



CHAPTER xxxv.

An Act for enabling the London and South Western Railway Company to construct new railways and to widen their Farnham Alton and Winchester Railway in the county of Southampton and for other purposes.

A.D. 1897.

[3rd June 1897.]

WHEREAS it is expedient that the London and South Western Railway Company (in this Act called "the Company") be authorised to construct the new railways herein-after described and to widen their Farnham Alton and Winchester line in manner herein-after mentioned and for those purposes to apply their funds and to raise further capital:

And whereas plans and sections of the works authorised by this Act the plans showing also the lands required for the purposes of the said works and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Southampton and are herein-after respectively referred to as the deposited plans sections and books 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):—

1. This Act may be cited as the South Western (Meon Valley) Railway Act 1897. Short title.

[Price 1s. 3d.]

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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 Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) 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 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.

Power to
make works.

4. Subject to the provisions of this Act the Company may make and maintain the works herein-after described in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto or some or one of those works or some part or parts thereof respectively together with all proper and sufficient bridges viaducts rails sidings junctions turntables stations banks sluices drains culverts dams groynes walls approaches roads buildings yards and other 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 those purposes The works herein-before referred to and authorised by this Act will be situate in the county of Southampton and are—

- (1) Railway (No. 1) 2 miles 0 furlongs and 6·75 chains or thereabouts in length wholly in the parish of Fareham commencing by a junction with the Company's Bishopstoke and Portsmouth line near the junction of the Company's Fareham and Netley line therewith and terminating by a junction with the same Bishopstoke and Portsmouth line near Knowle Coppice :
- (2) Railway (No. 2) 22 miles 2 furlongs and 6·35 chains or thereabouts in length commencing by a junction with the Bishopstoke and Portsmouth line aforesaid in the parish of Titchfield and terminating in the parish of Alton by a junction with the Company's Farnham Alton and Winchester line :
- (3) A widening wholly in the parish of Alton of the Company's Farnham Alton and Winchester line on the southern side thereof between the point at which the Railway (No. 2) by this Act authorised will terminate and a point about 4 chains westward from the bridge eastward of Alton station carrying the said line over Anstey Mill Lane.

5. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

Inclination
of roads.

Railway.	No. on deposited Plans.	Parish	Description of Road.	Intended Inclination.
Railway No. 2	82	Soberton -	Public	1 in 10
	3	Meon Stoke -	Public	1 in 15 and 1 in 16½
	25	Meon Stoke -	Public	1 in 13
	3	East Tisted -	Public	1 in 16
	25	East Tisted -	Public	1 in 15½
	28	Chawton -	Public	1 in 12

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Height and span of bridges.

6. The Company may make the arches of the bridges for carrying the railways or widening authorised by this Act over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No. on deposited Plans.	Parish.	Description of Road.	Height.		Span.	
				ft.	in.	ft.	in.
Railway No. 1 -	37	Fareham -	Public	15	0	20	0
	41	Wickham -	Main	15	6	30	0
	53	Wickham -	Main	15	6	30	0
	38	Soberton -	Public	15	0	20	0
	71	Soberton -	Public	15	0	20	0
	107	Soberton -	Public	15	0	20	0
	and 1	Meon Stoke -					
	42 & 48	Meon Stoke -	Public	15	0	20	0
	3	East Meon -	Public	15	0	15	0
	Railway No. 2 -	6	East Meon -	Public	15	0	15
9		East Meon -	Main	16	0	30	0
10		West Tisted -	Public	15	0	20	0
28		East Tisted -	Public	15	0	20	0
7		Newton Valence -	Public	15	0	20	0
16		Farringdon -	Public	15	0	20	0
19		Chawton -	Public	15	0	20	0
28		Chawton -	Public	15	0	20	0
41	Chawton -	Public	15	0	20	0	
1	Alton -						

Widths of certain roadways.

7. The Company may make the roadway over the bridges by which the following roads will be carried over the railways or widening authorised by this Act of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
Railway No. 1 -	20	Fareham -	Public	20 feet
	12	Soberton -	Public	25 "
	14	Soberton -	Main	30 "
Railway No. 2 -	16	Soberton -	Public	20 "
	23	Soberton -	Public	15 "
	82	Soberton -	Public	18 "
	98	Soberton -	Public	20 "

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Work.	No. on Deposited Plans.	Parish.	Description of Road.	Width of Roadway.
Railway No. 2	3	Meon Stoke	Public	20 feet
	20			
	25	Meon Stoke	Public	20 "
	37			
	49	West Meon	Public	15 "
	50			
	25	East Tisted	Public	20 "
23	Farringdon	Public	15 "	

8. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Power to divert roads as shown on deposited plans.

Work.	Parish.	No. of Road on deposited Plans.
Railway No. 1	Fareham	38
	Wickham	27
	Soberton	14
Railway No. 2	Meon Stoke	3 20 25
	West Meon	49 50
	East Tisted	25
	Chawton	28

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

9. In executing the works and exercising the powers by this Act authorised the following provisions for the protection of the County Council of the Administrative County of Southampton (in this section called "the County Council") shall have effect unless

For the protection of the Southampton County Council.

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(that is to say):—

- (1) The Company shall divert the footpath which crosses the field in the parish of Fareham in the county of Southampton numbered 51 on the deposited plans and shall construct a new footpath on the east side of their said Bishopstoke and Portsmouth line from the point where such footpath at present crosses the said line to a point about 12 chains therefrom in the field numbered 54 on the same plans in the said parish and shall thence carry such new footpath by a bridge across the said Bishopstoke and Portsmouth line and Railway No. 1 authorised by this Act into the road numbered 56 on the said plans. The County Council shall maintain such new portion of footpath and the Company shall maintain the fence on the western side thereof and the bridge carrying the same over the railway :
- (2) The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the water mains pipes and apparatus of the County Asylum at Fareham and to the County Council in respect thereof as though the County Council were a company or society and as though such mains pipes and apparatus were used for furnishing inhabitants with water :
- (3) The Company shall divert the roads numbered respectively on the deposited plans 2 21 and 23 in the parish of West Tisted and 2 and 3 in the parish of East Tisted in such manner as shall be agreed on between the Company and the surveyor of the County Council or as in default of agreement shall be settled by an engineer to be appointed (unless otherwise agreed on) by the Board of Trade on the application of either of the parties. The costs of and incident to such settlement shall be paid by the Company :
- (4) The Company shall before commencing the diversion of any of the roads referred to in the last preceding sub-section or the works for carrying Railway No. 2 by this Act authorised over such roads submit the working drawings to the surveyor of the County Council :
- (5) When and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use the Company may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as such portion of each of the said roads is so stopped up all

rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of the undertaking the site of the portion of the road stopped up so far as the same is bounded on both sides by lands of the Company :

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- (6) The Company in altering for the purposes of this Act the road in the parish of Chawton numbered 16 on the deposited plans shall make and shall at all times thereafter maintain such drains as will be sufficient at all times to carry away the water from the said road.

10. Notwithstanding anything contained in this Act the Company shall not without the previous consent in writing of Spicer Brothers Limited under their common seal enter upon take or use any portion of the lands severally numbered upon the deposited plans 25 and 26 in the parish of Alton.

For the protection of Spicer Brothers Limited.

11. For the benefit and protection of the owner or owners for the time being of the Warnford Park Estate Bishops Waltham in the county of Hants (in this section referred to as and included in the expression "the owner") the following provisions shall have effect unless otherwise agreed between the Company and the owner :—

For protection of owner of the Warnford Park Estate.

- (1) The Company shall construct and simultaneously with the opening of Railway No. 2 open and for ever thereafter maintain a station for passengers and goods with proper and sufficient approaches thereto at some point between the distances of 10 miles and 5 furlongs and 10 miles and 7 furlongs marked on the deposited plans for that railway :
- (2) The Company shall make and maintain five cattle creeps each 5 feet 9 inches to the springing and 8 feet 3 inches to the crown above the present surface of the ground and 10 feet wide in the fields numbered on the deposited plans of Railway No. 2 7 in the parish of Exton 9 or 10 in the same parish and 1 2 and 3 in the parish of Warnford :
- (3) The Company shall make and maintain at the several distances from the commencement of Railway No. 2 mentioned in the first column of the following table (for which purpose the distances in miles and furlongs shall be taken to be as marked on the deposited plans) bridges for carrying the said railway over the occupation road numbered on the said plans as specified in the second column of the said table of the

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respective spans and heights specified in each case in the third column of the said table (that is to say) :—

First Column.			Second Column.		Third Column.	
Distances.			Number on deposited Plans.	Parish.	Span.	Height.
Miles.	Furlongs.	Chains			Feet.	Feet.
8	6	5	2	Exton -	12	15
9	2	8	13	Exton -	12	14
10	4	2	Part of 5 and 6	West Meon	12	14

(4) For the purpose of constructing the bridge at the distance secondly specified in the above table the Company may lower the road numbered 13 in the parish of Exton over which the same is to be made to such extent as may be necessary but shall make and maintain all necessary works for efficiently draining the road :

(5) The Company shall not fence off the land under which the tunnel in the parish of West Meon will be constructed through the Warnford Park Estate and the owner shall be at liberty at all times to pass and repass over such land :

(6) The owner and any shooting tenant of the Warnford Park Estate and their respective gamekeeper or gamekeepers shall have the right to walk upon the slopes and side lands of Railway No. 2 where it passes through the Warnford Park Estate for all sporting purposes and for warning off and prosecuting poachers or trespassers (for which last mentioned purposes he shall be deemed to be the agent of the Company) subject nevertheless to the following conditions (that is to say) :—

(A) The Company shall not be liable in damages to any person exercising the right conferred upon him by this section for any accident which may happen to him whilst on the land or property of the Company ;

(B) Every such person shall conform to and observe such reasonable rules orders and regulations as the Company from time to time make in reference generally to the exercise of similar rights by other persons ; and

(c) No such person shall do any injury to any fences or property of the Company :

If any such person after written notice wilfully fails to conform to or observe any of the said conditions the rights conferred by this sub-section (6) shall cease and determine :

(7) Any matter by this section referred to arbitration and any question as to the meaning or effect of anything in this section shall be determined unless otherwise agreed by a single arbitrator to be appointed by the President for the time being of the Surveyors' Institute and in accordance with the provisions of the Arbitration Act 1889 and this section shall for the purposes and within the meaning of that Act be deemed to be a submission of every or any such matter or question:

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(8) The owner shall not be entitled to any other gates bridges arches or passages over under or by the side of or leading to or from the railway in addition to those provided for by this section under the provisions of section 68 of the Railways Clauses Consolidation Act 1845 but nothing in this section shall take away prejudice or affect the right of the owner to make additional accommodation works at his own expense under the provisions of section 71 of that Act.

12. For the purpose of demanding and recovering tolls rates and charges and for all other purposes the railways and the widening of the Company's Farnham Alton and Winchester line by this Act authorised shall respectively be deemed part of the Company's main line of railway.

Tolls &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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.

Easements &c. may be granted by incapacitated persons.

14. The Company may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with the railways widening and works by this Act authorised not exceeding in quantity ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

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Period for compulsory purchase of lands.

Restrictions on displacing persons of labouring class.

15. The powers of the Company under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

16.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board 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 Local Government Board 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) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they 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 Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(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 Local Government Board by action in the High Court 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 and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of 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 date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to

A.D. 1897. any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans 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 such persons who may be residing with them.

17. If the railways herein-before described and authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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Period for
completion
of works.

18. If the Company fail within the period limited by this Act to complete either of the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the respective railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the respective railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the respective railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Penalty
imposed
unless rail-
ways opened
within the
time limited.

19. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or

Application
of penalties.

A.D. 1897. — sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Power to apply funds.

20. 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.

21. 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 amount or amounts of capital not exceeding four hundred thousand pounds.

Shares not to be issued until one-fifth paid.

22. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds 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.

23. 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.

24. 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

25. The provisions of sections 47 to 70 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 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.

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Company's
shares and
stock under
this Act.

26. 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 thousand pounds which they are by this Act authorised to raise any sum or sums not exceeding in the whole one hundred and thirty-three thousand three hundred and thirty-three pounds and of the last-mentioned sum they may borrow thirty-three thousand three hundred and thirty-three pounds in respect of every one hundred thousand pounds of the said capital of four hundred thousand pounds :

Further
borrowing
powers to
the Com-
pany.

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 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 portion of additional capital 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 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 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 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.

27. 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

Existing
mortgages
to have
priority.

A.D. 1897. 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.

28. Section 50 of the South Western Railway Act 1895 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.

29. 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.

30. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 53 of the South Western Railway Act 1890.

Application of moneys.

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

Sections 18 19 and 20 of Companies Clauses Consolidation Act 1845 applied to consolidated stocks and debenture stock.

32. Sections 18 19 and 20 of the Companies Clauses Consolidation Act 1845 shall be deemed and construed to include and apply to all or any stock of the Company formed or to be formed by consolidation of shares into stock and all or any debenture stock of the Company created or to be created by the Company and interest on any such stock as if such stocks and interest respectively had been expressly named in the said sections.

Saving rights of the Crown.

33. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

34. The Commissioners of Woods with the consent of the Treasury and the Company may enter into and carry into effect agreements for the grant to the Company of a lease or leases for such term not exceeding nine hundred and ninety-nine years as may be agreed of the estate and interest of Her Majesty in any lands shown on the deposited plans and described in the deposited books of reference belonging to Her Majesty and under the management of the Commissioners of Woods and the Company may hold and use for the purposes of their undertaking any lands included in any such agreement or lease.

A.D. 1897.
As to leases
of Crown
lands.

35. 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 not
to be paid on
calls paid up.

36. The Company shall not out of any money by this Act authorised to be raised by them 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 authorising 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.

37. Nothing in this Act contained shall exempt the railways of 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 authorised to be taken by the Company.

Provision as
to general
Railway
Acts.

38. 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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