas the making of a Railway commencing by a Junction with the Line of the *Great Southern and Western* Railway at or near to the Town of *Portarlington* in the *Queen's County* to or near to the Town of *Tullamore* in the *King's County* would be of great public Advantage: And whereas the *Great Southern and*

general Acts. force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken on the said Railway.

Interpretation of Act. XXIV. And be it enacted, That in construing this Act the several Words and Expressions following shall have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular:

Words importing the Masculine Gender only shall include Females:

The Word "Railway" shall include all Lands, Buildings, and Works comprised in the Undertaking referred to in such Word.

Public Act. XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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poses of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking. the Company's Capital.

XX. Provided always, and be it enacted, That it shall not be lawful for the said *Maldon, Witham, and Braintree* Railway Company by virtue of the Power herein-before contained to sell, nor for the said *Eastern Counties* Railway Company to purchase, the said *Maldon, Witham, and Braintree* Railway, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Sale, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively. Powers of Sale not to be exercised without Certificate of Commissioners of Railways.

XXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of all other Acts of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever. Costs of Act.

XXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, one thereof intituled *An Act for regulating the Gauge of Railways,* and the other *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway, or the *Eastern Counties* Railway Company in respect thereof, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto. Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway from the Provisions of any general Act relating to Railways now in force, Railway to be subject to Provisions of future

shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable.

Cashiers Receipt a sufficient Discharge to the Directors.

XVI. And be it enacted, That in all Cases in which any Money shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery under the Authority of this Act, the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of one of the Cashiers of the Bank of *England*, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England* by the said Company of any such Monies as aforesaid, or any Office Copy or Office Copies thereof, shall be, and be deemed and taken to be, a good and sufficient Discharge or good and sufficient Discharges to such Company for the same, or so much thereof as therein respectively shall be expressed to have been paid, and that such Company shall not afterwards be liable to see to the Application of such Monies, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same.

Money until wanted for Distribution may be vested in Exchequer Bills at Interest.

XVII. And be it enacted, That in the meantime, and until the Money be paid for the Purchase of the Shares in the *Maldon, Witham, and Braintree* Railway Company under the Provisions of this Act (and which amounts in the aggregate to the Sum of Five thousand Pounds) can be so applied, the same, or so much thereof as the Directors of the *Eastern Counties* Railway Company shall in their Discretion think expedient, may be invested by them in the Purchase of Exchequer Bills; and the Money so invested, and the Interest which shall arise therefrom, shall be subject to the Directions and Provisions of this Act in regard to the said Purchase Money.

Interest not to be paid on Calls paid up.

XVIII. And be it enacted, That it shall not be lawful for the said *Eastern Counties* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of

XIX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes

substantiated thereto; and when and as such Sums shall be claimed, and the Title thereto proved to the Satisfaction of the said Company, the said Company shall pay the same, but without Interest, to the Person or Persons who shall so have proved their Title thereto respectively; and where any such Money appearing from the Books of the *Maldon, Witham, and Braintree* Railway Company to be due to One Person, or to Two or more Persons jointly, shall exceed the Sum of Two hundred Pounds, the *Eastern Counties* Railway Company shall cause the Sum so appearing to be due as last aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Party or Parties entitled thereto, describing him or them as he or they may be described in the Books of the said *Maldon, Witham, and Braintree* Railway Company, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His Majesty King *George* the First, Chapter 32, and pursuant to the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, Chapter 24.

If adverse Claims be made, Money may be paid into the Bank.

XIV. And be it enacted, That if Two or more Persons shall claim to be entitled to the Money which may be payable in respect of the same Share or Shares, or to any Part of such Money, and such Persons cannot agree as to which of them shall receive such Money, or as to the Manner in which the same shall be disposed of, then and in such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, at the Expiration of Twelve Calendar Months from the Day originally appointed for the Payment of such Money, to pay the same, or so much thereof respecting which there shall be such Dispute, in the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Proprietors of the Share or Shares numbered (describing such Shares by their Numbers in the Books of the Company) in the late *Maldon, Witham, and Braintree* Railway Company, subject to the Control and Disposition of the said Court.

Money paid into the Bank to be invested in Three per Cent. Consols.

XV. And be it enacted, That all Money paid into the Bank of *England* in the Name of the Accountant General under the Authority of this Act shall there remain until the Person or Persons entitled thereto shall, upon Petition to be presented to the Court of Chancery in a summary Way, and which he, she, or they is and are hereby authorized to make, at his, her, or their own Expence, obtain an Order for the Transfer thereof into his, her, or their own Name or Names, or otherwise, and that the said Accountant General shall and may from Time to Time invest the Dividend thereof, when the same shall amount to a competent Sum, in the Purchase of Stock in Three Pounds *per Centum* Consolidated Bank Annuities for the Benefit of the respective Parties entitled thereto, subject to the Orders and Directions of the said Court, which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall