ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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the First, the Third and Fourth, and the Eighth and Ninth Years of the Reign of Her present Majesty: And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called "The *Dublin and Belfast Junction and Navan Branch* Railway Act, 1845," whereby a Company was incorporated by the Name of "The *Dublin and Belfast Junction* Railway Company with a Branch from *Drogheda* to *Navan*," and Powers were conferred upon such Company to make a Railway from *Drogheda* to *Portadown*, and also a Branch Railway from *Drogheda* to *Navan*: And whereas the last-mentioned Railway and Branch are now in course of Construction, and such Branch Railway when completed might be conveniently worked by the *Dublin and Drogheda* Railway Company, and it has been agreed between the said Companies, subject to the Approval of Parliament, that such Branch Railway, and all the Powers of the *Dublin and Belfast Junction* Railway Company with a Branch from *Drogheda* to *Navan* for working such Branch Railway, should, after the Completion of such Branch Railway, (except the laying down of One of the Two permanent Sets of Rails, and the Erection of Stations and other Buildings at the Termini,) be transferred to and vested in the first-mentioned Company: And whereas it is expedient that the corporate Name of the *Dublin and Belfast Junction* Railway Company with a Branch from *Drogheda* to *Navan* should be changed, 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,

8 & 9 Vict. c. 130.

Power to change the Name of Company.

That from and after the passing of this Act the corporate Name of the said *Dublin and Belfast Junction* Railway Company with a Branch from *Drogheda* to *Navan* shall be and the same is hereby declared to be, The *Dublin and Belfast Junction* Railway Company; and under such last-mentioned Name the said Company shall henceforth sue and be sued, and have perpetual Succession, and a Common Seal, in like Manner as if they had been originally incorporated by such last-mentioned Name, and shall have and be subject to all such and the same Rights, Powers, Privileges, and Immunities, Restrictions and Liabilities, as immediately before the passing of this Act they had and were subject to under the first-mentioned Name, except in so far as such Powers, Rights, Privileges, Immunities, Restrictions, and Liabilities may be altered by the Provisions of this Act.

Actions not to abate.

II. And be it enacted, That all Acts, Deeds, Matters, and Things heretofore made, done, committed, or executed by, with, or on behalf of the said Company shall be as good, binding, and effectual to all Intents and Purposes as they respectively would have been if the Name of the said Company had not been hereby changed, and no Action, Suit, or legal Proceeding whatsoever which may be pending at the Time of the passing of this Act between the said Company and any other Person or Corporation, or in which the said Company may be Party or concerned, shall abate or be in any Manner prejudiced or affected by reason of the Change of Name of the said Company:

Company: Provided always, that in all subsequent Proceedings to be taken in such Actions and Suits the Name of the *Dublin and Belfast Junction* Railway Company shall be substituted for that of the *Dublin and Belfast Junction* Railway Company with a Branch from *Drogheda* to *Navan*.

Saving Rights.

III. And be it enacted, That the Change of Name of the said Company shall not in any other Manner prejudice or affect the Rights, Privileges, or Remedies of the said Company as against other Persons or Corporations, or the Rights, Privileges, or Remedies of any other Person or Corporation as against the said Company.

Name of Company.

IV. And be it enacted, That wherever in this Act the Expression "*Dublin and Belfast Junction* Railway Company" shall occur, the same shall be held to apply to the said Company, either by their original or new corporate Name, as the Case may require.

Short Title.

V. And be it enacted, That in citing this Act in other Acts of Parliament, and legal Instruments and Proceedings, it shall be sufficient to use the Expression "*Dublin and Belfast Junction* Railway Amendment, 1847."

After passing of this Act, Company empowered to purchase Lands for Completion of Railway.

VI. And be it enacted, That the *Dublin and Belfast Junction* Railway Company shall with all convenient Despatch after the passing of this Act purchase such of the Lands which they are authorized to purchase for the Purposes of the said Branch Railway as may be required for the Construction thereof, and as may be required for Stations and other necessary Buildings and Works at and between the respective Termini of such Branch Railway, and shall proceed with and complete the Construction of such Branch Railway as for Two Sets of Rails, and shall lay down One of such Sets of Rails, with all convenient and necessary Sidings thereto.

Lands for extraordinary Purposes.

VII. And whereas the *Dublin and Belfast Junction* Railway Company were by the said recited *Dublin and Belfast Junction and Navan Branch* Railway Act authorized to purchase Lands for extraordinary Purposes connected with the Railway and Branch Railway thereby authorized, to the Extent of Fifty Acres; be it enacted, That the said Company shall, at the Requisition of the *Dublin and Drogheda* Railway Company, and in such Manner as such last-mentioned Company shall think fit, but nevertheless subject to the Provisions of the said Act, exercise such Power to the Extent of Ten Acres for any extraordinary Purposes connected with the said Branch Railway.

Statement of Account of Expences to be delivered half-yearly to the Dublin and Drogheda Railway Company.

VIII. And be it enacted, That the *Dublin and Belfast Junction* Railway Company shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, deliver to the Secretary for the Time being of the *Dublin and Drogheda* Railway Company a Statement of all Costs, Charges, and Expences which shall have been incurred by them during the Half Year ending on the Thirtieth Day of *June* or Thirty-first Day of *December*, as the Case may be, immediately preceding the Delivery of

of such Statement, in and about the Construction of the said Branch Railway, including all Monies paid for the Purchase of Lands, and for legal and parliamentary Expences, and other Expences incidental to the said Works, and every such Statement shall be signed by Two of the Directors and by the Secretary of the said *Dublin and Belfast Junction* Railway Company; and if within Two Months after any such Statement shall have been delivered to the Secretary of the said *Dublin and Drogheda* Railway Company such Company shall not object to the Accuracy thereof, the same shall be taken to be correct, and not thereafter liable to be objected to by the last-mentioned Company.

Interest to accrue due.

IX. And be it enacted, That at the End of every Half Year, until the Expiration of One Year after the final Completion of the said Railway (so far as the same is hereby required to be completed by the *Dublin and Belfast Junction* Railway Company), Interest after the Rate of Four Pounds *per Centum per Annum* shall be calculated on all such half-yearly Statements as aforesaid as shall then have been delivered in manner following; (that is to say,) on the gross Amount of all such Statements (other than the last preceding Statement) Interest for One Half Year, and with respect to the last preceding Statement Interest on the several Payments comprised in such Statement from the respective Times when such Payments shall have been made to the Day to which such Statement shall be made up.

Branch Railway, when completed, to be conveyed to the Dublin and Drogheda Railway Company.

X. And be it enacted, That when and so soon as the said Branch Railway shall have been completed (so far as the said *Dublin and Belfast Junction* Railway Company are hereby required to complete the same) the *Dublin and Belfast Junction* Railway Company shall convey the said Branch Railway to the *Dublin and Drogheda* Railway Company, and thenceforth the said Branch Railway shall vest in and belong to the last-mentioned Company, and shall form Part of the Undertaking of such last-mentioned Company, and not of the *Dublin and Belfast Junction* Railway Company, and as such shall be subject to all the Provisions of the said recited Acts relating to the *Dublin and Drogheda* Railway; and all the Powers, Rights, Privileges, and Authorities by the said recited Act relating to the *Dublin and Belfast Junction* Railway conferred upon the Company thereby incorporated in respect of the said Branch Railway, except such of them and to such Extent as may be in this Act expressly otherwise provided, shall as to such Branch Railway thenceforth cease and determine.

Purchase Money may be secured by Mortgage

XI. And be it enacted, That the Consideration for such Conveyance shall be the aggregate Amount of all the said half-yearly Statements of Accounts of Payments made by the *Dublin and Belfast Junction* Railway Company, including Interest thereon after the Rate aforesaid; and in case the *Dublin and Drogheda* Railway Company shall not pay such Consideration at the Time when the said Branch Railway shall be conveyed to them as aforesaid, it shall be lawful for them and they are hereby required to mortgage their Undertaking, including the said Branch Railway, to the *Dublin and Belfast Junction*

*tion* Railway Company, for securing to them the Payment of the said Purchase Money within Ten Years then next ensuing, and Interest thereon, as herein-after mentioned; and such Mortgage shall be a first Charge on the said Branch Railway, and shall have Priority as to the rest of the said *Dublin and Drogheda* Railway Undertaking over all Mortgages, except those hitherto executed or hereafter to be executed for securing the Sum of Two hundred thousand Pounds, which the said *Dublin and Drogheda* Railway Company are authorized to raise under their Acts obtained previous to the present Session.

When Mortgages may be made, and to what Amount.

XII. Provided always, and be it enacted, That it shall not be lawful for the *Dublin and Drogheda* Railway Company to mortgage their Undertaking for the Purpose aforesaid until the whole of their Capital shall have been subscribed, and One Half thereof shall have been actually paid up, nor to raise or have outstanding upon Mortgage at any One Time a greater Sum or Sums of Money than would be equal in the aggregate to One Third Part of their Capital for the Time being.

Payment of Purchase Money.

XIII. And be it enacted, That it shall be lawful for the *Dublin and Drogheda* Railway Company to pay off such Purchase Monies, or any Part or Parts thereof, at any Time or Times before the Expiration of the said Period of Ten Years, upon giving One Month's Notice in Writing under the Hands of Three of their Directors to the Secretary for the Time being of the *Dublin and Belfast Junction* Railway Company, of their Intention to pay off such Purchase Money, or so much thereof as shall be mentioned in such Notice or Notices respectively.

Interest to be paid on Purchase Monies.

XIV. And be it enacted, That so long as any such Purchase Monies shall remain unpaid the *Dublin and Drogheda* Railway Company shall, within One Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, pay to the *Dublin and Belfast Junction* Railway Company Interest after the Rates herein-after mentioned; that is to say, from and after the Expiration of One Year after such Branch Railway shall have been certified by the Inspector General of Railways, or other Officer appointed by virtue of any Act of Parliament to inspect the same, as having been completed, and fit to be opened and used for public Traffic, until the Expiration of Five Years then next ensuing, Interest after the Rate of Five Pounds *per Centum per Annum*, and after the Expiration of such last-mentioned Five Years, until the said Purchase Money shall have been fully paid, after the Rate of Five Pounds Ten Shillings *per Centum per Annum*.

A Receiver of Rates, &c. may be appointed in certain Cases.

XV. And be it enacted, That in case the said *Dublin and Drogheda* Railway Company shall make default in Payment of the said Purchase Money within the said Period of Ten Years, or of any Interest thereon or on any Part thereof, at the Time fixed for the Payment of such Interest, according to the Provisions of this Act, it shall be lawful for the *Dublin and Belfast Junction* Railway Company to procure the Appointment of a Receiver of the Tolls, Rates, and Profits, as well of the *Dublin and Drogheda* Railway as also of

the said Branch Railway from *Drogheda* to *Navan*; and the Provisions of the Companies Clauses Consolidation Act, 1845, relating to the Appointment of a Receiver, and comprised in the Fifty-third and Fifty-fourth Sections of the said Act, shall be applicable to such Receiver, and shall be incorporated with and form Part of this Act.

In case of Differences the same to be referred to Arbitrators.

XVI. And be it enacted, That in case any Difference or Dispute shall arise between the said Companies touching the proper and correct Amount of any of the half-yearly Statements of Accounts herein-before directed to be furnished by the *Dublin and Belfast Junction* Railway Company to the *Dublin and Drogheda* Railway Company, or touching the aggregate Amount of such Statements, or any Amount of Interest to be paid by the *Dublin and Drogheda* Railway Company to the *Dublin and Belfast Junction* Railway Company, the *Dublin and Drogheda* Railway Company having in all respects complied with the Provisions of this Act in respect to the Period and Manner in which Objections taken by them to the said half-yearly Statements are to be made to the *Dublin and Belfast Junction* Railway Company, the Matter so in dispute shall be referred to Three Arbitrators, who shall be disinterested Persons, and Members of the *Ouzel Galley* Society of *Dublin*, whereof One shall be appointed by each of the said Companies, and the Third by the Arbitrators so nominated: Provided always, that in case either of the said Companies shall refuse or neglect to appoint any such Arbitrator for the Space of Twenty-eight Days next after they shall have been required so to do by Notice in Writing left at their Office in *Dublin* by the other of such Companies, and signed by Three Directors of the last-mentioned Company, it shall be lawful for such last-mentioned Company to appoint any Person, duly qualified as aforesaid, to be an Arbitrator in the Place of the Arbitrator who might have been appointed by the Company so refusing or neglecting to make such Appointment.

Power of Arbitrators.

XVII. And be it enacted, That the Arbitrators so appointed as aforesaid shall have full Power and Authority to require to be produced before them all such Books, Accounts, Vouchers, and other Documents belonging to the said Companies or either of them as they shall think necessary for properly investigating the Matter which shall have been referred to their Arbitrament, and shall also have full Power and Authority to examine upon Oath all Officers and Servants of the said Companies or either of them whom they may consider it necessary so to examine for the Purpose aforesaid; and the Company or Person who shall refuse to produce any such Book, Account, Voucher, or other Document, or to be examined upon Oath, upon the Requisition of the said Arbitrators, touching any of the Matters aforesaid which shall have been referred to their Arbitrament, shall forfeit and pay for every such Offence the Sum of Five Pounds, to be recovered, with Costs, before any Justice of the Peace of the City or County of *Dublin*, and to be levied by Distress and Sale of the Goods of the Company or Person so offending, and such Justice is hereby authorized to issue his Warrant accordingly.

Award.

XVIII. And be it enacted, That the Award of such Arbitrators or of any Two of them shall be final and conclusive upon the said Companies touching the Matters which shall have been referred to their Arbitrament.

Submission to Arbitration.

XIX. And be it enacted, That the Submission to every such Arbitration may be made a Rule of any of Her Majesty's Courts of Record of *Dublin*, on the Application of either of the said Companies.

Stamp Duty.

XX. And be it enacted, That all Deeds executed by the said Companies or either of them for effecting any of the Objects aforesaid shall be duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Subject Matter thereof.

Power for Dublin and Drogheda Railway Company to complete the Railway.

XXI. And be it enacted, That it shall be lawful for the *Dublin and Drogheda* Railway Company, when and so soon as the said Branch Railway shall be vested in them under the Provisions of this Act, to lay down a Second Set of Rails upon the said Branch Railway, and to erect all such Stations and other Buildings or Works, as well between as at the Termini of the said Branch Railway, as they may think fit, in like Manner as the *Dublin and Belfast Junction* Railway Company might but for the passing of this Act have laid down such Rails, and directed such Stations, Buildings, and Works, under the Provisions of the said recited *Dublin and Belfast Junction and Navan Branch* Railway Act.

Tolls not to be higher than originally authorized.

XXII. Provided always, and be it enacted, That nothing hereinbefore contained shall be held or construed to authorize the said *Dublin and Drogheda* Railway Company to levy or take any higher Amount of Toll or Charge upon or in respect of the said Branch Railway than can at any Time be levied or taken on the Line of the said *Dublin and Drogheda* Railway.

Application of Purchase Money.

XXIII. And be it enacted, That the said Purchase Money shall be paid by the *Dublin and Drogheda* Railway Company to the Directors of the *Dublin and Belfast Junction* Railway Company, or any Three of them; and a Receipt under the Hands of any Three of such Directors shall be a sufficient Discharge to the first-mentioned Company for the full Amount of such Purchase Money, or so much thereof as shall in any such Receipt be expressed to have been received.

Purchase Money to be applied in reduction of Mortgages and Capital.

XXIV. And be it enacted, That when the Purchase Money shall be paid to the *Dublin and Belfast Junction* Railway Company the same shall be applied in reducing the Capital and Mortgage or Mortgages of the said Company in such Proportions as that after such Reduction there shall remain not more than One Third Part of the Amount of the reduced Capital of the said Company outstanding upon Mortgage; and if there shall be no Mortgage outstanding which would have to be paid off in pursuance of the Provision herein-before contained, then the whole of such Purchase Money shall be applied in reducing the Capital of the said Company: Provided also, that nothing

nothing herein contained shall be held or construed to authorize the said Company to pay off any Mortgage Debt, except so much thereof as shall exceed One Third Part of their reduced Capital.

Application of Money in reduction of Capital.

XXV. And be it enacted, That the Purchase Money, or Proportion of Purchase Money, as the Case may be, applicable to the Reduction of the Capital of the said *Dublin and Belfast Junction* Railway Company, shall be applied to the general Purposes of such Company, and the Shares of the said Company shall be rateably reduced in Amount to such an Extent as may be necessary to effect such Reduction.

Limiting Power of mortgaging.

XXVI. Provided always, and be it enacted, That after such Capital shall have been so reduced as aforesaid it shall not be lawful for the *Dublin and Belfast Junction* Railway Company at any Time thereafter to raise, or have outstanding upon Mortgage, any greater Sum or Sums of Money than would amount in the aggregate to One Third Part of the Amount of their Capital so reduced, any thing in the Acts relating to the said Company, or any of them, contained to the contrary notwithstanding.

Certain Companies may be amalgamated by Agreement.

6 & 7 W. 4. c. 33. and 8 & 9 Vict. cc. 96. & 144.

XXVII. And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the Town of* Belfast *to the City of* Armagh *in the Province of* Ulster *in* Ireland, whereby a Company was incorporated under the Name of "The *Ulster* Railway Company;" and another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, whereby the last-mentioned Act was amended, and the said Company was empowered to make a Railway from *Portadown* to *Armagh;* and another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called "The *Dundalk and Enniskillen* Railway Act, 1845," whereby a Company was incorporated under the Name of "The *Dundalk and Enniskillen* Railway Company:" And whereas it is expedient that Power should be given to the said last-mentioned Companies, as also the *Dublin and Drogheda* and *Dublin and Belfast Junction* Railway Companies, or any of them, to amalgamate and form One Company, subject to the Provisions herein-after contained; be it therefore enacted, That it shall be lawful for the said *Dublin and Drogheda*, *Dublin and Belfast Junction*, *Ulster*, and *Dundalk and Enniskillen* Railway Companies, or any of them, at any Time after the passing of this Act, to amalgamate and form themselves into One Company, upon such Terms and Conditions, for such Considerations, and subject to such Agreements and Stipulations as they shall mutually agree upon, but subject nevertheless to the Provisions herein-after contained.

Amalgamation to be with Consent of Three Fifths of the Proprietors of the amal-

XXVIII. Provided always, and be it enacted, That no such Amalgamation shall take place without the Consent of Three Fifths at least of the Proprietors of each of the Companies to be amalgamated, present in Person or by Proxy at Two successive General Meetings of the respective Companies specially convened for the Purpose, the second

second of such Meetings to be held after an Interval of not less than Four Weeks after the first of such Meetings. gamating Companies.

XXIX. Provided also, and be it further enacted, That Notice of such Meetings and of such intended Amalgamation shall be published in the *Dublin Gazette*, and in every Newspaper in which Advertisements relating to the Affairs of any of the said Companies to be amalgamated are required to be inserted or are usually inserted, for Four consecutive Weeks prior to the Day fixed for such Meetings to take place, and such Notice shall state the Names of the Companies to be amalgamated, the Day upon which the Amalgamation is to take place, and the intended Name of the amalgamated Company. Notice of intended Amalgamation to be published in the Dublin Gazette and in the Newspapers.

XXX. And be it enacted, That upon the Day mentioned in such Notices for the Commencement of the said Amalgamation all the Companies to be amalgamated, having duly complied with the Provisions of this Act in reference to such Amalgamation, shall be and the same are hereby declared to be united into One Company under such Name or Title as they shall think fit, and as shall have been published in the said Notices, and shall thenceforth sue and be sued under such new Name or Title, and shall have perpetual Succession and a Common Seal as One Company, and not as separate and distinct Companies. Amalgamating Companies united into One Company.

XXXI. And be it enacted, That from and after the Commencement of such Amalgamation all Provisions contained in the said recited Acts relating to such of the Companies as shall be amalgamated which relate to the Capital in Shares, the Meetings of Proprietors, and the Directors of such Companies respectively, shall be and the same are hereby thenceforth repealed. Certain Provisions of the amalgamating Companies Acts repealed.

XXXII. Provided always, and be it enacted, That nothing hereinbefore contained shall be held or construed to annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Mortgage, Security, Act, Matter, or Thing whatsoever, made, done, committed, or executed prior to such Amalgamation, under or by virtue or in pursuance of the said hereby in part repealed Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Contracts, Mortgages, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, and may be enforced and recoverable in like Manner in all respects, as if such Amalgamation had not taken place, and as if the Provisions hereby repealed of the said Acts had not been repealed. Not to affect Purchases, &c.

XXXIII. And be it enacted, That from and immediately after the Commencement of such Amalgamation all or any and such Parts of the Railways authorized to be constructed by any of the amalgamated Companies as shall then have been constructed, and all Works attached thereto, or made or provided for the Purposes thereof, and all Lands, Buildings, Tenements, Easements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, of or to which the amal- Railways, &c. vested in the united Company.

gamating Companies, or any of them, were seised, possessed, or entitled, at Law or in Equity, immediately before such Amalgamation, shall be well and effectually vested in and belong to the united Company, for their absolute Benefit.

Effects, &c. vested in the United Company.

XXXIV. And be it enacted, That from and immediately after the Commencement of such Amalgamation all the Monies, Goods, Chattels, live and dead Stock, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and other Personal Estate and Effects of or to which the amalgamating Companies, or any of them, were possessed or entitled, at Law or in Equity, immediately before such Amalgamation, shall be vested in and belong to the united Company, for their absolute Benefit; and all Persons and Corporations who immediately before such Amalgamation owed any Sum of Money to any of the amalgamating Companies, or to any Person on behalf of any of the said Companies, shall pay the same, together with Interest (if any due or to accrue due for the same), to the united Company; and all Monies which immediately before such Amalgamation were due and owing by or recoverable from any of the said amalgamating Companies, for the Payment of which any of them would, but for such Amalgamation, have been liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the united Company; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before such Amalgamation, to, with, or in favour of or by or for the said amalgamating Companies or any of them, or any Person on behalf of the said amalgamating Companies or any of them, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the united Company, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the united Company had been a Party to and had executed the same, or had been named or referred to therein instead of the Persons, Company, or Party actually named or referred to therein respectively.

Agreements, &c. entered into before Amalgamation, valid.

XXXV. And be it enacted, That every Agreement, Contract, or Bond made, executed, or entered into before such Amalgamation, between, by, or on behalf of the said amalgamating Companies or any of them, and any Person, whereby any Matter in dispute between such amalgamating Companies or any of them, and such Person as last aforesaid, shall have been referred or agreed to be referred to the Arbitrament or Determination of any Arbitrator, Arbitrators, or Umpire, shall be and remain as good, valid, and effectual, in favour of and against and with reference to the united Company, and may be proceeded on and enforced in favour of and against the united Company, in the same Manner, to all Intents and Purposes, as if the Matter in dispute thereby referred was Matter in dispute between the united Company and such Person as last aforesaid, and as if the united Company had been named or referred to therein, and had been Party to and executed or entered into the same, instead of the amalgamating Company or Companies by or on whose Behalf the same was made, executed, or entered into as aforesaid; and every Award which shall be made under or by virtue of any such Agreement, Contract, or

Bond

Bond shall be made in favour of or against the united Company, and shall be as binding and effectual, to all Intents and Purposes, and may be proceeded upon and enforced in favour of or against the united Company, and in favour of or against any Person with whom the Matter shall be in dispute, in the same Manner in all respects as it would or might have been with reference to the Company by or with whom such Agreement, Contract, or Bond may have been entered into in case such Amalgamation had not taken place.

Actions, &c. not to abate.

XXXVI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on either by or against the said amalgamating Companies or any of them prior to such Amalgamation, shall abate or be discontinued or be prejudicially affected by reason of such Amalgamation, but, on the contrary, the same shall continue and take effect, both in favour of and against the united Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the said amalgamating Companies, or any of them, if such Amalgamation had not taken place; and all Penalties incurred by any Offence against the Provisions of any Act of Parliament relating to any of the amalgamating Companies, previous to such Amalgamation, shall and may be sued for, and all Offences which may have been committed before such Amalgamation, against the Provisions of any of the last-mentioned Acts, may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if such Amalgamation had not taken place, the united Company being in reference to the Matters aforesaid in all respects substituted in the Place of the said amalgamating Companies respectively.

Company to complete unfinished Railways.

XXXVII. And be it enacted, That from and after the Commencement of such Amalgamation the united Company shall carry on, complete, and maintain all Railways and Works by any Act of Parliament authorized to be made by any of the amalgamating Companies, and which shall have been unfinished by them at the Period of such Amalgamation, in like Manner as any of such last-mentioned Companies would but for such Amalgamation have been empowered to carry on, complete, and maintain the same respectively, subject nevertheless to the Provisions of this Act.

Acts relating to amalgamating Companies, except as hereby repealed, to apply to the united Company.

XXXVIII. And be it enacted, That all the Provisions of the said recited Acts and of this Act, and of all other Acts relating to the amalgamating Companies, or any of them, not hereby repealed, altered, or otherwise provided for, and not inconsistent with the Provisions of this Act, shall from and after the Commencement of such Amalgamation continue and be in full Force, and shall relate and apply to the united Company, instead of the amalgamating Companies, in like Manner and as fully and effectually to all Intents and Purposes as immediately before such Amalgamation such Provisions respectively related and applied to any of the said amalgamating Companies, but so nevertheless that the Provisions of the several Acts relating to the *Dublin and Drogheda* Railway Company (if such Company shall be one of the amalgamating Companies) shall apply to the united Company

pany in respect only of the Railways and Works comprised in the Undertaking of such Company, and the Provisions of the several Acts relating to the *Dublin and Belfast Junction* Railway Company (if such Company shall be one of the amalgamating Companies) shall apply to the united Company in respect only of the Railways and Works comprised in the Undertaking of the *Dublin and Belfast Junction* Railway Company, and so far as is consistent with the Provisions of this Act in respect of the said Branch Railway from *Drogheda* to *Navan*, by this Act made Part of the Undertaking of the *Dublin and Drogheda* Railway Company as aforesaid, and the Provisions of the several Acts relating to the *Ulster* Railway Company (if such Company shall be one of the amalgamating Companies) shall apply to the united Company in respect only of the Railways and Works comprised in the Undertaking of the *Ulster* Railway Company, and the Provisions of the several Acts relating to the *Dundalk and Enniskillen* Railway Company (if such Company shall be one of the amalgamating Companies) shall apply to the United Company in respect only of the Railways and Works comprised in the Undertaking of the *Dundalk and Enniskillen* Railway Company.

Capital.

XXXIX. And be it enacted, That the Capital of the united Company shall be the aggregate Amount of the respective Capitals of the amalgamating Companies at the Period of such Amalgamation, and shall be divided into such Number of Shares, of such nominal Amounts, and distributed amongst the Proprietors of the respective Capitals of the amalgamating Companies in such Shares and Proportions as shall have been agreed upon between the amalgamating Companies prior to such Amalgamation: Provided always, that in the Distribution of such new Capital no Proprietor of One or more Shares in the original Capital of any of the amalgamating Companies shall be allotted or receive, in respect of the Share or Shares so held by him, a larger Amount *per* Share than the other Proprietors of the same Description or Class of Shares in such original Capital shall receive in respect of the Share or Shares held by such Persons respectively; but all the Proprietors of each Class of Shares in the original Capitals of the amalgamating Companies shall divide equally amongst themselves, in proportion to the Number of their Shares of the same Class, the whole Amount of the new Capital to be allotted amongst the Proprietors of Shares of that Class, and all such new Shares shall by force and virtue of this Act be vested in such Proprietors accordingly.

New Shares to be subject to the same Trusts as the old Shares.

XL. Provided also, and be it enacted, That such new Shares shall be so vested in the Proprietors thereof as aforesaid upon such and the same Trusts, and with and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the original Share or Shares for which such new Share or Shares shall be substituted was or were liable immediately before the Commencement of such Amalgamation, and so as to give effect to and not to revoke any Will or other Testamentary Instrument disposing of or affecting such original Share or Shares.

Power to borrow Money on Mortgage.

XLI. And be it enacted, That after the Capital of the united Company shall have been fully subscribed, and One Half thereof shall have

have been actually paid up, it shall be lawful for the united Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the said Company, not exceeding in the whole, together with such Sums as may have been raised by the amalgamating Companies or any of them on Mortgage of their respective Undertakings prior to such Amalgamation, and shall for the Time being be subsisting as a Charge thereon, the Amount of One Third Part of the Capital of the united Company for the Time being, and to secure the Payment of the Sums so to be borrowed by Mortgage of the whole or any Part of the amalgamated Undertaking of the said united Company.

Certain Mortgages to have Priority.

XLII. Provided always, and be it enacted, That all Mortgages created by the amalgamating Companies or any of them which shall be subsisting at the Time of such Amalgamation taking place shall during the Continuance of such Mortgages respectively, and in respect of the Undertaking mortgaged thereby, have Priority over all Mortgages to be created under the Powers of this Act.

Quorum of General Meeting.

XLIII. And be it enacted, That the Quorum for every General Meeting of the united Company shall be One Tenth Part in Number of the Shareholders thereof holding in the aggregate not less than One Tenth Part of the Capital of the said Company.

Shareholders may convene Extraordinary Meetings.

XLIV. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Twenty Shareholders in Number holding in the aggregate not less than One Tenth Part of the Capital of the Company.

Certain Matters relative to Directors to be fixed by the amalgamating Companies.

XLV. And be it enacted, That the Number of Directors, the first Persons to fill the Office of Directors, the Qualification for a Director, the Number of Directors necessary to form a Quorum of a Meeting of Directors, and the Number of Committee-men necessary to form a Quorum of a Committee of Directors, shall be such as shall be agreed upon by the amalgamating Companies prior to such Amalgamation taking place.

8 & 9 Vict. c. 16. construed with this Act.

XLVI. And be it enacted, That when such Amalgamation as aforesaid shall take place the "Companies Clauses Consolidation Act, 1845," shall, so far as the same is applicable, and is not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the united Company, and, modified as aforesaid, shall be read and construed as forming Part of this Act.

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

XLVII. And be it enacted, That it shall not be lawful for the said Companies, out of any Money by this Act or any other Act relating to the said Railway Companies 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 in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act

authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Powers of Sale not to be exercised without Certificate of Commissioners of Railways.

XLVIII. Provided always, and be it enacted, That it shall not be lawful for the said *Dublin and Belfast Junction* Railway Company, by virtue of the Power herein-before contained, to sell, nor for the said *Dublin and Drogheda* Railway Company to purchase, the said *Navan* Branch of the first-mentioned 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 Amalgamation not to be exercised without Certificate of Commissioners of Railways.

XLIX. Provided always, and be it enacted, That it shall not be lawful for the said Companies respectively, by virtue of the Provisions herein-before contained, to enter into and conclude the Amalgamation of the said Companies hereby authorized as aforesaid, 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 Amalgamation, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the amalgamating Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

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.

L. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for Conveyance of Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of 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 herein-before mentioned Railways or any of them, or the Company hereby incorporated, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

LI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts or any of them authorized to be made from the Provisions of any general Act relating to such Acts or to this Act, or of any general

Act relating to Railways, now in 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 to be levied upon the said Railways.

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

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