CHAPTER cxviii.

An Act for authorising the London and South-western Railway Company to construct additional works and to purchase additional lands; for extending the time limited for the purchase of lands for and for the completion of certain works; and for other purposes. [22nd July 1885.] A.D. 1885.

WHEREAS it is expedient that the London and South-western Railway Company (in this Act called "the Company") should be authorised—

To extend the bridge herein-after mentioned carrying the Company's railway over the Latchmere Road near Clapham Junction;

And to exercise the other powers herein-after mentioned with reference to roads and footpaths:

And whereas it is expedient that the Company should be authorised to purchase and acquire additional lands and buildings for the general purposes of their undertaking:

And whereas by the South-western Railway Act 1882 (in this Act called "the Act of 1882") the Company were authorised to make and maintain (amongst other works) a railway (No. 3) and a new street and widening of Pelham Place therein described under the heading of "works and station at South Kensington" and also certain railways therein called or referred to respectively as "the Putney Junction" "the Norbiton Junction No. 1" and "the Norbiton Junction No. 2":

And whereas by the Act of 1882 the time for the compulsory purchase of lands for the purposes of that Act was limited to three years from the passing of that Act and the time for the completion of the railways and works thereby authorised was limited to five years from the passing of the same Act which received the Royal Assent on the 10th day of August 1882:

And whereas it is expedient that the respective periods so limited by the Act of 1882 for the compulsory purchase of lands for and for

A.D. 1885.

the completion of the works herein-before mentioned and authorised by that Act should be extended:

And whereas by a memorandum of agreement scheduled to and confirmed by section 43 of the South-western Railway Act 1884 and made between Ebenezer Cobb Morley on behalf of the conservators of Barnes Common (herein-after referred to as "the conservators") of the one part and Frederic Julius Macaulay on behalf of the Company of the other part it was agreed that the conservators should on the terms and conditions mentioned in the said memorandum of agreement do all such acts as they might be required to do and as they were empowered by virtue of their office as such conservators to do as might be necessary to secure to the Company the pieces of land coloured blue on the plan thereto annexed and thereon marked with the letters A. B. E. F. and O. in exchange for certain lands marked X. Y. and Z. on the said plan which last-mentioned lands were by the said Act vested in the conservators and it is expedient that the said pieces of land A. B. E. F. and O. should be vested in the Company:

And whereas it is expedient that the Company should be authorised to apply their corporate funds to the purposes of this Act and to raise further moneys:

And whereas plans and sections of the works authorised by this Act the plans showing also the lands required for the purpose of the said works and plans of the other or additional lands which may be compulsorily taken under the powers of this Act and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands respectively were duly deposited with the respective clerks of the peace for the counties of Surrey Southampton Berks and Dorset and are herein-after referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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 as the South-western Railway (Various Powers) Act 1885.

Incorporation of general Acts.

2. The 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 non-payment of calls;
With respect to the remedies of creditors of the Company against the shareholders;
With respect to the borrowing of money upon mortgage or bond;
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 giving of notices; and
With respect to the provision to be made for affording access to the special Act by all parties interested;

the Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. 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 there be something in the subject or context repugnant to such construction The expression "the metropolis" means the metropolis as defined by the Metropolis Management Act 1855 and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act in whole or in part incorporated with this Act shall for the purposes of this Act 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.

Interpretation of "parish clerks" &c.

4. The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board in which the parish or extra-parochial place is included mean in the first case the vestry

A.D. 1885.

clerks of those parishes and in the second case the clerks of those district boards acting under the Metropolis Management Act 1855 respectively.

Power to make railways and works.

5. Subject to the provisions of this Act the Company may make and maintain the extension of the bridge at Clapham Junction herein-after described in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto with all proper rails junctions sidings banks drains walls and other incidental works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for that purpose:—

Extension of bridge at Clapham Junction herein-before referred to—

An extension wholly in the parish of Saint Mary Battersea in the county of Surrey of the bridge carrying the Company's railway over the Latchmere Road near Clapham Junction on the north-western side thereof and the laying down of an additional line or additional lines of rails thereon.

Further powers to stop up road &c.

6. The Company may also exercise the following powers:—

(A.) They may stop up and discontinue for public or other traffic the street or road in the parish of Saint Mary Battersea in the county of Surrey known as Lothair Street and which is shown on the deposited plans as intended to be stopped up;

(B.) They may divert so much of the footpath in the parish of Woking and county of Surrey leading from Oaks Farm to the first bridge over the Company's main line to the south-west of their Woking Station as lies between a point two chains northwards of the northern side of the Company's main line and the northern end of the aforesaid bridge and upon the completion of such diversion may stop up and discontinue for public or other traffic the aforesaid portion of the said footpath.

Vesting sites of road &c. stopped up and extinguishing rights over same.

7. The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of the aforesaid road and footpath are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the said road or footpath in proportion to the respective frontages of their lands thereto and all public and private rights of way or

passage and all other rights across over or along the same shall be by this Act extinguished. The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Compensation to be made in respect of private rights extinguished.

8. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by the last preceding section are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land.

New road or footpath to be vested in road authority.

9. Notwithstanding anything in this Act when the diversion of the footpath authorised by this Act is completed it shall be deemed to be a public highway and shall thenceforth be maintained as other highways are maintained in the district within which the diverted footpath is situate.

Easements, &c. may be granted by incapacitated persons.

10. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement (not being an easement of water) right or privilege required for any of the purposes of this Act in over or affecting any such lands and the provisions of the said Act with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

As to construction of works within the metropolis.

11. With reference to so much of the works by this Act authorised as will be situate within the metropolis the following provisions shall have full force and effect:—

New bridge over Latchmere Road.

(1.) The extension of the bridge carrying the Company's railway over the road known as Latchmere Road in the parish of Saint Mary Battersea shall be effected by means of a girder bridge which shall be so made and maintained as to leave a clear headway throughout of not less than seventeen feet and a clear span throughout of not less than forty feet measured on the square;

Widening existing bridge over Latchmere Road.

(2.) If at any time after the passing of this Act and the execution of the extension of the bridge thereby authorised the Metropolitan Board of Works (in this section called the board) shall

A.D. 1885.

consider it desirable having regard to the interference with and delay and danger to the traffic on the Company's railway on the one hand and the inconvenience to the public using the Latchmere Road on the other hand that the arch portion of the existing bridge carrying the railway of the Company over the said road shall be widened and improved the board shall give to the Company notice in writing under their common seal requiring them to alter the arch portion of the existing bridge carrying the railway of the Company over the said road and to reconstruct the same as a girder bridge with a clear headway throughout of not less than seventeen feet above the present surface of the road and with a clear span throughout of not less than forty feet measured on the square and the Company shall alter and reconstruct the said bridge accordingly so as to correspond with the extension over the said road made under the authority of this Act: Provided that the Company shall not be required to commence such alteration and reconstruction until the extension over the said road shall be available for traffic and provided that when the Company shall have altered and reconstructed the said bridge in accordance with the provisions herein-before contained to the reasonable satisfaction of the engineer for the time being of the board the board shall repay to the Company the necessary and proper cost of such alteration the amount of which unless otherwise agreed shall be settled by arbitration;

(3.) The bridge and works of the Company over the said road shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the percolation of water and to deaden as far as practicable the sound of engines carriages and traffic passing over them and shall be kept properly lighted underneath by and at the expense of the Company to the reasonable satisfaction of the Wandsworth District Board of Works;

Plans of bridges to be submitted to Metropolitan Board.

(4.) The Company shall not commence the erection of any such bridge or works until they shall have given to the board twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the board with plans elevations sections and other necessary particulars of the construction of the said bridge and works nor until that board shall have signified their approval of the same unless that board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid;

A.D. 1885.

Approval of the Metropolitan Board.

(5.) The Company shall comply with and conform to all reasonable directions and regulations of the board in the execution and subsequent maintenance of the said bridge and works connected therewith and shall save harmless the board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the board at the costs charges and expenses in all respects of the Company and all costs charges and expenses to which the board may be put 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 the board by the Company on demand;

Company not to exhibit placards or advertisements.

(6.) The Company shall not exhibit or permit to be exhibited upon any part of the railway or works authorised to be made or altered under the authority of this Act within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the board and if any such placard or advertisement be affixed or exhibited the board and its authorised officers may remove the same but this provision shall not prevent the exhibition of placards at or adjoining the entrance to any station giving information to the public of the train service.

For protection of sewers in the metropolis.

12. 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 of works constituted under the Metropolis 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 any 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 works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-eight 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 as the case may be do not signify their approval disapproval or other directions

A.D. 1885.

within twenty-eight days after service of the said plan section 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 district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestry respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards 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 or district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such 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 board 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 or district board or vestry as the case may be respectively as any sewers or works now or hereafter may be.

Saving rights of Metropolitan Board of Works and Wandsworth District Board of Works and vestry of Lambeth.

13. 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 Metropolitan Board of Works or the board of works for the Wandsworth district or the vestry of Lambeth but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Company to make good parochial rates until works are assessed.

14. If and while the Company are possessed under this Act of any lands in the parishes of Saint Mary Lambeth Saint Mary Battersea and Wandsworth or either of them assessed or liable to be assessed to any sewers rate main drainage rate or general purposes rate they shall from time to time until the works for the purposes for which the Company are by this Act authorised to acquire the lands above referred to are completed and assessed or liable to be assessed to the respective rates be liable to make good the deficiency in the assessment for the respective rate by reason of

those lands being taken or used for the purposes of the said works and the deficiency shall be computed according to the rental at which those lands with any buildings thereon are now rated and on demand the Company shall pay the deficiency to the collector of the respective rate.

Tolls, &c.

15. For the purposes of tolls rates and charges and for all other purposes the bridge extension by this Act authorised shall be deemed part of the Company's main line of railway.

Power to take additional lands for general purposes.

16. Subject to the provisions of this Act the Company may for all or any of the purposes of their undertaking enter upon take hold and use the whole or any part or parts of the lands and all or any of the buildings and works in the parishes next herein-after mentioned shown on the deposited plans and described in the deposited books of reference (that is to say) :—

(A.) The parishes of Saint Mary Lambeth Saint Mary Battersea Wandsworth Windlesham Byfleet Woking and Farnham in the county of Surrey ;

(B.) The parishes of Sunninghill and Old Windsor in the county of Berks ;

(C.) The parishes of Worting and Wootton Saint Lawrence in the county of Southampton ;

(D.) The parishes of East Morden Saint Martin's and Lady Saint Mary in the county of Dorset ;

But notwithstanding anything in this Act or shown on the deposited plans the Company shall not without the previous consent in writing of the Right Honourable George Shaw-Lefevre enter upon take or use any portion of the lands shown on the deposited plans in the said parish of Sunninghill and thereon numbered 1 and 2 in that parish and lying to the northward of and immediately adjoining the Staines and Wokingham Railway of the Company near Ascot Station.

Period for compulsory purchase of lands.

17. The powers of the Company under this Act for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Limiting amount of commonable lands to be taken.

18. The Company shall not under the powers of this Act purchase or acquire more of the common or commonable lands in the parish of Lady Saint Mary Wareham in the county of Dorset known as Wareham Common than one rood.

Restriction on displacing persons of labouring class.

19.—(1.) The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either

A.D. 1885.

wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the said Secretary of State for the carrying out of the scheme.

(2.) The approval of the said Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State may dispense with the last-mentioned requirement subject to such conditions if any as he may see fit.

(4.) Any conditions subject to which the said Secretary of State may have approved of any scheme under this section or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7.) The Company may on any lands belonging to them or purchased under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as he may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending the same respectively.

(9.) The said Secretary of State may direct any inquiries to be held by his inspectors which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and may appoint inspectors for the purposes of any such inquiry; and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as inspectors have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(11.) The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in

A.D. 1885.

any parish or part of a parish (not being within an urban sanitary district) exclusive of the metropolis as defined as aforesaid ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(12.) The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Extending period limited by Act of 1882 for purchase of lands for certain works.

20. The powers granted by the Act of 1882 for the compulsory purchase and taking of lands for the purposes of the following works authorised by that Act namely :—

Railway No. 3 and the new street and widening of Pelham Place described in the said Act under the heading "works and station at South Kensington";

The railways described in the said Act under the heading "junctions with Kingston and London Railway" and therein called or referred to respectively as "the Putney Junction" "the Norbiton Junction No. 1" and "the Norbiton Junction No. 2";

are hereby extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the tenth day of August one thousand eight hundred and eighty-five.

Extending period limited by same Act for completion of certain works.

21. The period limited by the Act of 1882 for the completion of the works mentioned in the last preceding section authorised by that Act is hereby extended for a period of three years from the tenth day of August one thousand eight hundred and eighty-seven.

As to revival of rights of commoners purchase under Act of 1883.

22. Notwithstanding the payment to the verderers of the New Forest in pursuance of section 38 of the South-western (Bournemouth &c.) Act 1883 of any compensation in respect of the rights of the commoners of the New Forest upon or over any of the open lands of the New Forest required for the purposes of the said Act of 1883 such rights shall in the event of and immediately upon the expiration by lapse of time or upon the sooner determination (by re-entry under any power of re-entry that may be contained therein but not otherwise) of any lease of the open lands required as aforesaid that may be granted by the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them in pursuance of section 39 of the said Act of 1883 revive and be capable of being

again enjoyed and exercised upon and over such land by the persons (if any) who may then be entitled to enjoy and exercise common rights upon or over the open lands of the New Forest.

Vesting certain lands in the Company.

23. The five pieces of land in the parish of Barnes in the county of Surrey coloured blue and marked with the letters A. B. E. F. and O. upon the plan annexed to the memorandum of agreement scheduled to and confirmed by section 43 of the South-western Railway Act 1884 and containing three roods and thirty-three perches or thereabouts are hereby vested absolutely in the Company freed and discharged from all rights of way and of common of pasturage and all other rights in over or affecting such pieces of land or any of them.

Power to apply funds.

24. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to raise further money for purposes of this Act.

25. The Company from time to time may for all or any purposes of this Act and for the general purposes of the Company (being purposes to which capital is properly applicable) raise by new shares or new stock (whether ordinary or preferential or both) any sum or sums not exceeding four hundred and ten thousand pounds.

Shares not to be issued until one fifth paid.

26. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

27. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris.

28. If any money be payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Provisions of Company's Act of 1862 to extend to Company's

29. The provisions of sections 47 to 70 (both inclusive) of the South-western Railway (Additional Powers) Act 1862 with respect to preferential shares and stock and the cancellation of shares and stock and the issue of new shares or stock instead of cancelled

A.D. 1885.

shares and stock under this Act.

shares or stock and with respect to voting for shares or stock and otherwise respecting shares and stock shall extend to this Act with respect to the Company and the shares and stock which by this Act they are authorised to create and issue.

Further borrowing powers to the Company.

30. The Company may from time to time (in addition to any sums which they are for the time being authorised to borrow) borrow on mortgage of their undertaking in respect of their additional capital of four hundred and ten thousand pounds which they are by this Act authorised to raise any sum or sums not exceeding in the whole one hundred and thirty-six thousand six hundred and sixty-six pounds and of the last-mentioned sum they may borrow forty-five thousand five hundred and fifty-five pounds in respect of every one hundred and thirty-six thousand six hundred and sixty-six pounds of the said capital of four hundred and ten thousand pounds.

Restrictions on borrowing.

31. Provided always that no part of any such sum of money shall be borrowed by the Company under the powers of this Act unless and until the additional capital or as the case may be the portion of additional capital by this Act authorised in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such additional capital or portion of additional capital as the case may be has been issued and accepted and that one half thereof has been paid up and not less than one-fifth part of the amount of each separate share in so much of such capital or portion of capital as is to be raised by means of shares has been paid on account of such shares before or at the time of the issue or acceptance thereof and that stock for one half of so much of such capital or portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if any part of such capital or portion of capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

32. All mortgages granted by the Company in pursuance of any Act passed before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance thereof respectively have priority over any mortgages to be granted by virtue of this Act: Provided that this section does not apply to any mortgage from time to time granted by the Company in accordance with section 21 of the South-western Railway (General) Act 1865 or section 60 of the South-western Railway (General) Act 1867.

Provisions as to appointment of receiver repealed.

33. Section 58 of the South-western Railway Act 1884 for appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending under the provisions of that section or any of them.

For appointment of a receiver.

34. The Company's mortgagees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount of principal owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than ten thousand pounds.

Debenture stock.

35. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

36. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only for purposes to which capital is properly applicable.

Interest not to be paid on calls paid up.

37. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of capital.

38. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing orders of either House of Parliament now or hereafter in force

A.D. 1885.

is required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general railway Acts.

39. Nothing in this Act contained shall exempt the railways of any railway company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now or hereafter in force 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 authorised to be taken by any railway company.

Costs of Act.

40. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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