



CHAPTER xlix.

An Act for amending the borrowing powers of the A.D. 1898.
Bombay Baroda and Central India Railway Company.
[1st July 1898.]

WHEREAS by the Bombay Baroda and Central India Railway Act 1855 (herein-after referred to as "the Act of 1855") the Bombay Baroda and Central India Railway Company (herein-after referred to as "the Company") were incorporated for the purpose of making and maintaining such railway or railways in India as might be agreed upon by the Company and the East India Company :

And whereas by the Bombay Baroda and Central India Railway Act 1859 (herein-after referred to as "the Act of 1859") the Act of 1855 was repealed but the Company remained incorporated and some of the provisions of the Act of 1855 remain in force :

And whereas by the Act of 1859 the Company obtained power to enter into contracts and agreements with the Secretary of State in Council of India with respect to the making maintaining regulating working and using by the Company of the railway from Bombay to Baroda and Ahmedabad then in course of construction under the provisions of a contract or agreement between the Company and the East India Company dated twenty-first day of March one thousand eight hundred and fifty-five and recited in the Act of 1855 :

And whereas the Company have constructed a line of railway from Bombay to Baroda and Ahmedabad and have carried out other railways and works in accordance with contracts and agreements made between the Company and the Secretary of State in Council of India :

And whereas the Company's contracts and arrangements with the Secretary of State in Council of India will if the said Secretary of State so determine terminate in the year one thousand nine hundred and five and it is expedient that the Company with the

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A.D. 1898. — sanction of the Secretary of State in Council of India (but not otherwise) be authorised to borrow on bond one-half of their subscribed capital instead of one-third as restricted by the said Act in order that the Company may provide funds to construct and improve certain stations on their railways and otherwise carry on equip and improve their undertaking :

And whereas the application for this Act has been recommended by Her Majesty's Secretary of State in Council of India :

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 :—

Short title. 1. This Act may be cited for all purposes as the *Bombay Baroda and Central India Railway Act 1898.*

Interpretation. 2. In construing this Act and the several Acts incorporated herewith the following words and expressions have the following meanings unless excluded by the subject or context to wit :—

The expression "the Company" means the *Bombay Baroda and Central India Railway Company* ;

The expression "Secretary of State in Council" means the *Secretary of State in Council of India* ;

The word "India" means *British India* together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the *Governor General of India* or through any governor or other officer subordinate to the *Governor General of India* and also any territories in *India* belonging to any *European Power* ;

The word "railway" includes a railway and the telegraphs and works connected therewith ;

The word "person" includes corporation :

And the several words and expressions to which by the *Companies Clauses Consolidation Act 1845* meanings are assigned have in this Act the same respective meanings Provided that any expression in the said incorporated Acts to which a special meaning is assigned by the *Bombay Baroda and Central India Railway Act 1859* shall have the same special meaning in this Act.

Power to enter into agreements.

3. From and after the passing of this Act the Company may enter into with the Secretary of State in Council and carry into effect and may with the sanction of the Secretary of State in Council enter into with the Government of any native State or any

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other government public body or person and carry into effect any contract or agreement for all or any of the following purposes (that is to say) :— A.D. 1898.

For the construction improvement maintenance management or working by the Company as agents or contractors for the Secretary of State in Council or for any such government public body or person as aforesaid of any railway or part of a railway in India whether forming part of or connected with the existing undertaking of the Company or not and for the supply under and during the continuance of any agreement for any railway or part of a railway in India being managed or worked by the Company as aforesaid of plant machinery and rolling stock necessary for the purposes of such agreement and for the purpose of carrying into effect any such contract or agreement it shall be lawful for the Company to exercise all such powers and do all such things as may be necessary or incidental to any of the matters aforesaid :

Provided that all contracts entered into prior to the passing of this Act with the Secretary of State in Council shall be binding and obligatory upon the Company and the said Secretary of State.

4. From and after the passing of this Act section 38 of the Act of 1859 shall be read and construed as if one-half were therein substituted for one-third and all the other provisions of that Act relating to bonds shall apply to bonds issued under that section as amended by this section. Amendment of borrowing powers under Act of 1859.

5. The costs charges and expenses of and incidental to the obtaining and passing of this Act shall be paid by the Company. Costs of Act.

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