ANNO VICESIMO OCTAVO & VICESIMO NONO

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Cap. ccxxii.

An Act to authorize the Construction by the *Dublin, Wicklow, and Wexford* Railway Company of a Railway connecting their Railway with the *Dublin and Kingstown* Railway; and for other Purposes. [5th *July* 1865.]

WHEREAS by the Local and Personal Act, 9 and 10 *Vict.* Cap. 208, a Company was incorporated by the Name of "the *Waterford, Wexford, Wicklow, and Dublin* Railway Company," for making and maintaining a Railway and Branch Railway, to be called "the *Waterford, Wexford, Wicklow, and Dublin* Railway:" And whereas by divers other Local and Personal Acts relating to the Company so incorporated and passed subsequently to the passing of the before-mentioned Act (among other Objects) the Name of such Company was changed and is now "the *Dublin, Wicklow, and Wexford* Railway Company" (which Company is herein-after mentioned as "the Company"), and the Company were authorized to extend their Undertaking: And whereas it is expedient that the Company be authorized to make and maintain a Railway connecting the *Dublin, Wicklow, and Wexford* and *Dublin and Kingstown* Railways: And whereas Plans and Sections showing the Situation, Lines, and Levels of the proposed Railway, and the Lands 9 & 10 Vict. c. ccviii.

proposed to be taken or which may be required to be taken for the Purposes thereof, and the 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 respectively have been deposited with the respective Clerks of the Peace for the County of *Dublin* and the County of the City of *Dublin*; and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas it is expedient that the Company be authorized to raise Money for the Purpose of such intended Railway, and also for the general Purposes of their Undertaking: 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *Dublin, Wicklow, and Wexford* Railway Act, 1865."

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," "The Railways Act (*Ireland*), 1864," and Part I. of "The Railways Clauses Act, 1863," shall (so far as the Provisions of the same respectively are applicable to the Purposes of and not expressly varied by or inconsistent with this Act) be incorporated with and form Part of this Act.

Certain Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," 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 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 the Shares into Stock, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall in all respects not by or under the Powers of this Act otherwise provided for respectively apply to all Shares and Stock created

created and to all Mortgages granted and Monies borrowed under the Powers of this Act.

Interpretation of Terms.

4. In construing this Act and (in connexion with this Act) the Acts incorporated herewith, the following Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

"The Railway" shall mean the Railway and Works by this Act authorized:

"The Undertaking" shall mean all the Railways, Works, and Undertaking of the Company by this Act and the recited Acts respectively authorized:

"Share" shall include Stock, and "Shareholders" shall include Stockholders:

"Superior Court" shall include any Court of competent Jurisdiction as interpreted by this Act:

"Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Meanings of Words in incorporated Acts and this Act.

5. Except as may by this Act be otherwise provided, the several Words and Expressions to which in the said incorporated Acts Meanings are assigned shall have in this Act the same respective Meanings, unless such Meanings shall be excluded by the Subject or Context, or other Meanings be assigned to them by this Act.

Application of Funds.

6. The Company may apply to the Purposes which they are by this Act authorized to execute any Monies raised or to be raised by them respectively by virtue of any other Acts, and not required for the Purposes to which those Monies are by such other Acts made specially applicable.

Power to Company to raise Capital by new Shares.

7. In addition to such Sums of Money as the Company now are, or by any other Act of the present Session of Parliament may be, authorized to raise, they may raise by the Creation and Issue of new Ordinary Shares of not less nominal Value than Ten Pounds each, or of new Ordinary Stock, or (at the Option of the Company) by either of those Modes, or partly by one Mode and partly by the other, or by the Creation and Issue of new Preference Shares of not less nominal Value than Ten Pounds each, or of new Preference Stock, or (at the Option of the Company) by either of those Modes, or partly by one Mode and partly by the other, any further Sums not exceeding the following; (that is to say,)

For the Purposes of the Railway and Works by this Act authorized to be constructed by the Company, any Sums not exceeding in the whole Sixty thousand Pounds:

For the Purpose of completing the Railways and Works authorized to be constructed by the Company by or under the Powers of any Act or Acts passed before the present Session of Parliament, and for the general Purposes of the Undertaking of the Company, any Sums not exceeding in the whole Ninety thousand Pounds.

Shares not to issue until One Fifth paid up.

8. It shall not be lawful for the Company to issue any Share created under this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls on and Disposition of Shares.

9. Subject to the Provisions of this Act, the Directors of the Company may from Time to Time fix the Amounts and Times of Payment of the Calls on the Shares to be issued under the Powers of this Act, and dispose of the same at such Times, to such Persons, and on such Terms and Conditions, and in such Manner, as they think advantageous to the Company.

Power to Company to cancel unissued new Shares and issue others instead.

10. If after having created any new Shares or Stock under the Powers of this Act the Company 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.

Receipt for Persons under Disability.

11. 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 the Company for any Money payable to such Shareholder.

Limit of Amount and Number of Calls.

12. The Amount of any One Call to be made in respect of the new Shares created under the Powers of this Act shall not exceed the Rate of Twenty Pounds *per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar Months at the least between any Two successive Calls, and not more than Four Fifths of the Amount of each Share shall be called up in any One Year.

Power to borrow on Mortgage.

13. The Company (in addition to any other Sums which they now are authorized to borrow) may from Time to Time borrow on Mortgage any Sums not exceeding the following; (that is to say,)

For the Purposes of the Railway and Works by this Act authorized to be constructed, and in respect of the additional Capital by this Act authorized to be raised for that Purpose, any Sums not exceeding in the whole Twenty thousand Pounds:

For

For the Purpose of completing the Railways and Works authorized to be constructed by the Company by an Act or Acts passed before the present Session of Parliament, and for the general Purposes of the Undertaking of the Company, and in respect of the additional Capital by this Act authorized to be raised for those Purposes, any Sums not exceeding in the whole Thirty thousand Pounds.

Restrictions on borrowing.

14. Provided, That no Money shall be borrowed by the Company under the Powers of this Act until the whole of the additional Capital in respect of which the same is by this Act authorized to be borrowed shall have been *bonâ fide* subscribed for and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that additional Capital has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

15. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by the Company by virtue of this Act.

Power to raise Money by Shares instead of by borrowing.

16. The Company may, if and when from Time to Time they so think fit, instead of borrowing or re-borrowing on Mortgage all or any Part of the Monies which by this Act the 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.

Power to create Debenture Stock.

17. Subject to the Provisions of "The Companies Clauses Act, 1863," incorporated with this Act, the Company may create and issue Debenture Stock, and the preferential Interest which they may attach to such Stock shall not exceed the Rate of Four Pounds Ten Shillings *per Centum per Annum*.

Application of Monies raised under this Act.

18. All and every Part of the Monies authorized to be raised by new Shares or Stock, or on Mortgage, under the Provisions of this Act, shall be applied only to the Purposes by this Act authorized.

Powers for compulsory Purchases limited.

19. 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.

Land for extraordinary Purposes.

20. The Company may from Time to Time purchase by Agreement any Quantity of Land not exceeding in the whole Two Acres for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Limiting Time for Completion of Works.

21. The Railway by this Act authorized shall be completed within Four Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

As to Deposit of Plans with Clerks of Unions.

22. Whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that Certificates of any Omission, Misstatement, or erroneous Description in certain Plans and Books of Reference therein referred to shall be deposited with the Postmasters of the Post Towns in or nearest to the several Parishes in *Ireland* in which the Lands affected thereby shall be situated, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament shall also be deposited with such Postmasters, and be retained and produced by them for Inspection in manner therein mentioned: And whereas in compliance with the present Standing Orders of both Houses of Parliament the several Plans, Sections, and other Documents heretofore required to be deposited with the Postmasters of the Post Towns in *Ireland* are now deposited with the Clerks of Poor Law Unions instead of such Postmasters: Therefore with reference to this Act all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, and to the Expression "Postmasters "of the Post Towns in or nearest to such Parishes in *Ireland*," or the Word "Postmasters" in the said Act, shall be read and construed as if the Expression "Clerks of the Unions within which said Parishes "are included in *Ireland*," or the Words "Clerks of the Unions," as the Case may be, had been used and inserted in such Act in lieu of the Expression "the Postmasters of the Post Towns in or nearest to "such Parishes in *Ireland*," or in lieu of the Word "Postmasters," as the Case may be.

Power to make Railway and Works authorized by Act.

23. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company from Time to Time may make the Railway and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and, so far as the Railway and Works are shown on the deposited Plans and Sections, may make the same in

in the Lines and in accordance with the Levels shown thereon, and the Company may from Time to Time enter upon, take, and use such of the said Lands as they may think expedient for carrying this Act into execution.

Description of Works.

24. The Railway by this Act authorized is the following; (that is to say,)

A Railway commencing in the Townland of *Merrion* in the Parish of *Donnybrook* and *Pembroke* Township in the County of the City of *Dublin* by a Junction with the *Dublin and Kingstown* Railway, and terminating in the Townland of *Ranelagh North* in the Parish of *Saint Peter*; and *Rathmines* and *Rathgar* Township in the County of *Dublin*, by a Junction with the *Wicklow and Wexford* Railway.

Dimensions of Bridge.

25. The Company may make the Arch of the Bridge for carrying the Railway over the public Road, numbered on the deposited Plans 2, in the Parish of *Saint Peter*, of any Height not less than Twelve Feet and of any Span not less than Twenty-one Feet.

Regulating Construction of Bridges over public Roads.

26. In the Construction of the Railway and Works the following Rules shall be observed:

1. Wherever the Railway shall be carried across any public Carriageroad or public Street within the Limits of the Township of *Rathmines* and *Rathgar*, it shall be made there and shall thenceforth be maintained so as not to lessen the present clear Width of such Road or Street, including the Footway (where a Footway now exists):
2. The Arch of the Bridge over any such Road or Street, except the Road or Street numbered 2 on the deposited Plans in the Parish of *Saint Peter*, shall not, without the Consent of the Commissioners of *Rathmines* and *Rathgar*, in any Case be constructed with a Headway of less than the clear Height of Fifteen Feet in the Centre, and the Arch over any such Road or Street shall be formed of an ornamental Character to the reasonable Satisfaction of the Engineer of the said Commissioners for the Time being, or in case of Dispute between the Company and such Engineer to the reasonable Satisfaction of the Commissioners of Public Works in *Ireland*:
3. No Abutments or Piers shall project beyond the general Line of Frontage of the adjoining Houses: Provided always, that where there are Gardens or Forecourts in front of Houses and the Distance between the Houses is great, the Company shall erect and maintain Side Openings supported with Columns back to the general Line of the Frontages of the Houses:
4. All Bridges shall be Water-tight.

27. In

As to Rate of Inclination of certain Roads.

27. In the Construction of the Railway the public Road on the deposited Plans referred to in this Act, numbered 8 in the Townland of *Smotscourt*, shall be carried over the Railway with an Ascent on either Side of not more than One Foot in Fifty Feet, and the public Road numbered 7 in the Townland of *Smotscourt* with an Ascent on either Side of not more than One Foot in Forty Feet; and the Road numbered 3 in the Townland of *Smotscourt* with an Ascent of not more than One Foot in Forty Feet on the North Side of the Railway, and on the South Side of the Railway with an Ascent as gradual as the Company can construct the same within the Limits of Deviation defined on said Plans, without injuriously affecting the *Donnybrook* Church Grounds; and the Road numbered 1 in the Townland of *Forty Acres* with an Ascent on either Side of not more than One Foot in Forty Feet; and the Road numbered 47 in the Townland of *Donnybrook West* with an Ascent on either Side of not more than One Foot in Forty Feet.

Provision as to Sewers and Water Pipes under Railway.

28. In the Construction of the Railway under the public Roads numbered on the deposited Plans referred to in this Act, *viz.* No. 3, No. 7, and No. 8 in the Townland of *Smotscourt*, No. 1 in the Townland of *Forty Acres*, and No. 47 in the Townland of *Donnybrook West*, the Company shall at their own Expense construct within the Land taken for the Purposes of the Railway all necessary Works for carrying the existing Sewers of the District in the Neighbourhood of such Roads respectively under the Railway, and for carrying under or over the Railway the Water Pipes for supplying the *Pembroke* Township with Water; and the Company shall also from Time to Time construct all necessary Works within the Lands taken for the Purposes of the Railway for carrying under the Railway any Sewers that may hereafter be constructed by the Commissioners of the *Pembroke* Township, such last-mentioned Sewers to be constructed by the Company, the said Commissioners contributing so much of the Expense of such Works as would have been incurred by them in constructing such Sewers under the Lands taken by the Company as if the Railway had never been in existence; and such Works shall be executed to the reasonable Satisfaction of the Engineer for the Time being of the *Pembroke* Township, and in case of any Difference as to the Nature or Execution of such Works arising between such Engineer and the Engineer of the Company, the Works shall be executed to the Satisfaction of an Engineer to be appointed by the Board of Public Works in *Ireland*.

Railway to be made at certain Distance from Hospital for Incurables.

29. The Outside Boundary nearest the Hospital for Incurables of the Line of the Railway shall not, without the Consent of the Governors and Guardians of the said Hospital under their Common Seal, be made nearer than One hundred and twenty Feet from the Western Corner of the said Hospital Building, as specified and shown on

on the Plan signed by the Chairman of the Committee of the House of Lords and deposited with the Registrar of the said Hospital.

Company to take certain Lands only of Hospital for Incurables.

30. The Company shall not under the compulsory Powers of this Act take any other Land belonging to the Hospital for Incurables than the Land coloured Red on the Plan so deposited as aforesaid and containing in Quantity Two Acres Two Roods and Seventeen Perches, Statute Measure, or thereabouts; and the Company shall not take any Part of the said Land until they shall have paid to the Governors and Guardians of the said Hospital the Sum of Five thousand Pounds as the full Amount of the Purchase and Compensation Monies to be paid by the Company for such Lands; and the Company shall not be required to make or provide any Accommodation or other Works for the said Hospital.

All Works connected with certain Gas Companies to be executed to the Satisfaction of their Engineer.

31. And whereas in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging respectively to the Company of Proprietors of the *Hibernian Gaslight* Company and the *Alliance and Dublin Consumers Gaslight* Company may be intersected or otherwise interfered with, and it is expedient to provide as herein-after mentioned for the Protection of the said Gas Companies: Therefore all Works, Matters, or Things which under the Provisions of "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*) 1860," or this Act, the Company may be empowered or required to do or execute with reference to the Mains, Pipes, Syphons, Plugs, or other Works of the said Gas Companies respectively, shall be done and executed by and at the Cost of the Company, but to the reasonable Satisfaction and under the Direction and Superintendence of the Engineer for the Time being of the Company to whom the Mains, Pipes, Syphons, Plugs, and other Works shall belong, and such Works, Matters, or other Things shall not be commenced until after Fourteen Days previous Notice thereof in Writing shall have been given to the Company to whom such Mains, Pipes, Syphons, and other Works shall belong; and if any Dispute or Difference as to the Works, Matters, or Things aforesaid shall arise between the Company or their Engineer and the said Gas Companies, or either of them, or their Engineers respectively, or either of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

Penalty for interrupting the Supply of Gas.

32. If any of the Mains, Syphons, or Plugs of the said Gas Companies, or either of them, shall be interfered with by the Company, or by the Acts of any of the Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, so as to cause Interruption in the Supply of Gas by means of such Interference, the Company shall forfeit and pay to the Gas Company whose

Supply shall have been so interrupted, for the Use and Benefit of such Company, a Sum not exceeding Twenty Pounds for every Day in which such Interruption shall occur after Notice to the Company of such Interruption, and such Sum may be recovered by summary Process before any of the Divisional Justices of the City of *Dublin*: Provided always, that the Penalty imposed by this Act and by "The Railways Clauses Consolidation Act, 1845," Section Twenty-three, shall not be cumulative.

Gas Companies to have Access to Company's Premises.

33. It shall be lawful for the said Gas Companies and their Engineers, Workmen, and others in their respective Employment, at all reasonable Times, within the Districts in which such Companies are now entitled by Law to lay down Pipes, to enter upon the Railway, Lands, and Premises of the Company for the Purpose of laying and to lay any Mains or Pipes under or over the said Railways, Lands, Works, or Premises, or any Part thereof, and to do all such Works in and upon such Railway, Lands, and Premises as may be necessary for laying, repairing, maintaining, or removing or replacing such Mains or Pipes under or over the same Railway, Lands, and Premises: Provided always, that in so doing the said several Gas Companies, or either of them, shall not interrupt the Traffic passing on the said Railway in any Manner: Provided also, that all such Works shall be done by the said Gas Companies under the Superintendence of, and to the reasonable Satisfaction of, the Engineer of the Company: Provided also, that the Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time thereafter be rendered necessary by the Acts or Defaults of the Company, their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, shall be borne and paid by the Company, and may be recovered from them by the said Gas Companies respectively in any Court of competent Jurisdiction: Provided also, that if any Dispute shall arise between the said Companies, or any Two of them, or their Engineers respectively, with respect to the Matters mentioned in the present Enactment, or any of them, every such Dispute shall be settled by an Engineer to be appointed by the Board of Public Works in *Ireland*.

Penalty for Non-completion of Works within Time limited.

34. If the Railway by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provisions herein-after contained) the Company shall forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railway shall remain unopened, which Amount shall be a Debt due from the Company to the Crown, and recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may

may be prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, of which Prevention, and the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence, and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway to form Part of the Undertaking of the Company.

35. The Company may demand and receive upon and in respect of the Railway such and the like Tolls and Charges as they are authorized to demand and receive upon and in respect of the existing Railways of the Company, as if the Railway formed One continuous Line of Railway with the existing Railways of the Company, and the Railway shall be deemed to be Part of the Undertaking of the Company.

Not compulsory to carry offensive Matter.

36. It shall not be compulsory on the Company to carry on the Railway by this Act authorized or the *Dublin and Kingstown* Railway any Dung, Nightsoil, Manure, Compost, or other offensive Matter, except between the Hours of Twelve at Night and Six in the Morning.

Trains for Labouring Classes.

37. The Company shall and they are hereby required after the opening of the Railway authorized by this Act to run on every Day, except *Sundays*, *Christmas Day*, and *Good Friday*, Trains in the Morning and Evening over the said Railway; and the said Trains shall stop at every Station thereof, and shall run at such Hours, not being later than Seven in the Morning or earlier than Six in the Evening, as may be most convenient for the Labouring Classes resident at or beyond or in the Neighbourhood of the said Railway, and resorting to or returning from their Work in the Neighbourhood of or beyond the said Railway; and the Fares shall not exceed One Penny *per* Passenger for each such Journey: Provided that in case of any Complaint made to the Board of Trade of the Hours appointed by the Company for such Trains, the said Board shall have Power to fix and regulate the same from Time to Time; and also that if, in any continuous Period of Six Months, it shall be found that less than One hundred Passengers on the average shall have been conveyed by each of such Trains, the Company, on Proof of that Fact to the Satisfaction of the Board of Trade, may discontinue the running of such Trains, but the said Board may at any Time order the Resumption thereof by the Company if it shall seem to the said Board desirable so to do.

Interest or Dividend not to be

38. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by

the

paid on Calls paid up.

the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

39. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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.

Railways not exempt from Provisions of present and future General Acts.

40. Nothing in this Act contained shall exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass 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 by this Act respectively authorized.

Expenses of Act.

41. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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