ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cxiii.

An Act for authorizing the *North and South Western Junction* Railway Company to acquire additional Lands for the Purposes of their Undertaking; and to raise further Monies; and for other Purposes. [23d *June* 1864.]

WHEREAS by "The *North and South Western Junction* Railway Act, 1851," the *North and South Western Junction* Railway Company (in this Act called the Company) were incorporated, and were authorized to make and maintain the *North and South Western Junction* Railway: And whereas by "The *North and South Western Junction* Railway Act, 1853," the Act of 1851 was repealed, but the Company were continued incorporated, and were authorized to complete and maintain the Railway by the repealed Act authorized, and a Branch Railway to be Part thereof: And whereas by "The *North and South Western Junction* Railway Act, 1854," the Act of 1853 was repealed, but the Company were continued incorporated, with a Capital of Eighty thousand Pounds in Eight thousand Shares of Ten Pounds each, and Power to borrow not exceeding Twenty-five thousand six hundred Pounds, and were authorized to complete and maintain the Railway and Branch Railway respectively:

14 & 15 Vict. c. c.
16 & 17 Vict. c. lxix.
17 & 18 Vict. c. cxli.

respectively: And whereas the Company have raised their Capital of Eighty thousand Pounds in Eight thousand Shares of Ten Pounds each, and the whole thereof is paid up: And whereas the Company's Debenture Debt is Twenty-five thousand four hundred and sixteen Pounds: And whereas it is expedient that the Company be authorized to purchase for the Purposes of their Undertaking the several Lands in this Act in that Behalf specified: And whereas it is expedient that the Company be authorized to raise further Monies: And whereas Plans of the Lands herein-after specified, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Middlesex*, and those Plans and Books of Reference are in this Act referred to as "the deposited Plans and Books of Reference:" And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "The *North and South Western Junction* Railway Act, 1864."

8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118., incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part One (relating to Cancellation and Surrender of Shares) and Part Two (relating to additional Capital) of "The Companies Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

Part of 8 & 9 Vict. c. 16. incorporated.

3. The following Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

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 upon 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

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Consolidation of the Shares into Stock:

With respect to the Provision to be made for affording Access to the Special Act.

Same Meanings to Words in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, 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; and the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Power to take Lands compulsorily.

5. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may enter upon, take, and use for the Purposes of their Undertaking such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, as they think fit.

Specified Lands which Company may take.

6. The Lands which under this Act the Company may so enter upon, take, and use comprise the following Lands; that is to say,

Lands in the Parish of *Hammersmith* in the County of *Middlesex* lying together and adjoining to and on the South-eastern Side of the Company's Railway, the *London and North-western* Railway, and the *West London* Railway, extending from a Point near to where the Company's Railway crosses the *Paddington* Canal to the South Point of a Triangular Field belonging to the *North-western* Company, and in the Occupation of *Thomas Morgan*:

Lands in the Parish of *Acton* in the County of *Middlesex* lying on the East Side of and adjoining to the Company's Station and Main Line, and between the Road leading from the level Crossing at the *Acton* Station and the *Uxbridge* Turnpike Road:

Lands in the Parish of *Ealing* in the County of *Middlesex* adjoining to and lying to the North-westward of the Company's Main Line between a Footpath crossing that Line on the Level at or near to the Junction of the *Kew* Curve of the *South-western* Railway with that Line, and another Footpath also crossing the Company's Main Line on the Level at or near to the Junction of that Line with the Loop Line of the *South-western* Company:

Lands in the Parish of *Ealing* in the County of *Middlesex* adjoining to and lying South-eastward of the Company's Main Line

Line between the *Kew* Curve and the Road or Approach to a Bridge over the Main Line leading to *Clay Ponds*.

Powers for compulsory Purchases limited.

7. The Company's Powers under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years after the passing of this Act.

Power to Company to raise additional Capital by new Shares.

8. The Company may from Time to Time raise (in addition to the Sums of Money which they are now authorized to raise) by the Creation and Issue of new Shares or new Stock, either ordinary or preferential or both, in the Undertaking of the Company, any further Sum not exceeding Ten thousand Pounds: Provided that no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Qualification of new Shareholders.

9. Except as otherwise determined by the Meeting sanctioning the raising of the additional Capital by this Act authorized, all new Shares in the Company created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Shares held by the same Person at the same Time, confer the like Qualifications and Right of voting as original Shares of the same aggregate nominal Value in the Company would confer.

Power to borrow on Mortgage.

10. When the whole of the additional Capital of Ten thousand Pounds by this Act authorized is subscribed for or taken, and One Half thereof is 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 the whole of that additional Capital is subscribed for or taken *bonâ fide*, and that Shares for the whole of the said additional Capital of Ten thousand Pounds have been issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by 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,) the Company from Time to Time may borrow on Mortgage (in addition to the Sums which they are now authorized to borrow) any Sums not exceeding in the aggregate Three thousand Pounds.

Priority of existing Mortgages.

11. Provided, That all Mortgages granted by the Company before the passing of this Act, and now in force, shall during the Continuance thereof respectively have Priority over all Mortgages granted by the Company under this Act.

12. The

Receiver for Mortgagees.

12. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is One thousand Pounds.

Application of Monies by Company.

13. The several Monies which the Company are by this Act authorized to raise by Shares and by borrowing shall be applied only for the Purposes of this Act, and for the general Purposes respectively of their Undertaking, and the Company from Time to Time may apply for the Purposes of this Act, and for the general Purposes of their Undertaking respectively, any Monies now or hereafter belonging to them, or under the Control of their Directors, save only so far as the Application of any such Money is by any Act specially provided for, and is required for the special Purpose for which it is so made applicable.

Interest not to be paid on Calls paid up.

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

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

15. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by them by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to make any Railway, or execute any other Work or Undertaking.

Saving Rights of Company.

16. Except only as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company.

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

17. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act or any other Act relating

relating to the respective Railway authorized, or the Rates for small Parcels thereby authorized.

Expenses of Act.

18. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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