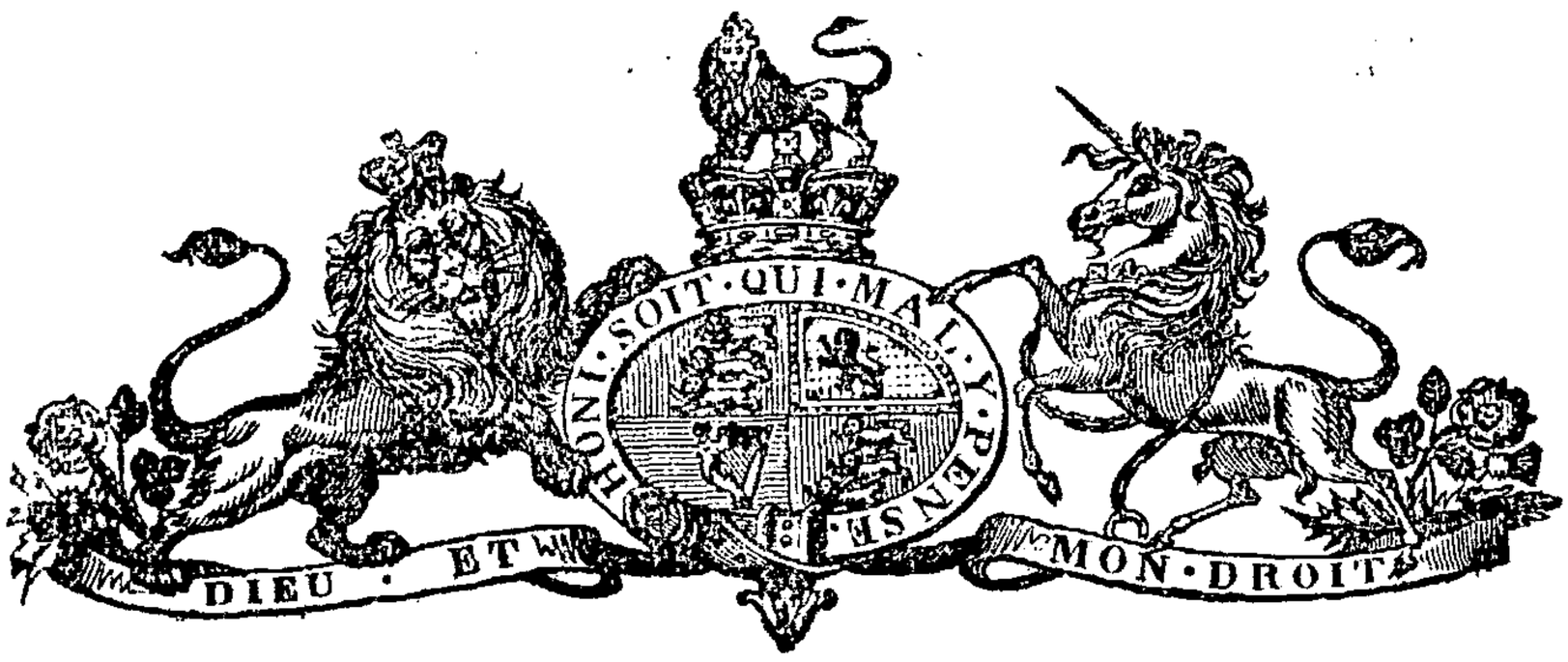


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ci.

An Act to authorize the *Hammersmith and City* Railway Company to alter some of the Works connected with their Railway, and to purchase additional Lands, and to lease or transfer their Undertaking to the *Great Western* and *Metropolitan* Railway Companies; and for other Purposes. [19th *June* 1865.]

WHEREAS the *Hammersmith and City* Railway Company (in this Act called "the Company"), incorporated by "The *Hammersmith and City* Railway Act, 1861," (in this Act called "the Act of 1861,") have constructed a Railway from the *Great Western* Railway to *Hammersmith*, and the same has been opened for public Traffic: And whereas by "The *Hammersmith and City Junction* Railway Act, 1863," (in this Act called "the Act of 1863,") the Company were authorized to construct a Railway from the Line of their Railway to form another Junction with the *Great Western* Railway: And whereas by the Act of 1861 the Company were authorized to raise One hundred and eighty thousand Pounds by Shares and Sixty thousand Pounds by borrowing,

24 & 25 Vict. c. clxiv.

26 & 27 Vict. c. clxxii.

rowing, and by the Act of 1863 the further Sums of Sixty thousand Pounds by Shares and Twenty thousand Pounds by borrowing: And whereas the Company will require further Sums of Money for the Purposes of their Undertaking: And whereas it is expedient that the Company should be authorized to alter the Line and Levels of their Railway and certain of their Works in the Parishes of *Paddington* and *Kensington*, between *Portobello Lane* and the Junction with the *Great Western* Railway, and that they should be authorized to form a Road in the Parish of *Hammersmith* from *Brook Green* to the *Grove Road*, and to acquire certain additional Lands in the Parishes of *Kensington* and *Paddington* for the Purposes of the Railway: And whereas the *Hammersmith and City* Railway is worked by the *Great Western* Railway Company in connexion with their Railway and the *Metropolitan* Railway: And whereas the Line of Railway authorized by the Act of 1863 was intended to be made for the Purpose of forming a Junction with the Up Line of the *Great Western* Railway on the Northern Side of such Railway, but by reason of the Works authorized by this Act, and the Arrangements made by and the Mode in which the Railway of the Company is and will be worked by the *Great Western* Railway Company, the Railway authorized by the Act of 1863 has become unnecessary, and it is expedient that it be abandoned: And whereas it is expedient that such Powers be given to the Company and to the *Great Western* Railway Company and the *Metropolitan* Railway Company with reference to the Lease and Transfer of the Undertaking of the Company as are in this Act expressed: And whereas Plans showing the Line or Situation of the new and altered Works authorized by this Act, and delineating the Lands by this Act authorized to be taken, with a Book of Reference to the Plans, and also Sections showing the Levels of the new and altered Works, have been deposited with the Clerk of the Peace for the County of *Middlesex*, and are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the several 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 so say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Hammersmith and City* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways

Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

26 & 27 Vict. c. 92. 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 Payment of Subscriptions and 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., Part II., and Part III. of "The Companies Clauses Act, 1863,"

shall be incorporated with this Act, and shall apply to this Act, and to all Shares created, Mortgages granted, and Money borrowed under the Powers of this Act and the Act of 1863.

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

4. In construing this Act, and in construing for the Purposes of this Act any Act wholly or partially incorporated with this Act, the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall read and have effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute; and, except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Interpretation of Terms.

5. The Company from Time to Time, by Order of any General Meeting of the Company, may raise, by the Creation of Shares of such nominal Amount (not being less than Ten Pounds) as such Meeting shall determine (exclusive of the Monies which they are or may be authorized to raise by the Act of 1861 and the Act of 1863),

Power to raise additional Money by new Shares.

1863), such Sums of Money as they shall think necessary, not exceeding One hundred thousand Pounds; and such Sums may be raised by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or by any of such Means, at the Option of the Company, and generally on such Terms as by the Order of any such Meeting shall be determined.

Restriction as to Issue of Shares.

6. It shall not be lawful for the Company to issue any Share or Stock created under the Authority of this Act, nor shall any such Share or Stock 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 or Stock is paid up in respect thereof.

Except as otherwise provided, new Shares created by the Company to be subject to same Incidents as Ordinary Shares.

7. Except as is by or under the Provisions of this Act otherwise provided, the new Capital created by the Company under this Act, and the Shares or Stock therein, and the Holders of those Shares or Stock respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, Qualifications, and Incidents whatsoever in all respects as if that new Capital were Part of the now existing Ordinary Share Capital of the Company, and those Shares or Stock were Shares or Stock in that Ordinary Capital.

Dividends on new Shares created by Company.

8. Every Person who becomes entitled to a new Share or to new Stock created by the Company under this Act shall, in respect of the same, be a Shareholder of the Company, and shall, unless otherwise provided by or under the Powers of this Act, be entitled to a Dividend with the other Holders of Shares or Stock proportioned to the whole Amount from Time to Time called and paid on such new Shares or Stock.

Calls.

9. Twenty Pounds *per Centum* on the nominal Amount of each of such new Shares shall be the greatest Amount of any One Call which the Directors may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any One Share in any One Year shall not exceed Three Fourths of the Amount of such Share.

Power to borrow on Mortgage.

10. After the whole of the Sum by this Act authorized to be raised by Shares or Stock shall have been subscribed for, and One Half of such Sum shall have been paid up, and the Company shall 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 or Stock for all the Capital which the Company

are

are by this Act authorized to raise by the Creation of Shares or Stock are or is issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share, or Twenty *per Centum* upon the Amount of the Stock, has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares or Stock are or is taken in good Faith and held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice shall be sufficient Evidence), the Company may borrow on Mortgage (in addition to the Sums which they are or may be authorized to borrow by the Act of 1861 and the Act of 1863) such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Thirty-three thousand Pounds.

Former Mortgages to have Priority.

11. All Mortgages or Bonds for any Money raised under or for the Purposes of the Act of 1861 and the Act of 1863, or either of them, and which shall be in existence at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages to be granted by virtue of this Act.

Debenture Stock.

12. For the Purpose of discharging the Mortgage and Bond Debts of the Company, and of raising Money which the Company are authorized to borrow, the Company may create and issue Debenture Stock.

Company may apply Monies to Purposes of this Act.

13. The Company may from Time to Time apply to any of the Purposes of this Act any Money from Time to Time raised by them, and which is not by the Act of 1861 and the Act of 1863 made applicable to any special Purpose, or which being so made applicable is not required for the special Purpose.

Application of Monies raised.

14. All Money raised under the Authority of this Act shall be applied to the Purposes authorized by the Act of 1861 and this Act, or One of them.

Power to take Lands and make Works authorized by this Act.

15. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use any of the Lands delineated on the deposited Plans, and described in the deposited Book of Reference, which may be required by the Company for the Purposes of their Undertaking; and the Company from Time to Time may make in the Line and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use for such Purposes, the

Works following, with all proper Works and Conveniences connected therewith; (that is to say,)

An Alteration in the Line, Levels, and Works of so much of the *Hammersmith and City* Railway, authorized by the Act of 1861, as lies between *Portobello Lane* in the Parish of *Kensington*, otherwise *St. Mary Abbotts, Kensington*, and the Junction with the *Great Western* Railway at or near *Green Lane Bridge* in the Parish of *Paddington*:

A Road wholly in the Parish of *Hammersmith* in the County of *Middlesex* commencing at *Brook Green* and terminating in the same Parish at *Grove Road*, otherwise *The Grove, Hammersmith*:

And such Works shall for all Purposes be deemed Part of the Undertaking of the Company, and be included within the Powers of the Act of 1861 with respect to Working and Traffic Arrangements.

Powers for compulsory Purchases limited.

16. The Powers by this Act granted for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Describing Lands, &c.

17. The Lands delineated on the deposited Plans and described in the Book of Reference thereto which the Company may purchase and take under the Powers of this Act for any of the Purposes of the Undertaking of the Company, in addition to the Lands required for the Works before described, are the following; (that is to say,)

Lands in the Parish of *Kensington*, otherwise *St. Mary Abbotts, Kensington*, in the County of *Middlesex*, forming Portions of the Lands which lie between the Eastern Fence of the *Hammersmith and City* Railway and *Lancaster Road*:

Lands in the same Parish forming Portions of the Lands which lie between the Western Fence of the *Hammersmith and City* Railway and an Occupation Road which leads into *Portobello Lane*:

Lands in the Parishes of *Paddington* and *Kensington*, otherwise *Saint Mary Abbotts, Kensington*, in the County of *Middlesex*, lying adjacent to and on the South Side of the Southern Fence of the *Hammersmith and City* Railway.

As to certain Plans deposited with Vestry Clerks.

18. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a Certificate of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Parish Clerks of the several Parishes in *England* in which the Lands affected thereby shall be situate, 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 should also be deposited with the Clerks of the several Parishes, and be retained and produced

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 Parish Clerks are, in respect of Lands in any Parish comprised in "The Metropolis Management Act, 1855," to be deposited with the Vestry Clerk if the Parish be in Schedule (A.) to that Act, and with the Clerk of the Board of Works for the District if the Parish be in Schedule (B.) of such Act: Therefore, with reference to and for all the Purposes of this Act, in all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, the Expression "Parish Clerks of the several Parishes," or "Clerks of the several Parishes," shall be read and construed as if in that Act the Expression "Vestry Clerk of the Parish" if the Parish be in the said Schedule (A.), and "Clerk of the Board of Works of the District" if the Parish be in Schedule (B.), of the said "Metropolis Management Act," as the Case may be, had been inserted in lieu of the Expression "Parish Clerks" or "Clerks of the several Parisnes," as the Case may be.

Extending certain Provisions of 24 & 25 Vict. c. clxiv. to Works under this Act.

19. The Provisions of the Act of 1861 comprised in Sections Thirty-five to Forty-five thereof, both inclusive, with respect to the Construction of the Railway and Works thereby authorized in the Parish of *St. Mary Abbotts*, *Kensington*, shall extend and apply so far as applicable to the Company and the Works hereby authorized in that Parish.

For Protection of Sewers of Metropolitan and other Boards.

20. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the Metropolis Local Management Act, 1855, or any Act or Acts amending the same or extending the Powers thereof, or with any Sewers or Works to be made or executed by the said Boards or Vestry or either of them, or shall or may in any way affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry,

Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Orders, Directions, and Regulations of the said Metropolitan Board and of the respective Boards or Vestries in the Execution of the said Works, and shall provide, by new, altered, or substituted Works, in such Manner as such Boards or Vestries respectively may deem necessary, for the proper Protection of, and for preventing Injury or Impediment to, the Sewers and Works herein-before referred to by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby, and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Company, and all Costs, Charges, and Expenses which the said Metropolitan Board or any District Board or Vestry may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to such Boards or Vestry by the Company on Demand; and when any new, altered, or substituted Works as aforesaid, or any Works or Defence connected therewith, shall be completed by or at the Costs, Charges, or Expenses of the Company under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Metropolitan Board, District Boards, and Vestry respectively, as the Case may be, as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Metropolitan Board, District Boards, and Vestries, or any or either of them, or of their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

As to Mode of constructing Road.

21. It shall only be lawful for the Company to make the Road by this Act authorized in such Course and on such Level where the same passes under the Railway D. authorized to be constructed by "The *South-western, Kensington and Richmond*, Railway Act, 1865," as that the same shall not interfere with the making of that Railway D. according to the Line and Levels by that Act authorized.

22. If

Period for Completion of Railway.

22. If the Works authorized by this Act shall not be completed within Three Years from the passing of this Act, then on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railway authorized by 26 & 27 Vict. c. clxxii. to be abandoned.

23. The Company may and shall abandon the making of the Railway authorized to be made by the Fifth Section of the Act of 1863.

Compensation to be made where Contracts have been entered into or Notice given.

24. If in any Case before the passing of this Act any Contract has been entered into or Notice given, by or on behalf of the Company, for purchasing any Lands which the Company were by the Act of 1863 empowered to purchase for the Purpose of constructing the Railway so authorized to be abandoned as aforesaid, or if any Contract has been entered into for or concerning the constructing or maintaining of the Railway so authorized to be abandoned, or any other Contract relating thereto, which by reason of such Abandonment cannot be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," for all Injury or Damage (if any) sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Notice, or by reason of such Contract not being performed.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c.

25. The Authority by this Act given for abandoning the making of the Railway by the Act of 1863 authorized to be made shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Section 19. of Act of 1863 repealed.

26. The Nineteenth Section of the Act of 1863 is hereby repealed.

Stock to be transferred to Company.

27. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of the Reign of Her present Majesty, Chapter Twenty, a Sum of One thousand seven hundred and twenty-five Pounds and Sixteen Shillings Three Pounds *per Centum* Consolidated Bank Annuities (representing the Sum of One thousand six hundred Pounds Sterling) was transferred to the Accountant General of the Court of Chancery in *England* in respect

of the Application for the Act of 1863, and it is reasonable that the same should be transferred and paid to the Company: Therefore, notwithstanding anything in the Act of 1863, or in any other Act, the High Court of Chancery may and shall, on the Application by the Company or on their Behalf, by Petition or Motion in a summary Way, order that the Stock so transferred to the Accountant General, and the Interest and Dividends thereof, shall be transferred and paid to the Company, or to such Persons as the Company appoint, and on such Order being made the said Stock and Interest and Dividends shall be transferred and paid accordingly.

Powers of leasing to Great Western and Metropolitan Railway Companies.

28. The Company from Time to Time may lease their Undertaking to the *Great Western* Railway Company and the *Metropolitan* Railway Company, or to either of those Companies, (such Company or Companies taking the Lease being herein-after referred to as the Lessees,) for such Term, and in consideration of such gross or periodical Payments, Rents, or Reservations, with such Powers and Privileges, and under and subject to such Covenants, Conditions, Provisions, Regulations, and Restrictions, as the Parties to any such Lease shall think proper, and the *Great Western* Railway Company and the *Metropolitan* Railway Company, or either of them, may accept such Lease accordingly.

Effect of Lease.

29. The Lease may comprise the User or Exercise by the Lessees, their Directors, Officers, Agents, and Servants, of all or any of the Powers, Privileges, Rights, and Authorities granted to, or which at the Time of the making of such Lease might be used or exercised by, the Lessors, their Directors, Officers, Agents, or Servants, whether with reference to their own Undertaking or the Undertaking of any other Company, but subject to the same Restrictions, Obligations, and Regulations as those to which the Lessors, their Directors, Officers, Agents, and Servants respectively, would be liable in the Exercise of such Powers, Privileges, and Authorities if such Lease were not made.

Transfer of the Undertaking of the Company to the Great Western and Metropolitan Railway Companies.

30. The Company may, notwithstanding any Lease thereof may have been previously granted or any Contract or Arrangement for working the same may have been previously made under this Act or any other Act (but subject, as between the Companies and other Parties, to any Bonds, Mortgages, Contracts, or Liabilities affecting the same), sell and transfer their Undertaking, together with all or any of their Powers, Rights, Privileges, and Authorities, to the *Great Western* Railway Company and the *Metropolitan* Railway Company, or either of them, (the Company or Companies making the Purchase being herein-after referred to as the Purchasers,) upon such Terms and Conditions and for such Consideration as may be mutually agreed

agreed on, and the *Great Western* Railway Company and the *Metropolitan* Railway Company, or either of them, may accept and take such Transfer.

Evidence and Effect of Transfer.

31. At the Time agreed on for any such Transfer taking effect, or if no Time be specified for that Purpose, then upon and from the Transfer, the Undertaking agreed to be transferred shall be and hereby is vested in the Purchasers, and thenceforth the Purchasers may have and hold such Undertaking, and may use, exercise, and enjoy all the Powers, Rights, Privileges, and Authorities vested in the Company immediately before the Transfer, or which but for the Transfer might accrue to them, whether with reference to their own Undertaking or the Undertaking of any other Company, or such of the same Powers, Rights, and Privileges as are not agreed to be excepted out of such Transfer: Provided always, that every such Transfer shall be evidenced by a Deed of Transfer, duly stamped, and in which the Consideration shall be fully and truly set forth.

Provision for Debts and Credits of selling Company.

32. From and after any such Transfer of the Undertaking of the Company all Debts then due on Mortgage or Bond by them, or charged or secured on the Undertaking transferred, shall, as between the said Companies and the other Parties, be payable and paid by the Purchasers, and until paid shall continue charged or secured exclusively on such Undertaking, and separate Accounts shall be kept of such Debts, and all other Debts then due, and all Rates, Tolls, Duties, and other Monies which immediately before the Transfer were due or payable, or which but for the Transfer might thereafter become due or payable, from or to the Company, shall then and thenceforth be due or payable from or to the Purchasers, and shall and may be recovered from or by the Purchasers by the same Ways and Means, and subject to the same Restrictions and Regulations, as, in case the Transfer were not made, the same might be recovered from or by the Company.

Contracts, &c. to remain in force.

33. From and after any such Transfer of the Undertaking of the Company all Contracts, Agreements, Conveyances, Covenants, Bonds, Obligations, Mortgages, Liabilities, and Securities theretofore made or entered into with, by, or on behalf of or in reference to the Company shall, subject to the Provisions of this Act, be and remain as good, valid, and effectual in favour of, against, or with reference to the Purchasers, and may be enforced, sued, and recovered upon, against, and by the Purchasers, as fully and effectually to all Intents and Purposes as if they, instead of the Company, had originally been Party to and executed the same, or had been named or referred to therein or privy thereto.

34. Any

Actions, &c. not to abate.

34. Any Action, Suit, Prosecution, Indictment, or other Proceeding whatsoever commenced or instituted by, in favour of, or against the Company previously to any such Transfer shall not abate or be discontinued or prejudicially affected by the Transfer, but all such Actions, Suits, Prosecutions, Indictments, and Proceedings shall continue and take effect, and may be prosecuted and carried on, by, in favour of, or against the Purchasers, as fully and effectually and in the same Manner in all respects as if the same had been originally instituted or commenced by or against the Purchasers, and the Purchasers had been named or referred to therein throughout instead of the Company.

Present and future Rights and Liabilities under other Acts saved.

35. Provided always, That, except as in this Act otherwise provided, everything before any such Transfer done and suffered respectively shall be as valid and effectual as if this Act were not passed, and such Transfer had not been made; and every such Transfer and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Transfer had not been made, and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Purchasers shall to all Intents and Purposes represent the Company: Provided also, that the Generality of this Enactment shall not be confined or restricted by any other of the Clauses and Provisions of this Act.

For Recovery of Rents, &c.

36. If and as often as any Rent or other Payment reserved and made payable by any such Lease, or any Rentcharge payable in respect of any such Transfer, be not paid within Twenty-one Days after it becomes payable, and after Demand thereof in Writing by the Secretary of the Company, the Company may either recover the same from the Lessees or Purchasers, as the Case may be, with Costs of Suit, in any Court of competent Jurisdiction, or may levy the same by Distress and Sale of the Goods and Chattels, Estates and Effects, of the Lessees or Purchasers.

Receipt to be sufficient Discharge.

37. A Receipt in Writing under the Hands of any Three of the Directors for the Time being, or under the Common Seal of the Company, for any Money payable to the Company in respect of any such Transfer or Lease, shall be an effectual Discharge to the Purchasers or Lessees making the Payment for the Money therein expressed to be received, and from all Liability, Claims, or Demands in respect thereto.

38. The

Application of Money under Lease or Transfer.

38. The Directors of the Company shall stand possessed of the Rents or annual Reservations coming to their Hands from any Lease or Transfer made under this Act, upon trust to pay and apply the same in like Manner as the net Income arising from their Undertaking would be applicable if they were in possession thereof.

Proof of Proprietorship of Company.

39. The several Persons whose Names appear in the Books of the Company as the Holders of Shares therein at the Time of any such Transfer or Lease shall, until the Directors of the Company receive Notice to the contrary, be considered to be the Persons entitled to participate as Shareholders in the Distribution of any Sum or Sums of Money from Time to Time divisible among the Shareholders in the Company under or in consequence of any such Transfer or Lease.

Sanction of Shareholders.

40. No such Transfer or Lease shall be of any Effect unless previously to the making thereof the Terms thereof shall have been sanctioned by Three Fifths at least of the Votes of the Shareholders of each Company being a Party thereto present, either personally or by proxy, at some Extraordinary Meeting of such Company convened specially for that Purpose; and the Seal of any Company fixed to or impressed upon any such Deed of Transfer or Lease shall as between the Companies Parties thereto be conclusive, and as between all or both or either of those Companies and any other Person be *primâ facie* Evidence that the required Sanction of the Shareholders of that Company has been duly given.

Contracts with Great Western and Metropolitan Railway Companies.

41. The Directors of the Company and the Directors of the *Great Western* Railway Company and the *Metropolitan* Railway Company respectively may enter into any Contracts or Agreements for effecting all or any of the Purposes of this Act, or any Objects incidental to the Execution thereof, and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as are mutually agreed upon between the Parties thereto.

Interest not to be paid on Calls paid up.

42. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by borrowing, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of 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 the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

43. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time 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 make any other Railway, or execute any other Work or Undertaking.

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

44. Nothing in this Act contained shall exempt the Railway 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels.

Expenses of Act.

45. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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