



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xviii.

An Act for enabling the *Portsmouth* Railway Company to execute certain Works in connexion with their Railway; and for other Purposes.

[3d July 1857.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, called "The *Portsmouth* Railway Act, 1853," whereby the *Portsmouth* Railway Company (in this Act called "the Company") was incorporated, with Power to make a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey*: And whereas by "The *Portsmouth* Railway Amendment Act, 1854," the Company was empowered to make certain Alterations in the Line and Levels of their Railway, and to make an Extension of their Line from *Godalming* to *Shalford*: And whereas by "The *Portsmouth* Railway Amendment Act, 1855," the Company was empowered to make a further Alteration in the Line of their Railway: And whereas it is expedient that the Company should be empowered to make and maintain a new Road from and out of the Turnpike Road leading from *Petworth* to *Godalming*, at or near *Wormley Hill* in the Parish of *Godalming*, to join the public Highway leading from *Nodding's Farm* to *Witley* in the same Parish: And

[Local.] 3 I whereas

16 & 17 Vict.
c. xcix.

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whereas it is also expedient that the Company should be empowered to make an Alteration, in the Parish of *Godalming*, of the public Highway leading from *Farncombe* to *Compton*, and to stop up and discontinue as a public Thoroughfare a Portion of such Highway; and also to make an Alteration, in the Parish of *Frensham* in the County of *Surrey*, of the Road leading from *Sickle Mill* to *Shotter Mill Street*, for the Purpose of carrying the same over instead of under the *Portsmouth* Railway: And whereas Plans of the said intended Works, and of the Lands proposed to be taken for the Purposes of this Act, and Sections showing the Levels of the said Works, together with Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Surrey*: And whereas it is expedient that the Company should be empowered to cancel all or any of the unissued or forfeited Shares in the Company, and to create and issue, in lieu thereof, new Shares to a corresponding Amount, with a Preference Dividend or other Rights and Privileges attached thereto: And whereas there are no existing Preference Shares whatever in the Capital of the Company: And whereas it is expedient that Provision should be made for enabling the Company, on the one hand, and the *London and South-western* Railway Company, the *London, Brighton, and South Coast* Railway Company, and the *South-eastern* Railway Company, or any or either of them, on the other hand, to enter into Agreements with respect to the Regulation and Management by the Company and such Three Companies, or any or either of them, of the Traffic upon or over their respective Railways, or any or either of them, or any Part thereof: 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:

Short Title.

I. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "*The Portsmouth Railway Amendment Act, 1857.*"

8 & 9 Vict.
c. 18. incorporated.

II. "*The Lands Clauses Consolidation Act, 1845,*" shall be incorporated with and form Part of this Act.

Power to
make new
Road and to
divert and
alter certain
Roads.

III. Subject to the Provisions in this Act contained, the Company may make and maintain the new Road herein-after mentioned, and may make the several Alterations or Diversions of Roads herein-after described, in the Lines and according to the Levels shown upon the Plans and Sections deposited as aforesaid, and upon the Lands delineated on the said Plans and described in the Books of Reference to such

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such Plans, and may enter upon, take, and use all or any of the said Lands as may be necessary for those Purposes; (that is to say,)

A new Road to commence from and out of the Turnpike Road leading from *Petworth* to *Godalming* in the Parish of *Godalming* in the County of *Surrey*, and to terminate by a Junction in the said Parish with the public Highway leading from *Nodding's Farm* to *Witley*:

An Alteration or Diversion, in the Parish of *Godalming*, of the public Highway leading from *Farncomb* to *Compton*, and numbered 62 on the Plans referred to in "The *Portsmouth Railway Amendment Act, 1854*;" such Alteration or Diversion to commence at or near the Western Side of the *London and South-western Railway*, where the same crosses the said Highway on the Level in the said Parish, and to terminate at or near the Point where the said Highway forms a Junction with the public Road from *Farncomb* to *Guildford* in the said Parish of *Godalming*:

An Alteration, in the Parish of *Frensham* in the County of *Surrey*, of the Road leading from *Sickle Mill* to *Shotter Mill Street*, for the Purpose of carrying the same under instead of over the *Portsmouth Railway*:

And the Company may stop up and discontinue as a public Thoroughfare so much of the said Highway leading from *Farncombe* to *Compton* as lies between the West Side of the crossing thereof by the *London and South-western Railway* and the East Side of the Point where the Extension of the *Portsmouth Railway* from *Godalming* to *Shalford* is by "The *Portsmouth Railway Amendment Act, 1854*," authorized to cross the same.

IV. It shall be lawful for the Company to make the Rate of Inclination of the public Highway in the Parish of *Frensham*, numbered 29 on the Plans, when altered, One in Nine, but not steeper. Regulating Inclination of a certain Road.

V. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act. Powers for compulsory Purchases limited.

VI. The Works hereby authorized shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be executed except as to so much thereof as shall then be completed. Period for Completion of Works.

VII. All Shares in the Company which at the Time of the passing of this Act shall not have been issued, and in respect of which no Person is named in the Register of Shareholders of the Company as Owner thereof, may by the Vote of any Extraordinary Meeting of the Power to cancel unissued Shares.
Company

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Company be cancelled, and shall thereupon be cancelled, and shall be deemed not to have been created, and the Directors of the Company shall not, after such Shares shall have been so cancelled, make any Call or receive any Money thereon or in respect thereof, and shall not issue, sell, or dispose of any such Share.

Forfeited Shares which cannot be sold may merge in the Company.

VIII. In all Cases where any Share shall have been or shall hereafter be declared forfeited, and such Declaration of Forfeiture has been or shall hereafter be confirmed in manner required by "The Companies Clauses Consolidation Act, 1845," and Notice shall be given by the Company in the *London Gazette*, and in One Newspaper of each County through which the Railway passes, of such Forfeiture or intended Forfeiture, and that such Share will become cancelled if the Arrears of Calls and Interest due thereon be not paid within the Space of One Calendar Month from the Publication of such Notices, then, in case such Arrears and Interest be not paid within such last-mentioned Period, and the Market Price of Shares of the same Class in the Company in the City of *London* shall then or at any Time thereafter be less than the Arrears of Calls and Interest due in respect of such Shares, the Directors may declare the same absolutely cancelled, and the Proprietor thereof shall thenceforth be precluded from all Right or Interest therein, and a Declaration in Writing, made by some credible Person not interested in the Matter, before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls, and the Interest due in respect of such Shares, could not be obtained for the same according to the Market Price of Shares in the City of *London*, shall be sufficient Evidence of the Facts therein stated: Provided, that such Forfeiture and cancelling shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the Company the Arrears of Calls and Interest due in respect of such Share at the Time of the cancelling thereof, after deducting therefrom the Market Value of such Share according to the Market Price of Shares in the City of *London* at the Time of such cancelling as aforesaid, or the Powers of the Company to enforce Payment thereof by Action.

As to cancelling of forfeited Shares by Consent.

IX. The Company at any Extraordinary Meeting thereof may, with the Assent of the Holder of any Share after the passing of this Act liable to be declared forfeited, instead of forfeiting such Share declare the same Share cancelled, and thereupon the same, and all Rights, Claims, and Demands in respect thereof, shall cease to exist, and every Share so cancelled shall be deemed not to have been created.

Power to re-issue cancelled or

X. In lieu and instead of any Shares cancelled by virtue of this Act, the Company may from Time to Time, with the Consent of
Three

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Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting of the Company convened with due Notice of that Object, from Time to Time create and issue new Shares, either ordinary or otherwise, and either of One Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest, not exceeding Five Pounds *per Centum per Annum*, as the Company from Time to Time think fit, and the Company may issue such new Shares from Time to Time to such Persons, and on such Terms and Conditions as the Company think fit: Provided always, that the Company shall not by the Creation of such new Shares increase the aggregate Amount of Capital which they are by their Acts for the Time being in force authorized to raise.

forfeited
Shares with
or without
Preference
Dividend.

XI. If, after having created any such Class of Shares, the Company determine not to issue all the Shares of that Class, they may cancel the unissued Shares, and may from Time to Time thereafter create and issue in lieu thereof other Shares, either ordinary or otherwise, of an aggregate Amount not exceeding the aggregate Amount of the Shares so cancelled.

Power to
cancel new
Shares cre-
ated but not
issued.

XII. Every Person who becomes entitled to any such new Share of any Class shall, in respect of the same, be a Shareholder, and, unless the Rate of Dividend thereon be before the Time of the Issue thereof otherwise ordered by the Company, be entitled to a Dividend with the other Holders of the ordinary Shares or Stock of the Company, proportioned to the whole Amount for the Time being paid on such Shares.

Dividends
new Shares.

XIII. The new Shares created and issued under this Act shall be Part of the general Capital of the Company, and, except as by this Act otherwise provided, all such Rights, Privileges, Liabilities, and Incidents shall attach to and be conferred by the Share Capital so created and issued and the Shares therein, as to and by the Company's general Capital and the Shares therein.

New Shares
to be Part
of general
Capital.

XIV. The Holder of any new Shares issued under this Act shall not have any Right of voting or any Qualification in respect of a Sum less than Fifty *per Centum* paid up on the Amount of each of his Shares so issued.

Votes and
Qualifications
in respect of
new Shares.

XV. Twenty-five Pounds *per Centum* on the Amount of each Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the new Shares by this

Calls.

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Act authorized to be created; and Seventy-five Pounds *per Centum* of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share; and Three Months at the least shall be the Interval between successive Calls.

Power to apply Corporate Funds to Purposes of this Act.

XVI. It shall be lawful for the Company to appropriate to or towards all or any of the Objects and Purposes of this Act so much of their Corporate Funds as may be necessary, and as may not be required for the Purposes to which they are by any Act made specially applicable.

Authorizing Traffic Arrangements with the South-western, Brighton, and South-eastern Railway Companies.

XVII. It shall be lawful for the Company on the one hand, and the *London and South-western Railway Company*, the *London, Brighton, and South Coast Railway Company*, and the *South-eastern Railway Company*, or any or either of them, on the other hand, to enter into and carry into effect such Agreements and Arrangements as they may think fit, in respect of the Regulation and Management by the Company and such Three Companies, or any or either of them, of the Traffic upon or over their respective Railways, or any or either of them, or any Part thereof, and with respect to the Division and Apportionment between the respective Companies, Parties to any such Agreement or Arrangement, of the Expenses incurred, and of the Tolls, Rates, and Charges received in respect of such Traffic.

Duration of Agreement.

To be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

XVIII. Any such Agreement or Arrangement shall not be for more than Ten Years; and no such Agreement or Arrangement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement or Arrangement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Companies Parties thereto shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company; but all other Persons and Companies shall, notwithstanding any such Agreement or Arrangement, be entitled to the Use and Benefit of the Railways to which the said Agreement or Arrangement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement or Arrangement had been entered into: Provided always, that the said Board shall not approve such Agreement or Arrangement without being satisfied that the same has been duly assented to by a Majority of Three Fifths of the Shareholders of the several Companies Parties thereto, in Special Meeting assembled for that Purpose.

Interest not to be paid on Calls paid up.

XIX. It shall not be lawful for the Company, 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

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Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls actually made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying 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.

XX. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

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

XXI. Nothing herein contained shall be deemed or construed to exempt the Railways by the recited Acts authorized to be made 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 and of the Rates for small Parcels authorized by the recited Acts.

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

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

Expenses of Act.

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