



CHAPTER cxlvi.

An Act to confer further powers on the Midland Great Western Railway of Ireland Company. [8th August 1887.] A.D. 1887.

WHEREAS it is expedient that the Midland Great Western Railway of Ireland Company (in this Act called "the Company") be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the Company should be authorised to acquire for the general purposes of their undertaking the additional lands herein-after mentioned and that the other provisions herein-after contained should be made :

And whereas plans of such additional lands with books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of any lands which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Kildare Galway and Sligo and those plans and books of reference are herein-after referred to as the deposited plans and books of reference :

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 :—

1. This Act may be cited as the Midland Great Western Railway of Ireland Act 1887. Short title.

2. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as respectively amended by the Railways Act (Ireland) 1851 the Railways Act Incorporation of general Acts.

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(Ireland) 1860 the Railways Act (Ireland) 1864 and the Railways Traverse Act and the Lands Clauses (Umpire) Act 1883 are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

Extending certain provisions of the Companies Clauses Consolidation Act 1845.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares :

The transfer or transmission of shares :

The payment of subscriptions and the means of enforcing the payment of calls :

The forfeiture of shares for non-payment of calls :

The remedies of creditors of the Company against the shareholders :

The borrowing of money by the Company on mortgage or bond :

The conversion of the borrowed money into capital :

The consolidation of the shares into stock :

The making of dividends :

The giving of notices : and

The provision to be made for affording access to the special Act by all parties interested :

And Parts I. II. III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock as amended by any subsequent Act :

shall so far as applicable (except where they are expressly varied by this Act or are inconsistent with anything contained in any existing special Act relating to the Company) apply to the additional capital and debenture stock by this Act authorised to be created and to the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

As to deposits of plans with clerks of unions.

5. 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 which include the several parishes in Ireland" or the words "clerks of the union" (as the case may be) had been used and inserted in such sections instead of the expression "the postmasters of the post towns in or nearest such parishes in Ireland" or instead of the word "postmasters" (as the case may be).

6. For the purposes of this Act and for the general purposes of the undertaking of the Company the Company may raise any additional capital not exceeding in the whole the sum of one hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively.

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 Power for the Company to raise additional capital.

7. The Company shall not issue any share or stock created under the authority of this Act nor shall any such share or stock vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Shares or stock not to be issued till one fifth part thereof shall have been paid.

8. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

New shares or stock to be subject to the same incidents as other shares or stock.

9. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

10. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

New shares issued under this Act and any other Acts of past or present sessions may be of same class.

11. The Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole thirty-three thousand three hundred pounds but no part thereof shall be borrowed until shares

Power to borrow.

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for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or 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.

For appointment of a receiver.

12. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. 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 not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

13. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted after

the passing of this Act by the Company but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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14. The Company may for the purposes of this Act and subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock. But notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

15. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and subject thereto to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Application of moneys.

16. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith and for providing increased accommodation all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto respectively (that is to say) :—

Power to acquire additional lands for general purposes of Company's undertaking.

(1.) Certain lands in the townland of Kilbrook parish of Cloncurry and county of Kildare adjoining to and situate on the south side of the Company's main line to Enfield near the mile post thereon denoting twenty-three and a half miles from Dublin :

(2.) Certain lands in the townland of Ballydavid South parish of Athenry and county of Galway situate on the north side of the Company's main line to Galway near the mile post thereon denoting one hundred and twelve and three-quarter miles from Dublin and adjoining to the Athenry and Tuam Railway :

(3.) Certain lands in the townlands of Ardnaglass Carrowcushely and Cloonawaragh parish of Emlaghfad and county of Sligo adjoining to and situate on the east and west sides of the Company's branch to Sligo near the mile post thereon denoting one hundred and twenty-three miles from Dublin.

17. 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.

Period for compulsory purchase of lands.

18.—(1.) The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by

As to taking houses of labouring class.

A.D. 1887. — the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the ~~fifteenth~~ day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

(2.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Providing
for the dis-
continuance
of keeping
separate ac-
counts in re-
lation to the
railway
from Athlone
to Galway.

19. Whereas by an Act passed in the twelfth and thirteenth years of the reign of Her present Majesty chapter sixty-two known as the Advance of Money (Athlone to Galway Railway) Act 1849 (herein-after called "the Act of 1849") the Commissioners of Her Majesty's Treasury were empowered for the purpose of a loan to the Company in aid of the expense of constructing and completing the railway between Athlone and Galway to charge the Consolidated Fund with and to direct the issue thereout to the Commissioners for the Reduction of the National Debt of a sum not exceeding five hundred thousand pounds and the Commissioners of the Treasury were empowered to authorise and require the Public Works Loan Commissioners (herein called "the Loan Commissioners") to lend to the Company such sum and the sum of five hundred thousand pounds was duly advanced to the Company And whereas by section four of the Act of 1849 it was enacted that all moneys advanced should be secured to be repaid by mortgage with interest after the rate not exceeding three pounds ten shillings per centum per annum on the principal sum thereby secured and provisions were also made for the repayment of such principal sum and interest And whereas by section eight of the Act of 1849 it was enacted that so long as any part whatever of the principal moneys borrowed should remain unpaid and as from the time of any such loan or loans respectively a sum equal to one pound fifteen shillings per cent. on the sum or sums originally borrowed should (subject as therein-after mentioned) be paid half-yearly to the Company by the baronies and half-baronies and county of the town therein mentioned rateably and in the proportions to be ascertained as therein mentioned Provided nevertheless that if after the said railway from Athlone to Galway should have been opened there should be a profit made thereby in any half-year then the amount thereof should be deducted from the amount which would otherwise be payable by such baronies and

half-baronies and county of the town of Galway and if such profit should equal or exceed the amount so to be paid then no such payment should be made And whereas by section nine of the Act of 1849 provision was made for the ascertainment of the proportional payments to be made by the said baronies half-baronies and county of the town of Galway And whereas by section ten of the Act of 1849 the Commissioners of Her Majesty's Treasury were authorised and required from time to time to appoint an auditor or auditors to audit the accounts of the Company and to make certificates in pursuance of the directions therein contained And whereas by section eleven of the Act of 1849 for the purpose of ascertaining the amount of net profits (if any) of the said railway from Athlone to Galway the Company were required to keep separate half-yearly accounts of all receipts and expenditure relating to such railway from Athlone to Galway and the same were to be audited as therein provided And whereas by sections twelve thirteen fourteen and fifteen of the Act of 1849 provisions were made for the ascertainment by such auditor or auditors of the profits of the said railway when completed and opened for the preparation of his or their certificate for the carrying forward of any balance of profit and for the delivery of certificates to the Company And whereas by an Act of the seventeenth and eighteenth years of Her Majesty chapter one hundred and twenty-four it was enacted that the principal sum in respect of which the said baronies or half-baronies and county of the town of Galway were under and by virtue of the Act of 1849 liable to contribute as aforesaid should as from the first day of July one thousand eight hundred and fifty-four be considered and taken by the auditor or auditors acting under the same as at the sum of four hundred and seventy thousand pounds And whereas by the *Midland Great Western Railway of Ireland (No. 2) Act 1865* it was enacted that the liability of the said baronies and half-baronies and of the county of the town of Galway under the Acts therein-before recited to make any payment to the Company should determine as from the twenty-eighth of October one thousand eight hundred and seventy except as therein provided And by section two of the said Act of 1865 now in recital it was provided that nothing therein contained should affect any security made by the Company to the Loan Commissioners or their secretary or any powers or remedies thereunder as against the said baronies half-baronies and county of the town of Galway And whereas the Company have regularly paid the proportions of principal and interest as stipulated and up to the thirty-first day of December one thousand eight hundred and eighty-six have repaid to the Loan Commissioners of the sum so advanced to

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A.D. 1887. — them the sum of three hundred and forty-three thousand and three pounds four shillings and ninepence And whereas the security referred to in section six of the Act of 1849 has been paid off and discharged by the Company And whereas the keeping of accounts separate from the accounts of the other parts of the undertaking of the Company is inconvenient and expensive and in the present circumstances of the Company is no longer necessary their revenues being amply sufficient to enable them to pay off by the requisite instalments the balance of the said sum of five hundred thousand pounds still remaining due to the Loan Commissioners Be it therefore enacted from and after the passing of this Act the Company may cease to keep such separate accounts of the receipts and expenditure arising from such portion of railway from Athlone to Galway and may deal with and divide among their proprietors any profit that may arise to the Company from the working of such portion of railway And the powers and provisions contained in the sections ten eleven twelve thirteen fourteen and fifteen of the Act of 1849 may and shall remain in suspense and abeyance so long as the Company shall not make default in the payments provided for in the fourth section of the Act of 1849 and in the event of such default then the said sections ten eleven twelve thirteen fourteen and fifteen of that Act shall again thereupon and thenceforth come into full force effect and operation as if this Act had not been passed :

Provided always that nothing in this Act shall in anywise prejudice or affect the liability of the said baronies half-baronies and county of the town of Galway provided by section eight of the Act of 1849 and section two of the said Act of 1865.

Interest not to be paid on calls paid up.

20. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made 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 capital.

21. 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 to execute any other work or undertaking.

22. Nothing in this Act contained shall exempt the Company or the railways of the Company 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.

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Provision as
to general
railway
Acts.

23. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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