ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxxiii.

An Act for extending the Powers of the *London and South-western* Railway Company for purchasing Lands for and completing the Works of the Railways from *Basingstoke* to *Salisbury* and from *Farnham* to *Alton*, and for other Purposes.

[26th *June* 1849.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* London *to* Southampton, 4 & 5 W. 4. c. 88.
several Persons were incorporated, by the Name of "The *London and Southampton* Railway Company," for executing such Undertaking: And whereas the following Acts relating to such Company, the Name whereof is now "The *London and South-western* Railway Company," have since been passed; to wit, "The *London and South-western* Railway Deviations Act, 1837," and "The *Portsmouth Branch* Railway Act, 1839," and "The *London and South-western* Railway Company's Amendment Act, 1841," and "The *Salisbury Branch* Railway Act, 1844," and "The *London and South-western* Railway Company's Amendment Act, 1844," and "The *London and South-*

western Railway (Metropolitan Extensions) Act, 1845," and "The *London and South-western* Railway Company's Amendment Act, 1845," and "The *Guildford Extension and Portsmouth and Fareham* Railway Act, 1845," and "The *Windsor, Staines, and South-western* Railway Act (No. 2.), 1847," and "The *Windsor, Staines, and South-western* Railway Act (No. 1.), 1847," and "The *London and South-western* Railway Company's (Widening and *York Road* Station Enlargement) Act, 1847," and "The *Exeter and Exmouth* Railway Act, 1847," and "The *Sutton* Harbour Act, 1847," and "The *Southampton and Dorchester* Railway (*Lymington* and *Eling* Branches) Act, 1847," and "The *Southampton and Dorchester* Railway (*Weymouth* Branch Act), 1847," and "The *London and South-western* Railway Company's (*Andover and Southampton* Junction) Railway Act, 1847," and "The *London and South-western* Railway Company's (*Portsmouth* Extensions and *Godalming* Deviation) Act, 1847," and "The *London and South-western* Railway Company's Amendment Act, 1847," and "The *London and South-western* and *Southampton and Dorchester* Railways Amalgamation Act, 1848:" And whereas by or under and in pursuance of the Provisions of the recited Acts the Company were authorized to raise Capital to the aggregate Amount of Seven millions four hundred and thirty-four thousand and fifty Pounds, and they have at divers Times created Shares to such Amount accordingly: And whereas certain of such Shares, fully paid up, have been converted into transferable Stock: And whereas the Powers of the Company for issuing Shares, and for making Calls on Shares, have not yet been fully exercised: And whereas the Holders of certain of such Shares, fully paid up to the aggregate Amount of Fourteen thousand four hundred Pounds, are entitled to a fixed preferential Dividend thereon of Five Pounds *per Centum per Annum*, payable out of the Revenue of the Company: And whereas the Holders of such Stock, and of all the other Shares so issued, and not converted into transferable Stock, are entitled to rateable Dividends out of the Revenue of the Company on the Amounts paid up: And whereas such Shares are of various Amounts, and it is expedient to facilitate the Conversion of all such Shares into Shares of like Amount, and the Conversion into transferable Stock of all the Shares fully paid up, and to equalize the Rights and Privileges of the Holders of such Stock and Shares, having due Regard to the Amounts paid up, and the Rights and Privileges of the Shareholders entitled to such fixed preferential Dividend: And whereas by "The *London and South-western* (*Farnham and Alton* Branch) Act, 1846," the Company were authorized to make the *Farnham and Alton* Branch Railway, and it was enacted that the Powers of the Company for the compulsory Purchase of Lands for the Purposes of that Act should not be exercised after the Expiration of Three Years from the passing thereof, and that the Railway and Works should be completed within Three Years from the passing thereof, and on the Expiration of such Period the Powers granted to the Company for executing the Railway, or otherwise in relation thereto, should cease to be exercised, except as to so much of the Railway as should then be completed: And whereas by "The *London and South-western* Railway Company's

Basingstoke

Basingstoke and Salisbury Extension Act, 1846," the Company were authorized to make the *Basingstoke and Salisbury* Branch Railway, and it was enacted that the Powers of the Company for the compulsory Purchase of Lands for the Purposes of that Act should not be exercised after the Expiration of Three Years from the passing thereof, and that the Railway and Works should be completed within Five Years from the passing thereof, and on the Expiration of such Period the Powers granted to the Company for executing the Railway, or otherwise in relation thereto, should cease to be exercised, except as to so much of the Railway as should then be completed: And whereas it is expedient that the Powers of the Company for the Purchase of such Lands, and the Completion of such Works should be extended: And whereas, besides certain Acts passed in the last Session of Parliament, the following other Acts relating to the *London and South-western* Railway Company have been passed; to wit, "The *London and South-western* Railway Company's *Wandsworth* Water Act, 1841," and "The *Guildford Junction* Railway Act, 1844," and "The *Southampton and Dorchester* Railway Act, 1845," and "The *Richmond* Railway Act, 1845," and "The *London and South-western* Railway Company's Amendment Act, 1846," and "The *London and South-western* Railway Company's *London Bridge* Extension Act, 1846," and "The *London and South-western* (*Hampton Court* Branch) Act, 1846," and "The *London and South-western* Railway (*Chertsey and Egham* Branch) Act, 1846," and "The *Exeter and Exmouth* Railway Act, 1846," and "The *Brighton and Chichester* (*Portsmouth* Extension) and *London and South-western* Railways Act, 1847:" And whereas the several Purposes herein-before expressed 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, That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *London and South-western* Extension of Powers Act, 1849." Short Title of Act.

II. And be it enacted, That this Act, and the several recited Acts, so far as the same respectively are in force, and except so far as the Provisions thereof respectively are repealed or altered by this Act, and this Act, shall for the Purposes of this Act be and be carried into effect as One Act. Recited Acts and this Act to be carried into effect as One Act.

III. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of "The *London and South-western* (*Farnham and Alton* Branch) Act, 1846," and "The *London and South-western* Railway Company's *Basingstoke and Salisbury* Extension Act, 1846," respectively, may be exercised within but shall not be exercised after the Expiration of Two Years from the passing of this Act, and the several Railways and Works by the same Acts respectively authorized may be completed within such Two Years, and on the Expiration of such Period the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof Limiting Period for compulsory Purchase of Lands and Completion of certain Works.

thereof as shall then be completed: Provided always, that the Extension of Time for the Purchase of Lands and for the Completion of the Works respectively for the Purposes of the *London and South-western* (*Farnham and Alton* Branch) Act, 1846, herein granted, shall not extend to or be exercised by the said Company so as to delay the opening for public Traffic of that Portion of the Line by such Act authorized which is situate between a certain Field in the Parish of *Worplesdon*, numbered 78 on the Plans referred to in the said last-mentioned Act, and the *Guildford Junction* Railway, but the said Company shall and they are hereby required forthwith to complete such Portion of the said Line, and to open the same for public Traffic, on or before the Twenty-fourth Day of *June* One thousand eight hundred and forty-nine, so that the Traffic of the *Reading, Guildford, and Reigate* Railway Company, requiring to pass over the same Portion of Line, in exercise of the Powers in that Behalf reserved to the same Company by the said Act, may be in no respect impeded or delayed.

Parties aggrieved by Limitation of Time may have Compensation for additional Damage.

IV. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries, as the Case may be, who under the Provisions of "The *London and South-western* Railway (*Farnham and Alton* Branch) Act, 1846," or of "The *London and South-western* Railway Company's *Basingstoke and Salisbury* Extension Act, 1846," or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands which the Company are by "The *London and South-western* Railway (*Farnham and Alton* Branch) Act, 1846," or by ', The *London and South-western* Railway Company's *Basingstoke and Salisbury* Extension Act, 1846," authorized to purchase compulsorily, and which shall be taken or used for the Purposes of the Railways or Works by those Acts or either of them authorized, or which may be injuriously affected by the Construction thereof, shall in estimating the Amount of such Compensation have Regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of the Extension of Time by this Act granted.

Existing Contracts and Notices to take Lands not to be affected.

V. Provided always, and be it enacted, That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which under "The *London and South-western* Railway (*Farnham and Alton* Branch) Act, 1846," or "The *London and South-western* Railway Company's *Basingstoke and Salisbury* Extension Act, 1846," such Company is entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Powers for Alteration of Shares.

VI. And be it enacted, That the Directors, with the Consent of a General Meeting, may from Time to Time exercise, with respect to any

any of the Shares in such aggregate Capital of Seven million four hundred and thirty-four thousand and fifty Pounds, any of the following Powers:

First,—They may, with the Consent of the Holders of any Shares whereon such preferential Dividends are payable, convert the same into Shares bearing rateable Dividends out of the Revenue of the Company:

Second,—They may convert any Shares for the Time being fully paid up into transferable Stock:

Third,—They may convert any Shares, whether already issued or not, and whether for the Time being fully paid up or not, into new Shares differing from their present nominal Amounts, with a view to the ultimate Conversion of the whole into Shares of the same nominal Amounts:

Fourth,—They may make any Classification of Shares, whether already issued or not, and whether for the Time being fully paid up or not:

Fifth,—They may, with the Consent of the Holders of any Shares whereon such preferential Dividend is payable, convert the same into transferable Stock bearing a like preferential Dividend:

Sixth,—They may issue any of the Shares not already issued, and whether or not converted into Shares of different Amounts, and whether or not classified, at such Times, upon such Terms, and to such Persons as they think fit.

Capital not to be increased.

VII. Provided always, and be it enacted, That the Powers by this Act conferred on the Directors shall not enable them to increase such aggregate Capital of Seven million four hundred and thirty-four thousand and fifty Pounds, whether for the Time being consisting partly of transferable Stock and partly of Shares, or wholly of transferable Stock, beyond the present Amount thereof.

Rights of Holders of new Shares.

VIII. And be it enacted, That such new Shares into which other Shares shall be converted, or which shall be issued for or in lieu of other Shares, shall be respectively vested in the several Corporations and Persons who were the respective Holders of the Shares converted into such new Shares, or for or in lieu of which such new Shares shall be issued, and their respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums paid on or in respect of the same respectively; and such Shares already created, but not yet issued, or the Shares which shall be issued for or in lieu of the same, shall be respectively vested in the several Corporations and Persons who have subscribed and shall hereafter subscribe for the same respectively, and their respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums by them respectively subscribed and to be subscribed; and all such Corporations and Persons respectively, and their respective Successors, Executors, Administrators, and Assigns, shall accordingly be Owners and Proprietors of Capital Stock in the Company to the same Extent, and as beneficially, to all Intents and Purposes whatsoever, (except as hereinafter

after provided,) as Proprietors of the like Number of the Shares by the first-recited Act authorized to be created, and shall, in respect of the Shares and new Shares by this Act authorized to be respectively created and issued, (except as aforesaid,) be entitled and subject to all such Rights, Privileges, Powers, Provisions, Indemnities, Remedies, Penalties, Clauses, Matters, and Things, as are respectively contained or expressed in the recited Acts or any of them, so far as the same respectively are now unrepealed, and are not by this Act repealed, altered, or otherwise provided for: Provided always, that any Proprietor of any Share, or new Share hereby authorized to be created or issued, shall not be entitled to any further or greater Dividend thereon than in respect and to the Extent of the Amount which has for the Time being been paid up on such Share, or on the Share or Shares converted into such new Share, or for or in lieu of which such new Share has been issued.

Powers to make Calls.

IX. Provided always, and be it enacted, That the Directors shall, in respect as well of the existing Shares for the Time being not fully paid up as of the new Shares for the Time being not fully paid up, have all the Powers by the recited Acts or any of them given to the Directors for making and enforcing Calls: Provided also, that the total Amount which the Directors may call up on any such existing Share shall not exceed the Amount which they might have called up thereon if this Act had not been passed: Provided also, that the total Amount which the Directors may call up on any such new Share or new Shares shall not exceed the total Amount which they might have called up on the Share or Shares converted into such new Share or new Shares, or for and in lieu of which such new Share or new Shares shall be issued.

Provision as to borrowing Money.

X. And whereas by or under or in pursuance of the Provisions of the recited Acts the Company are authorized to borrow at Interest Money to the aggregate Amount of Two million two hundred and fifty-two thousand one hundred and forty-six Pounds, and they have exercised such Powers to the Extent of borrowing at Interest the aggregate Principal Sum of One million six hundred and nine thousand three hundred and fifty Pounds: And whereas it is expedient to simplify the Powers of the Company with respect to the borrowing of Money: Be it therefore enacted, That the Company may from Time to Time, with the Consent of a General Meeting, borrow at Interest on Mortgage of their Undertaking and the future Calls on the Shareholders, or on Bond, all or any Part of the said Sum of Two million two hundred and fifty-two thousand one hundred and forty-six Pounds not for the Time being borrowed and continuing due from the Company on Loan, but nevertheless subject and without Prejudice to the Rights and Interests of the present Mortgagees and Bond Creditors of the Company; and for the Purposes of this Act the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, are incorporated with this

this Act: Provided always, that this Act shall not enable the Company to borrow any greater Amount than they might have borrowed if this Act had not been passed.

Scale of Votes for Shareholders.

XI. And whereas it is expedient that the present Scale of voting at Meetings of Proprietors in the Company should be amended: Be it therefore enacted, That at all General Meetings of the Company every Shareholder shall have One Vote for every Sum of Fifty Pounds held by him in the Capital of the Company up to Ten such Sums, and he shall have an additional Vote for every Five such Sums held by him beyond the first Ten such Sums held by him up to One hundred such Sums, and an additional Vote for every Ten such Sums held by him beyond the first One hundred such Sums held by him: Provided always, that no Shareholder shall be entitled to vote at any Meeting while any Call actually due and payable on or in respect of any Share or Stock held by him remains in arrear and unpaid.

Mode of ascertaining such Votes.

XII. Provided always, and be it enacted, That such Votes shall be ascertained as follows, and not otherwise; to wit,

1. In every Case of a Shareholder holding only One Share in the Share Capital of the Company, and not holding any of the transferable Stock of the Company, if such Share is of a nominal Amount less than Fifty Pounds such Share shall not confer any Right to vote, or if such Share is of the nominal Amount of Fifty Pounds such Share shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company, or if such Share is of a nominal Amount greater than Fifty Pounds every entire Sum of Fifty Pounds comprised in such nominal Amount shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company; but any Balance less than Fifty Pounds of such nominal Amount shall not confer any Right to vote:
2. In every Case of a Shareholder holding more Shares than One in the Share Capital of the Company, and not holding any of the transferable Stock of the Company, if such Shares together are of an aggregate nominal Amount less than Fifty Pounds such Shares or any of them shall not confer any Right to vote, or if such Shares together are of the aggregate nominal Amount of Fifty Pounds such Shares together shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company, or if such Shares together are of an aggregate Amount greater than Fifty Pounds every entire Sum of Fifty Pounds comprised in such aggregate nominal Amount shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company; but any Balance less than Fifty Pounds of such aggregate nominal Amount shall not confer any Right to vote:
3. In every Case of a Shareholder holding any of the transferable Stock of the Company, and not holding any Share in the Share Capital of the Company, if such Stock is of a nominal Amount less than Fifty Pounds such Stock shall not confer any Right

Right to vote, or if such Stock is of the nominal Amount of Fifty Pounds such Stock shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company, or if such Stock is of a nominal Amount greater than Fifty Pounds, every entire Sum of Fifty Pounds comprised in such nominal Amount shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company; but any Balance less than Fifty Pounds of such nominal Amount shall not confer any Right to vote:

4. In every Case of a Shareholder holding any Share or Shares in the Share Capital of the Company, and also holding any of the transferable Stock of the Company, if such Share or Shares and Stock together are of an aggregate nominal Amount less than Fifty Pounds such Share or Shares and Stock, or any of them, shall not confer any Right to vote, or if such Share or Shares and Stock together are of the aggregate nominal Amount of Fifty Pounds such Share or Shares and Stock together shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company, or if such Share or Shares and Stock together are of an aggregate nominal Amount greater than Fifty Pounds every entire Sum of Fifty Pounds comprised in such aggregate nominal Amount shall be deemed One entire Sum of Fifty Pounds held in the Capital of the Company; but any Balance less than Fifty Pounds of such aggregate nominal Amount shall not confer any Right to vote.

Scale of voting to be that prescribed by this Act.

XIII. And be it enacted, That the Scale of voting prescribed by this Act shall be substituted for any and every Scale of voting prescribed by the recited Acts or any of them.

Meetings to be held and Accounts to be made up half-yearly.

XIV. And be it enacted, That a Special General Meeting of the Company may from Time to Time, by a Resolution passed on the previous Recommendation of the Directors, appoint that the half-yearly General Meetings of the Company shall be held in such Two half-yearly Months in every Year other than the half-yearly Months of *February* and *August* as are thought most for the Advantage for the Time being of the Company, and also to appoint that the Accounts of the Company shall be made up half-yearly on such Two half-yearly Days in every Year other than the Thirtieth Day of *June* and the Thirty-first Day of *December* as, having regard to such appointed half-yearly Months, are thought most for the Advantage of the Company, and so long as any such Resolution remains in force the half-yearly General Meetings of the Company shall be held in the half-yearly Months thereby appointed, and the Accounts of the Company shall be made up on the half-yearly Days thereby appointed: Provided always, that the Interval between any such appointed half-yearly Day and the First Day of the appointed half-yearly Month then next following shall not be less than Twenty-seven Days nor more than Thirty-two Days.

Saving Powers of Company, &c.

XV. Provided also, and be it enacted, That this Act or anything therein contained shall not take away, lessen, or prejudicially affect any

any of the Powers or Authorities by the recited Acts or any of them granted to the Company or conferred on the Directors.

Interest not to be paid on Calls paid up.

XVI. And be it enacted, That 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 the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital of the Company: 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 in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XVII. And be it enacted, That the Company shall not out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts 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 Railway or execute any other Work or Undertaking.

Railway Company to be subject to 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.

XVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her 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 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 passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That anything in this Act contained shall not be held to exempt the Railway or the Company from the Provisions of such several Acts respectively, but such Provisions shall be in force in respect to the Railway and the Company, so far as the same are applicable thereto.

Railways not exempt from Provisions of any future general Act.

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

Public Act.

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

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