



ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## Cap. Ixii.

An Act to amend the Acts relating to the *Irish South-eastern Railway*. [28th July 1849.]

**W**HEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Railway from the City of Dublin to the City of Kilkenny, to be called the Great Leinster and Munster Railway*: And whereas another Act was passed in the Fourth and Fifth Years of the said Reign, intituled *An Act for extending and enlarging and amending some of the Provisions of the Act relating to the Great Leinster and Munster Railway*: And whereas another Act was passed in the Ninth and Tenth Years of the said Reign, intituled *An Act to enable the Great Leinster and Munster Railway Company to extend their Railway to Clonmel*: And whereas another Act was passed in the same Year of the same Reign, intituled "*The Wexford, Carlow, and Dublin Junction Railway Act, 1846*:" And whereas another Act was passed in the same Year of the same Reign, intituled *An Act for extending and altering some of the Provisions of the Acts relating to the Great Leinster and Munster Railway*, by which the *Irish South-eastern Railway Company* were empowered to make and construct a Railway from the Town of *Carlow* in the County of *Carlow* to the therein-mentioned Junction with the Line of the *Waterford and Kilkenny Railway* near the City of *Kilkenny*: And whereas by the said recited Acts the *Irish South-eastern Railway Company* are subject to certain

[Local.] 10 O Restrictions

7 W. 4. & 1 Vict. c. 104.  
4 & 5 Vict. c. 40.  
9 & 10 Vict. c. 140.  
9 & 10 Vict. c. 167.  
9 & 10 Vict. c. 168.

Capital.

Restrictions with respect to the Construction of Portions of the Lines of Railway laid down on the Plans referred to in the said Acts: And whereas by reason of such Restrictions a smaller Sum than the Amount of Capital authorized by the said recited Acts will be sufficient for the Purpose authorized by the said Act for extending and altering some of the Provisions of the Acts relating to the *Great Leinster and Munster* Railway, and it is expedient that the Capital of the Company should be reduced, and that Power should be given to vary or repeal certain of the Provisions of the said recited Acts, but the same cannot be done 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, That the Capital of the Company for making the Line of Railway authorized by the said recited Act, Chapter 167, of the 9 and 10 Years of the Reign of Her Majesty, shall be Two hundred and sixty-four thousand Pounds Sterling, and the Number of Shares into which such Capital shall be divided shall be Twenty-two thousand, and the Amount of each such Share shall be Twelve Pounds Sterling, anything in the said recited Acts to the contrary notwithstanding; and such Capital and Shares shall be subject to the same Provisions and have the same Rights in all respects (*mutandis mutandis*) as the Capital and Shares of the Company before the passing of this Act, except as to the Amount and Time of paying Calls, which the Directors shall regulate as they shall deem fit; and the Directors shall, on or before the first half-yearly General Meeting of the Company to be held in the Year 1850, divide and issue such Shares of Twelve Pounds each equally, as nearly as may be, to and amongst such Proprietors of Shares in the Undertaking as were registered as such at the half-yearly General Meeting of the Company last past, and every Holder of each Twelve Pound Share shall have Credit for all Calls paid on each Twenty Pound Share; and any fractional Number of such Twenty-two thousand Shares not divisible as aforesaid shall be sold for the Benefit of the Company as the Directors shall deem fit: Provided always, that nothing herein contained or to be done in pursuance hereof shall prevent the Company from suing for and recovering any Call or Calls which at the passing of this Act shall be in arrear on any Share in the Undertaking, or shall in anywise prejudice or affect any Action or Suit then pending for the Recovery of any Call or Calls, or any Proceeding then taken for, towards, or preliminary to the Forfeiture of any Share for the Nonpayment of any Call or Calls, anything herein contained to the contrary notwithstanding: Provided also, that it shall not be lawful for the Directors to divide or issue such Twelve Pound Shares to any Proprietor of Shares who shall be at the Time in arrear of Calls upon any Share.

Company  
not to apply  
certain Ca-  
pital without  
the Autho-  
rity of Par-  
liament.

II. And be it enacted, That it shall not be lawful for the Company to raise and apply any Portion of the Capital by the said recited Act to enable the *Great Leinster and Munster* Railway to extend their Railway to *Clonmel*, and by the said *Wexford, Carlow, and Dublin Junction* Railway Act, 1846, authorized, or either of them, without the Authority of Parliament first had and obtained; and all Shares

which at any half-yearly General Meeting of the Company shall have been or may be declared forfeited, or shall have been at any Time surrendered to the Company, shall be and the same are hereby declared and made Part of the last-mentioned Capital, and shall not be re-issued and applied without the aforesaid Authority. |

III. And be it enacted, That it shall not be lawful for the Company to borrow on Mortgage or Bond any greater Sum than Eighty-eight thousand Pounds Sterling, anything in the said recited Acts contained to the contrary notwithstanding; and that when and so soon as the whole of the said first-mentioned Capital shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the said Company so to borrow any Sum not exceeding the Sum of Eighty-eight thousand Pounds Sterling; and all the Provisions in the "Companies Clauses Consolidation Act, 1845," contained with respect to the borrowing of Money and the Conversion of Money so borrowed into Capital, shall be applicable to the borrowing of such Sum by the Company: Provided always, that all and every Part of such Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Power to borrow Money on Mortgage or Bond.

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "*The Irish South-eastern Railway Act, 1849.*"

Short Title.

V. And be it enacted, That all the Costs, Charges, or Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Directors of the Company out of the first Monies which shall come into their Hands, in preference to any other Payment whatsoever.

Expenses of Act.

VI. And be it enacted, That it shall not be lawful for the 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 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 enforced, 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.

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

VII. 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 Railways*; 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 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 relating to Railways*; and Two other Acts were passed in

Railway Company 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. the

the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, one of which said Acts is intituled *An Act for regulating the Gauge of Railways*, and the other of which said Acts is intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future general Act.

VIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts authorized to be made, or the Company, from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass in 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 by the said recited Acts.

Public Act.

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

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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