



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. cclvii.

An Act for making Railways to be called the
Central Ireland Railways; and for other Pur-
poses. [23d July 1866.]

WHEREAS the Construction of the following Railways,
viz.,

- (A.) From the *Kilkenny Junction Railway* at *Maryborough* to *Mountmellick* in *Queen's County*;
- (B.) From *Mountmellick* to *Geashill* in *King's County*;
- (C.) From *Geashill* to *Mullingar* in the County of *Westmeath*,
and there to join the *Midland Great Western Railway* of
Ireland,

would be of great public and local Advantage: And whereas the
Construction of the following Branch Railways, *viz.,*

- (D.) From the above-mentioned Railway (A.) to join the *Great Southern and Western Railway* at *Maryborough*;
- (E.) From the above-mentioned Railway (B.) to join the *Great Southern and Western Railway* at *Geashill*,

would be of public and local Advantage: And whereas for the
Purposes of this Act Plans and Sections showing the Situation,
Lines, and Levels of the proposed Railways, and the Lands which

[*Local.*]

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may

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may be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of those Lands, have been deposited with the respective Clerks of the Peace for *Queen's County, King's County, and the County of Westmeath*: And whereas the *Waterford and Kilkenny Railway Company* and the *Kilkenny Junction Railway Company* are willing to undertake the Construction of the proposed Railways, if authorized by Parliament so to do, and to raise Money for that Purpose: And whereas it is expedient to sanction Agreements between those Two Companies with respect to the Matters aforesaid, and such other Matters as are in this Act in that Behalf specified: And whereas it is expedient to make Provision for facilitating the Traffic of the Two Companies over the Railway of the *Midland Great Western Railway of Ireland Company* between the Junction therewith of the proposed Railway (C.) and the *Mullingar Station*, and for the User of that Station: And whereas the Objects aforesaid 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 Central Ireland Railways Act, 1866.*"

8 & 9 Vict.
cc. 16., 18.,
& 20.,
14 & 15 Vict.
c. 70., &c.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" "*The Railways Act (Ireland) 1851,*" "*The Railways Act (Ireland), 1860,*" "*The Railways Act (Ireland), 1864,*" Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "*The Railways Clauses Act, 1863,*" Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "*The Companies Clauses Act, 1863,*" and the following Clauses and Provisions of "*The Companies Clauses Consolidation Act, 1845,*" (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With

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With respect to the borrowing of Money by the Company on Mortgage or Bond ;
 With respect to the Conversion of the borrowed Money into Capital ;
 With respect to the Consolidation of Shares into Stock ;
 With respect to the Provision to be made for affording Access to the Special Act by all Parties interested,
 are (except where expressly varied by this Act) incorporated with and form Part of this Act.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; the Expression " the Two Companies " shall mean the *Waterford and Kilkenny* Railway Company and the *Kilkenny Junction* Railway Company ; the Expression " the Company," and the Expression " the Undertakers," and the Expression " Promoters of the Undertaking " shall respectively include the Committee appointed under this Act and the Two Companies, and when the Subject or Context so requires shall have a separate Application to each of them ; the Expression " the Railway " or " the Undertaking " shall mean the Railways or Undertaking by this Act authorized or any Part thereof ; and " The Railways Clauses Consolidation Act, 1845," incorporated with this Act, shall be read and have Effect as if throughout that Act the Expression " Clerks of the Unions within which such Parishes are included in *Ireland* " were substituted for the Expression " Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and the Words " Clerks of Unions " were substituted for the Word " Postmasters."

Interpreta-
tion of
Terms.

4. Subject to the Provisions of this Act, the Two Companies may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Railways herein-after described, with all proper Stations, 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 authorized by this Act are,—

Power to
make Rail-
ways accord-
ing to de-
posited
Plans.

(A.) A Railway (Six Miles and Six Furlongs or thereabouts in Length) commencing in the Townland of *Knockmay* in the Parish of *Borris* in *Queen's County* by a Junction with the *Kilkenny Junction* Railway at *Conaberry Hill*, and terminating in the Townland of *Townparks* and Parish of *Rosenallis* at a Point about Fourteen Chains North-westward of the Junction of *Pound Street* and *Tea Lane* in *Mountmellick* :

(B.) A

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- (B.) A Railway (Six Miles and One Furlong or thereabouts in Length) commencing in the said Townland of *Townparks* by a Junction with the intended Railway (A.) at or near the Termination thereof, and terminating in the Townland of *Ard* and Parish of *Geashill* in *King's County* about Ten Chains South of the First Bridge over the *Great Southern and Western Railway* on the *Portarlinton* Side of the *Geashill Station* :
- (C.) A Railway (Twenty-two Miles and Five Furlongs or thereabouts in Length) commencing in the said Townland of *Ard* by a Junction with the intended Railway (B.) at or near the Termination thereof, and terminating in the Townland of *Mullingar* and Parish of *Mullingar* in the County of *Westmeath* by a Junction with the *Midland Great Western Railway of Ireland* about Fifty Yards East of the Bridge carrying that Railway over the public Road from *Mullingar* to *Tyrrell's Pass* and *Kilbeggan* :
- (D.) A Railway (Two Furlongs or thereabouts in Length) commencing by a Junction with the intended Railway (A.) about Nineteen Chains Northward of the Bridge carrying the *Great Southern and Western Railway* over the old *Maryborough and Mountmellick Road*, near the North-eastern End of the *Maryborough Station* on that Railway, and terminating by a Junction with that Railway at the North-eastern End of that Station :
- (E.) A Railway (Two Furlongs or thereabouts in Length) wholly in the said Townland of *Ard*, commencing by a Junction with the intended Railway (B.) near the Termination thereof, and terminating by a Junction with the *Great Southern and Western Railway* near the South-eastern End of the *Geashill Station* on that Railway.

For Protection of the Great Southern and Western Railway Company.

5. And whereas the Railway by this Act authorized is intended to be carried under the Main Line of the *Great Southern and Western Railway* near *Maryborough*, and Railway E. by this Act authorized is intended to join the *Great Southern and Western Railway* at or near the *Maryborough Station* of the *Great Southern and Western Railway Company* (herein called the *Southern Company*), and Railway B. is intended to be carried over the *Portarlinton Branch* of the *Great Southern and Western Railway* near *Geashill*, and Railway D. is intended to join the said *Portarlinton Branch* at or near the *Geashill Station* on that Branch : Therefore, for the Protection of the *Southern Company*, be it enacted as follows ; (that is to say,)

1. Nothing in this Act contained shall authorize the Company to enter upon, purchase, take, or use any of the Lands or Railway, or any Station, Work, or Convenience of the *Southern Company*,

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pany, or any Part thereof respectively : Provided, nevertheless, that, subject in all respects to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company may make the Junctions herein-before mentioned, and may carry Railway A. under the Main Line of the *Southern* Company, and may carry Railway B. over the *Portarlinton* Branch of the *Southern* Company, and Sections 10 and 11 of "The Railways Clauses Act, 1863," shall be applicable to the Purposes of the Crossings of the *Great Southern and Western* Railway as well as of the Junctions by this Act authorized :

2. All Works upon the said Railways A. and B. respectively upon the Lands of the *Southern* Company, or which affect or in any Manner interfere with any Railway of the *Southern* Company, shall be constructed and maintained at the sole Cost of the Company, according to Plans and Sections to be previously approved by the Engineer for the Time being of the *Southern* Company, and under his Superintendence and Direction and to his reasonable Satisfaction ; and in case of any Difference arising with respect to such Works, or any of them, the same shall be determined by a Referee to be appointed by the Board of Trade on the Application of either Party, at the Cost of the Company :
3. The Company shall so construct and maintain the said Works as not to cause any Injury or Damage to the Railway of the *Southern* Company, and so as not to interrupt or impede the Traffic upon the Railways of the *Southern* Company ; and if any Injury or Damage of any Sort shall be sustained by the *Southern* Company by reason of any Act or Default of the Company, or their Agents or Servants, the Company shall make full Compensation to the *Southern* Company for any such Injury or Damage, and the Amount of such Compensation shall be settled and may be recovered from the Two Companies, or either of them, or from the Joint Undertaking Committee, in the Manner prescribed by the "Railway Companies Arbitration Act, 1859," and for such Purpose the Joint Committee shall be deemed a Railway Company within the Meaning of the said Act.

6. In addition to any other Monies which the *Waterford and Kilkenny* Railway Company are or may be authorized to raise, they may for the Purposes of this Act from Time to Time raise by the Creation and Issue of new Ordinary Shares or new Ordinary Stock, or at the Option of that Company by either of those Modes, any further Sums not exceeding in the whole One hundred and ten thousand Pounds.

Power to
Waterford
and Kilkenny
Railway
Company
to raise
Capital
by new
Shares.

[Local.]

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7. In

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Power to
Kilkenny
Junction
Railway
Company
to raise
Capital by
new Shares.

7. In addition to any other Monies which the *Kilkenny Junction Railway Company* are or may be authorized to raise, they may for the Purposes of this Act from Time to Time raise by the Creation and Issue of new Ordinary Shares or of new Ordinary Stock, or at the Option of that Company, by either of those Modes, any further Sums not exceeding in the whole One hundred and ten thousand Pounds.

Shares not
to issue
until One
Fifth paid
up.

8. Neither of the Two Companies shall issue any Share created under the Authority of this Act, nor shall any 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 shall have been paid in respect thereof:

Calls.

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.

Companies
may fix
Amount of
Calls, &c.

10. Subject to the Provisions of this Act, each Company creating any new Shares under the Authority of this Act may fix the Amount and Times of Payment of the Calls on such new Shares: Provided always, that no new Share created under the Authority of this Act shall be of less Amount than Ten Pounds.

Under-
takings and
Capitals to
be separate.

11. The Undertaking by this Act authorized shall be the joint Undertaking of the Two Companies, and shall constitute an Undertaking distinct and apart from all other their Undertakings, and the Capital of each of the Two Companies under this Act shall constitute a separate Capital distinct and apart from all other their Capitals, and each of the Two Companies shall keep separate and distinct Accounts of all their Receipts, Credits, Payments, and Liabilities from, for, or on account of the Undertaking by this Act authorized.

Distinctive
Name of
Shares and
Stock.

12. All Shares and Stock created by either Company under the Authority of this Act shall be called, and in the Certificates for the same shall be distinguished as the *Central Ireland* Shares or Stock of the respective Company creating the same.

Application
of Revenue
and Rights
of Share-
holders.

13. The whole of the net Revenue from Time to Time received by each of the Two Companies from or in respect of the Undertaking under this Act shall be applied (first) in Payment of the Interest on the Mortgages granted by the respective Company under this Act, and any Expenses of and attending the Grant and Renewal of Mortgages by that Company, and (secondly) in Payment of Interest or Dividend on the Shares or Stock created by the respective Company under

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under this Act; and any Shares or Stock created by either Company under this Act shall not take or be entitled to Interest or Dividend out of any Profits other than the net Revenue accruing to the respective Company under this Act.

14. Every Person who becomes entitled to any new Share or Stock created under the Powers of this Act shall in respect of the same be a Proprietor in and of the Capital under this Act of the respective Company creating the same, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Proprietors in the Capital of that Company created under this Act proportioned to the Amount of such Stock, or to the whole Amount for the Time being paid upon such Share, as the Case may be.

Dividends
on new
Shares.

15. Except as by or under the Powers of this Act otherwise provided, all such new Stock shall, in proportion to the Amount thereof, and all such new Shares shall, in proportion to the Amount for the Time being paid up thereon, confer upon the respective Holders thereof the same Qualifications, Rights of voting, and other Privileges as any Ordinary Shares or Stock of the respective Company creating the same.

Qualifica-
tion, &c. of
new Shares
and Stock.

16. If and after having created any new Shares or Stock under the Powers of this Act, the respective Company creating the same resolve not to issue the same or any Portion thereof, they may cancel the new Shares or Stock to which such Resolution applies, and may from Time to Time thereafter create and issue in lieu thereof other new Shares or Stock not exceeding the aggregate Amount of the Shares or Stock so cancelled.

Companies
may cancel
unissued
new Shares.

17. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to either of the Two Companies for any Money payable to such Shareholder.

Receipt for
Persons
under
Disability.

18. The *Waterford and Kilkenny* Railway Company may from Time to Time borrow on Mortgage for the Purposes of this Act, and in addition to any other Money which they are or may be authorized to borrow, any Money not exceeding in the whole Thirty-six thousand six hundred Pounds.

Borrowing
Powers for
Waterford
and Kil-
kenny Rail-
way Com-
pany,

19. The *Kilkenny Junction* Railway Company may from Time to Time borrow on Mortgage for the Purposes of this Act, and in addition to any other Money which they are or may be authorized to borrow, any Money not exceeding in the whole Thirty-six thousand six hundred Pounds.

and for
Kilkenny
Junction
Railway
Company.

20. No

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Restrictions
on borrow-
ing.

20. No Money shall be borrowed by either Company under the Powers of this Act until the whole of the additional Capital which that Company is by this Act authorized to raise by Shares or Stock is subscribed for, issued, and accepted, and One Half thereof is paid up, and the respective 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 such Capital 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 Subscribers or their Assigns, and that such Subscribers or their 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.

Rights of
Mortgagees.

21. The Mortgages to be from Time to Time granted by either Company under this Act shall only comprise and affect, and the Mortgages and Bonds from Time to Time granted or to be granted by either Company under any Act other than this Act shall not comprise or affect, the Undertaking by this Act authorized and the Revenue accruing under this Act of the respective Company who may have granted such Mortgages and Bonds.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

22. The Mortgagees of either Company under this Act may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Three thousand six hundred Pounds in the whole.

Power to
raise Money
by Shares
instead of
borrowing.

23. Each of the Two Companies may, if and when from Time to Time they so think fit, instead of borrowing or reborrowing on Mortgage all or any Part of the Monies which by this Act the respective Company is authorized to borrow, raise the same by the Creation and Issue of new Shares or Stock under the Provisions in that Behalf of this Act relating to the respective Company.

Application
of Monies.

24. All Monies raised under this Act, whether by Shares or borrowing, shall be applied to the Purposes of this Act only.

Appoint-
ment of
Committee.

25. For the Execution of the Purposes of this Act there shall be a Committee which shall consist of Eight Members, and shall be denominated "The Joint Undertaking Committee."

26. Within

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26. Within Three Months after the passing of this Act the Board of Directors of the *Waterford and Kilkenny* Railway Company shall nominate Two Persons to be Members of the Committee, and the Board of Directors of the *Kilkenny Junction* Railway Company shall nominate Two Persons to be Members of the Committee, and the Proprietors of the Capital of the *Waterford and Kilkenny* Railway created under this Act shall nominate Two Persons to be Members of the Committee, and the Proprietors of the Capital of the *Kilkenny Junction* Railway Company created under this Act shall nominate Two Persons to be Members of the Committee, and those Eight Persons shall be the First Members of the Committee.

Appoint-
ment of First
Members of
Committee.

27. Each Body for the Time being entitled in accordance with the Provisions of this Act to nominate a Member or Members of the Committee may from Time to Time remove any Member or Members of the Committee nominated by them, and may also from Time to Time nominate another Person, or, as the Case may be, other Persons, instead of any Member or Members of the Committee nominated by such Body who may die, resign, or be removed, and whose Place that Body is in accordance with the Provisions of this Act entitled to supply.

Removal of
Committee
Men and
Supply of
Vacancies.

28. For the Purpose of nominating or removing any Members or Member of the Committee whom the Proprietors of the Capital of either of the Two Companies under this Act are by this Act authorized to nominate or remove, Extraordinary Meetings of such Proprietors shall when necessary be held, and the Sections of "The Companies Clauses Consolidation Act, 1845," numbered from 69 to 80 (including both those Numbers), shall extend to and be applicable for the Purposes of such Meetings, subject to the following Alterations and Modifications :

Meetings of
Share-
holders to
nominate
or remove
Committee
Men.

1. The Secretary of the respective Company shall convene such Meeting whenever required so do to by Two or more of the Proprietors of the Capital of the respective Company created under this Act (whatever the Amount of Shares held by them) :
2. Such Requisition shall express the Object of the Meeting required to be called, and shall be left at the Office of the Secretary :
3. If for Three Days after the leaving of such Notice the Secretary fails to call a Meeting, any Two of the Proprietors hereinbefore authorized to give the Notice may call the Meeting :
4. Seven Days Notice at least of every such Meeting shall be given by Advertisement, specifying the Place, the Day, and the Hour of Meeting, and the Purpose of the Meeting, in a Newspaper circulating in the City of *Dublin* :

[Local.]

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5. The

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5. The Quorum for any such Meeting shall be any Number of Shareholders, holding in the aggregate not less than One Twentieth Part of the Capital of the respective Company created under this Act :
6. Any Proprietor to be chosen for the Purpose by a Majority of the Votes of the Proprietors voting at the Meeting shall preside as Chairman, and whether or not any Director of the respective Company be present at the Meeting :
7. The Proprietors present at the Meeting shall proceed in the Execution of their Powers with respect to the Matters for which the Meeting shall have been convened, and those only :
8. The said Sections shall for this Purpose extend and apply only to Shares and Shareholders in the Capital of the respective Company created under this Act.

Form of
Nomination,
&c.

29. Every Nomination and Removal of a Member or Members of the Committee made by any Board of Directors or Meeting of Proprietors under this Act shall be in Writing under the Hand of the Secretary of the Board, or (as the Case may be) of the Chairman of the Meeting, and Copies thereof shall be (as soon as may be) left at the principal Office of the other Company, whose Directors or Proprietors are for the Time being entitled to nominate Members of the Committee ; and all Acts done by the Committee shall be valid, notwithstanding any alleged or real Want of Authority on the Part of any Secretary or Chairman to sign such Appointment.

Meeting of
Committee.

30. The Meetings of the Committee shall be held at such Places and Times as they from Time to Time determine upon, and Four shall be a Quorum of the Committee, and the Chairman of such Meetings shall be elected alternately from the Members representing each Body entitled to appoint Members of the Committee, if any such Member be present at the Commencement of the Meeting, and unless otherwise unanimously agreed on at the Meeting, and the Proceedings of the Committee shall be determined by the Votes of a Majority of the Members present, and whenever the Votes are equal the Chairman shall have a Casting Vote.

Functions of
Committee.

31. The Committee shall have the Direction and Execution of the Undertaking under this Act, and they may from Time to Time appoint, remunerate, and at their Pleasure remove Bankers, Officers, Clerks, and Servants, and shall cause proper Books of Accounts to be kept, and their Receipts, Expenditure, Debts, Credits, and Liabilities shall be accordingly entered therein, and also Books of Proceedings in which shall be entered the Minutes of all Proceedings at every Meeting of the Committee.

32. The

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32. The Committee, their Clerks and Officers, shall, whenever required so to do, and without Fee or Payment, produce all or any of the Books, Writings, Deeds, Documents, and Vouchers of or in the Possession or Power of the Committee to any Person nominated in Writing for the Purpose under the Hand of the Secretary of either of the Two Companies, and shall permit such Person to peruse the same and make Copies thereof or Extracts therefrom, but shall not part with the Custody thereof.

Inspection
of Books of
Committee.

33. The Funds required for the Purposes which the Committee is by this Act authorized to execute shall be contributed by the Two Companies in equal Moieties; and for ascertaining, recovering, and enforcing Payment of the Contributions of the Two Companies to those Funds,—

Contribution of
Funds re-
quired by
the Com-
mittee.

The Committee shall from Time to Time in a Minute of the Committee estimate the Monies required by them for the above-mentioned Purposes, and shall fix the Times at which such Monies are to be paid to their Bankers or Treasurer, and Copies of every such Minute signed by the Chairman of the Meeting at which it was made, and by the Clerk of the Committee, shall be sent with all convenient Despatch to the respective Secretaries of the Two Companies, addressed to them at the respective principal Offices of those Companies:

Each of the Two Companies shall at the Time fixed in each such Minute pay in equal Moieties to the Bankers or Treasurer of the Committee the Amount specified in the Minute, and such Moieties shall be deemed Debts due from the Companies respectively to the Committee from the Day fixed for the Payment thereof until the same shall be discharged:

If either of the Two Companies shall make default in such Payment, the same Company shall be charged by the Committee and shall pay to the Committee Interest at the Rate of Five Pounds *per Centum per Annum* upon the Amount due from the same Company, to be calculated from the Day fixed for Payment until the Day when the same is paid:

The Committee may recover from the Company in default the Monies so due by Action of Debt in any Court of competent Jurisdiction, and it shall be sufficient in any such Action for the Committee to produce their Minute Book containing the Estimate on which the Claim was founded, and to prove that a Copy of the Minute duly authenticated was sent to the Secretary of the Company in default, addressed to him at their principal Office, and that the Sum mentioned in the said Minute has not been paid.

34. The Committee shall receive all the Tolls, Rates, Rents, and Charges, and all other the Revenue arising from the Undertaking, and shall

As to Dis-
posal of
Revenue.

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shall apply the same in the first instance in paying the Salaries, Rates, Taxes, Charges, and Expenses incident thereto, or to the Working, Control, Management, Maintenance, and Repair thereof, and the Balance of net Revenue remaining in the Hands of the Committee at the End of every Half Year after making such Payments as aforesaid shall, subject to any Deduction therefrom or Liens thereon by this Act provided for, be paid by them to the Two Companies in equal Proportions: Provided that if so agreed between the Two Companies the Committee may account to the Two Companies either monthly or quarterly for the Balances of net Revenue.

Actions, &c.
with respect
to Railways.

35. All Actions, Suits, Indictments, and other Proceedings at Law or in Equity which might have been brought or prosecuted by or against either of the Two Companies, if that Company were for the Time being solely authorized to execute this Act, may as regards any Act or Default of the Committee in relation to the Execution of this Act be brought and prosecuted by or against the Committee, and any Summons, Demand, Writ, Notice, or other Proceeding at Law or in Equity, or otherwise relating in any Manner to the Undertaking under this Act or to any Act or Default of the Committee, shall, if served on the Secretary or Clerk or any Member of the Committee, or if left at or transmitted by Post to the principal Office of the Committee or of either of the Two Companies, be valid and effectual.

Further
Provisions
as to Con-
tracts, &c.

36. The Committee are by this Act authorized to make all such Contracts as they think necessary for the Purposes which they are by this Act authorized to execute, and the following Sections of "The Companies Clauses Consolidation Act, 1845," are incorporated with and form Part of this Act; *videlicet*,

- Section 97 (with respect to the making of Contracts);
- Section 98 (with respect to the Entry of Proceedings);
- Section 99 (with respect to Informality in Appointment of Directors);
- Section 100 (with respect to the personal Liabilities of Directors);
- and
- Sections 109 to 114 (with respect to the Accountability of the Officers of the Company):

Provided always, that any Contract which according to the said Ninety-seventh Section ought to be made under the Common Seal, may be made in the Name of the Committee under the Hands and Seals of the Chairman of the Meeting of the Committee when such Contract was authorized and any other Member of the Committee present at such Meeting: Provided also, that in construing those Sections as incorporated with this Act the Committee shall be deemed Directors, and the Term "the Company" shall mean the Committee, except in the Provisions for the Indemnity of the Directors, where that Term shall include both the Committee and the Two Companies.

37. For

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37. For the Purposes of the Fourth, Fifth, and Sixth Sections of the Public General Act 5 and 6 *Victoria*, Chapter 55, and of the Acts incorporated with this Act, and of all other Acts applicable for the Protection of the Works which the Committee are by this Act authorized to execute, and of the Persons employed on those Works, the Works shall (while the Committee exists) be deemed to belong to the Committee.

For Protection of Works.

38. The Quantity of Land to be taken by the Undertakers under the Authority of this Act for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

Lands for extraordinary Purposes.

39. The Powers of the Undertakers 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.

40. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Undertakers for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

41. 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, the Undertakers may in the Construction of the Railways carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Roads herein-after mentioned ; (that is to say,)

Power to cross certain Roads on the Level.

No. on deposited Plans.	Townland.	Description of Road.
Railway (A.) 3	Ky-le-ta-lesha - -	Public Road.
Railway (C.) 23	Ard - -	Public Road.

42. The Undertakers shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Undertakers shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Under-

Notice to be given of taking Houses of Labouring Classes.

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takers have made known their Intention to take the same in manner herein-before required.

Security for
Completion
of Railways.

43. If the Railways are not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, the Two Companies shall be jointly liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until the Railways shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided that if the Two Companies have been prevented from completing or opening the Railways or any of them by unforeseen Accident or by Circumstances beyond their Control (of which Fact a Certificate under the Hand of the Secretary to the Board of Trade shall be the sole and conclusive Evidence), they shall not be liable to the Payment of the said Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid; but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls.

44. The Undertakers may demand and take, on and in respect of the Railways by this Act authorized, Tolls, Rates, and Charges not exceeding those specified in "The *Kilkenny Junction Railway Act, 1860*:" Provided that the maximum Charges to be made upon or in respect of such Railways shall not in any Case to which maximum Charges are applicable exceed those by that Act limited: Provided also, that in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways by this Act authorized and partly on the *Kilkenny Junction Railway* 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 shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railways by this Act authorized and partly on the *Kilkenny Junction Railway*.

Powers to
agree as to
User of
Midland
Great West-
ern Railway
of Ireland.

45. The Two Companies or either of them may from Time to Time make and carry into effect Arrangements and Agreements with the *Midland Great Western of Ireland Railway Company* with reference to the forwarding and Transmission of Traffic to and from the Junction with the *Midland Great Western Railway of Ireland* of the Railway by this Act authorized from and to the Station of that Railway at *Mullingar*; and with respect to the Use of that Station and Sidings, Offices, Buildings, Platforms, Approaches, Water Engines, Supplies
of

The Central Ireland Railways Act, 1866.

of Water, Signals, Signal Posts, Telegraphs, Machinery, Works, and Conveniences on or connected or used with such Portion of Railway or Station, upon Payment of such Tolls, Rates, and Charges as may be agreed upon, or as failing Agreement shall be determined in manner herein-after provided; and if the Two Companies or either of them shall fail to agree with the *Midland Great Western of Ireland Railway Company* with respect to the Amount of the said Tolls, Rates, and Charges, or with respect to the Nature and Extent of the Facilities to be afforded by the last-named Company for the forwarding and Transmission of such Traffic as aforesaid, the Question in difference shall from Time to Time be referred to a single Arbitrator, who shall be appointed by the Board of Trade on the Application of the Parties interested, or either of them, and the Costs of the Arbitration shall be in his Discretion, and his Decision shall be binding on, and any Regulations he may make shall be observed and performed by, all Parties interested; and the Tolls and other Payments, if any, which may be awarded by the Arbitrator may in his Discretion be either more or less than the Tolls or Charges which the *Midland Great Western of Ireland Railway Company* may for the Time being be authorized to levy.

46. The Two Companies may from Time to Time enter into and carry into Effect all such Agreements and Arrangements as they think fit touching the Execution of any of the Objects of this Act, and all incidental Matters, and on such Terms and Conditions whatsoever as the Two Companies may think fit; and in any such Agreement made after the Railways by this Act authorized are opened for public Traffic the Company may, if they think fit, agree that the Committee shall be dissolved, and thereupon at the Time fixed by the Agreement for its Dissolution the Committee shall be dissolved, unless the Two Companies shall in the meantime have agreed to continue its Existence.

Two Companies may contract with each other.

47. Within Seven Days after the Dissolution of the Committee the Two Companies shall give Notice thereof in the *Dublin Gazette*.

Notice of Dissolution of Committee.

48. If at the Time of the Dissolution of the Committee there is any Balance in their Hands, the Two Companies shall be entitled to share in that Balance in proportion to the respective Amounts which they shall have contributed towards the Funds of the Committee, and (subject to the Application so far as necessary of the Share of either Company in Discharge or Satisfaction of any Debt or Lien to which the Share may under this Act be applicable) the Committee shall divide such Balance among the Two Companies accordingly, and shall deliver to such Person or Persons as the Two Companies by Writing under the Hands of their respective Secretaries shall jointly nominate

Application of any Balance of Funds of Committee.

to

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to receive the same all Books, Vouchers, Deeds, Documents, or Writings in the Possession of the Committee.

Interest not
to be paid on
Calls paid
up.

49. Neither of the Two Companies shall, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him : Provided always, that this Act shall not prevent either of the Two Companies 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
Capital.

50. Neither of the Two Companies shall, out of any Money by this Act authorized to be raised by Calls or by borrowing, 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 Two Companies, or either of them, to construct any other Railway, or to execute any other Work or Undertaking.

Railways
not exempt
from Provi-
sions of
present and
future
General
Acts.

51. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better or 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.

Expenses of
Act.

52. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or in relation thereto, shall be paid by the Two Companies in equal Moieties.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.