ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xcvi.

An Act to enable the *Limerick*, *Ennis*, *and Killaloe Junction* Railway Company to lease their Undertaking; and for other Purposes.

[8th *July* 1853.]

WHEREAS by " The *Limerick, Ennis, and Killaloe Junction* Railway Act, 1846," a Company was incorporated for the Purpose of making the Railways therein mentioned from the City and Borough of *Limerick* to the Borough of *Ennis*, with Branches to the Towns of *Clare* and *Killaloe*, and to join the *Great Southern and Western* Railway: And whereas a Bill is now pending in Parliament to enable the said Company to abandon the Formation of a Portion of the Main Line of Railway, and the whole of the Branch Railways to *Killaloe*, and the *Great Southern and Western* Railway authorized by the recited Act, and to reduce their Capital, and for other Purposes therein mentioned: And whereas, in the event of the said Bill being passed into a Law during the present Session, it is expedient to enable the said Company to let their Undertaking as herein-after mentioned; but for the Purposes aforesaid the Authority of Parliament is necessary: 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.

I. That in citing or referring to this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Limerickand Ennis* Railway (Lease) Act, 1853."

Interpretation.

II. That in this Act the following Expressions and Words shall have the following Meanings attached to them:

The Expression "the Company" shall mean the Company incorporated by the recited Act, and by the recited Bill now pending in Parliament proposed to be called the *Limerick and Ennis* Railway Company:

The Expression "the Undertaking," or the Word "Undertaking," shall mean the Undertaking of the Company authorized by the recited Act, as proposed to be constituted by the said recited Bill.

Power to lease the Railway.

III. That, subject to the Provisions and Restrictions in this Act, and in the Portion of "The Railways Clauses Consolidation Act, 1845," incorporated herewith, contained, it shall be lawful for the Company, with the Approbation of Three Fifths in Value of the Proprietors of Shares in the Company present, either personally or by Proxy, at some Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, and Provisions as shall be agreed upon, their Undertaking, or any Portion of the same, either before or after the Completion thereof, for any Term not exceeding Twenty-one Years, unto *Richard William Johnson* and *Thomas William Kinder*, or either of them, their or either of their Executors, Administrators, and Assigns; and the said *Richard William Johnson* and *Thomas William Kinder* are hereby authorized, if they shall think proper, to enter into and accept such Lease; and such Lease shall entitle the said *Richard William Johnson* and *Thomas William Kinder*, or whichever of them shall so enter into and accept such Lease, their or his Executors, Administrators, or Assigns, to the free Use and Enjoyment of the Railways constituting such Undertaking, or such Part thereof as shall be so leased; and during the Continuance of any such Lease all the Powers and Authorities possessed by the Company at the Time of the Execution of such Lease, or which might be exercised by their Directors, Officers, Agents, or Servants, shall in like Manner and to the same Extent in all respects apply to and be held, exercised, and enjoyed by the said *Richard William Johnson* and *Thomas William Kinder*, or whichever of them shall so enter into and accept such Lease, their or his Executors,

cutors, Administrators, and Assigns, their Officers, Agents, and Servants, subject to all such and the same Regulations and Restrictions as may apply to the Company with reference to and in respect of their Undertaking at the Time of the Execution of such Lease.

Provisions of 8 & 9 Vict. c. 20. as to leasing of Railways to apply to this Act.

IV. That all the Provisions of "The Railways Clauses Consolidation Act, 1845," in relation to the leasing of Railways, shall extend and apply to any Lease to be granted under the Authority of this Act.

Lessee to fulfil Obligations of Company.

V. That from and after the Execution of such Lease, and during the Continuance thereof, all and every the Obligations which by any Act in existence at the Time of such Execution are or may be imposed upon the Company shall be, and upon the Execution of such Lease shall become, transferred from the Company to the said Lessees or Lessee, his or their Executors, Administrators, and Assigns, but so as not to discharge the Company from their Liability to the same, except as between themselves and the said Lessees or Lessee, their or his Executors, Administrators, and Assigns.

Powers of Act to be suspended, and in certain Event to be inoperative.

VI. Provided always, That the Powers of this Act shall not be exercised until the said Bill now pending in Parliament shall have passed into a Law, and that if the said Bill shall not pass into a Law during the present Session none of the Powers of this Act shall be operative.

Interest on Calls not to be paid out of Capital.

VII. That the Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of the "Companies Clauses Consolidation Act, 1845."

Deposits not to be paid out of Capital.

VIII. That the Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being 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 to execute any other Work or Undertaking.

Railway to be subject to Provisions of

IX. Whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance*

1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

ance of Mails by Railway; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating 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 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railway or the Company or their Lessees or Lessee from the Provisions of the said several Acts respectively, but that such Provision shall be in force in respect of the Railway and Company, so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future General Acts.

X. That nothing in this Act contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during the present 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 authorized to be taken by the recited Act.

Expenses of Act.

XI. That all the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

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