



**CHAPTER lxxvi.**

An Act to confer further powers on the Tottenham and Forest Gate Railway Company and for other purposes. A.D. 1894.

[3rd July 1894.]

53 & 54 Vict.  
c. clviii.

**W**HEREAS the Tottenham and Forest Gate Railway Company (in this Act called "the Company") were incorporated by the Tottenham and Forest Gate Railway Act 1890 (in this Act called "the Act of 1890") and were authorised to construct the railway and works therein described;

And whereas the capital of the Company consists (under the provisions of the Act of 1890) of four hundred and fifty thousand pounds divided into twenty-two thousand five hundred preferred shares and twenty-two thousand five hundred deferred shares respectively entitled to dividend as therein provided:

And whereas in pursuance of an agreement scheduled to and confirmed by the Act of 1890 the Midland Railway Company and the London Tilbury and Southend Railway Company agreed to work the said railway on certain terms and under powers contained in the said Act:

And whereas in pursuance of powers contained in the Act of 1890 and of further powers conferred upon the Midland Railway Company and the London Tilbury and Southend Railway Company under the Midland Railway Act 1891 the London Tilbury and Southend Railway Act 1891 and the Midland Railway Act 1892 the Midland and London Tilbury and Southend Railway Companies have subscribed for and hold the following amounts of the capital of the Company viz. :—

54 & 55 Vict.  
c. xi.  
54 & 55 Vict.  
c. ccii.  
55 & 56 Vict.  
c. ccxxxiv.

—	Preferred Shares.	Deferred Shares.
Midland Railway Company - - - - -	£ 225,000	£ 148,960
London Tilbury and Southend Railway Company - - - - -	Nil.	74,480

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And whereas the said railway is approaching completion and it is expedient that the Company should be empowered to create additional capital and that the said two companies should have further powers of subscription and be otherwise empowered as in this Act set forth :

And whereas a considerable part of the railway of the Company is constructed upon viaduct and arches and it is expedient that provisions should be made as in this Act contained to enable the Company to let and utilize the spaces thereunder and that further powers should be given to the Company with respect to the granting of leases the provision of refreshment rooms and otherwise as herein-after set forth :

And whereas the purposes 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.

1. This Act may be cited for all purposes as the *Tottenham and Forest Gate Railway Act 1894*.

Extending certain provisions of Companies Clauses Acts.

2. The clauses and provisions of the *Companies Clauses Consolidation Act 1845* with respect to —

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and also Parts I. II. and III. of the *Companies Clauses Act 1863*. (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the

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Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof. A.D. 1894.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. Interpre-  
tation.

**4.** The Company may for the purposes of their undertaking and of this Act subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively which shares or stock shall form part of the general capital of the Company Provided that the Company may raise such additional capital or such part thereof as it may be determined to raise as ordinary capital by the creation and issue of additional preferred shares and deferred shares as authorised by the Act of 1890. Company  
may raise  
additional  
capital.

**5.** The Company shall not issue any share or stock created under the authority of this Act nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole amount of such stock shall have been paid in respect thereof. Shares or  
stock not to  
vest until  
one-fifth  
part paid  
up.

**6.** If the capital by this Act authorised be created in the form of additional preferred and deferred shares the new shares and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents as if the new shares were part of the now existing capital of the Company of the same class. New shares  
to be subject  
to the same  
incidents as  
existing  
shares.

**7.** The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole fifty thousand Power to  
borrow.

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pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional 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 to the extent aforesaid 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 so far as the said additional capital is raised by shares that such persons or corporations or 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.

Appoint-  
ment of  
receiver.

8. Section 35 of the Act of 1890 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture  
stock.

9. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 36 of the Act of 1890.

Existing  
mortgages  
to have  
priority.

10. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof

shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

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11. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

12. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

13. The Midland Railway Company and the London Tilbury and Southend Railway Company or either of them with the consent of the other may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at general meetings of the said companies specially convened for the purpose from time to time subscribe the whole or any part of the additional capital by this Act authorised and the said companies may with the like authority contribute and apply in or towards payment of their said subscriptions any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertakings The said companies shall if or so far as the capital shall be raised by the creation and issue of additional preferred and deferred shares as authorised by the Act of 1890 have in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them all the powers rights and privileges and be subject to all the obligations and liabilities of proprietors of preferred or deferred shares in the Company as the case may be Provided always that the Midland Railway Company and the London Tilbury and Southend Railway Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Power to Midland and London Tilbury and Southend Railway Companies to subscribe and apply funds.

14. It shall be lawful for the Company to let the spaces under any of the viaducts or arches of their railway (except such spaces as are over any road street or public way) on leases or agreements on such terms and conditions and for such periods and subject to such rents and covenants as may be agreed in each case:

As to spaces under arches &c.

Provided that the Company shall not permit any of the arches under the railway to be used as dwelling places or for any business of a noisome or offensive character or which may deteriorate or

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lessen the value of adjoining property And provided also that nothing contained in any lease to be granted under the powers of this section shall prejudicially affect or interfere with the working of the railway or the accommodation of the traffic thereon and that in every lease the Company shall reserve to themselves a right of re-entry in the event of the premises being at any time thereafter required for any of the purposes of their undertaking.

Power to sell  
lease or  
dispose of  
land.

**15.** With reference to land buildings and premises acquired by the Company which they shall under their common seal declare are not required to be used for the purpose of their undertaking the Company may exercise the following powers viz. :—

- (1.) The said land buildings and premises shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock thereof excepting such mortgages as may be expressly charged upon the premises or upon any specific portion thereof ;
- (2.) The Company may from time to time borrow on mortgage of the said land buildings and premises any sums of money and the only security of the mortgagee shall be the same land buildings and premises or the part thereof specially comprised in his mortgage ;
- (3.) The Company may retain and hold such portion of the said land buildings and premises as they believe may hereafter be necessary for the widening of their railway or for stations and sidings connected therewith or other purposes of their undertaking and the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands shall not apply to the land buildings and premises mentioned in this subsection.

Power to  
provide  
refreshment  
rooms &c.

**16.** The Company may erect provide hold enjoy and maintain as part of their undertaking refreshment-rooms at any of their stations and may either conduct the same or let the same on lease for any term not exceeding three years at any one time.

Application  
of Railway  
Rates and  
Charges  
No. 11 &c.  
Order 1892  
to railway of  
Company.

**17.** The classification of merchandise traffic including perishable merchandise exceeding fifty-six pounds in weight by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 11 (London Tilbury and Southend Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 11 (London Tilbury and Southend Railway &c.) Order Confirmation Act 1892) shall apply and have effect with reference to the Company and their

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railway instead of the provisions with reference to the classification of merchandise traffic and the rates and charges applicable thereto contained in the Act of 1890 as if the Company were one of the railway companies named in the schedule to the said Order. A.D. 1894.

**18.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this 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 but nothing in this Act shall 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. Interest on calls not to be paid out of capital.

**19.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter 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 capital.

**20.** Nothing in this Act contained shall exempt the 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 in force or which may hereafter pass during this or any future session of Parliament 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. Provision as to general Railway Acts.

**21.** 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. Costs of Act.

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