



CHAPTER lvii.

An Act for conferring further powers upon the London, Tilbury, and Southend Railway Company. [14th June 1875.] A.D. 1875.

WHEREAS the Acts in force relating to the London, Tilbury, and Southend Railway Company (who are herein-after referred to as the Company) are the following :

Recital of
Acts relating
to London,
Tilbury, and
Southend
Railway.

The London, Tilbury, and Southend Extension Railway Act, 1852 (herein referred to as the Act of 1852) ;

The London, Tilbury, and Southend Railway Deviation and Amendment Act, 1854 (herein referred to as the Act of 1854) ;

The London, Tilbury, and Southend Railway (Amendment) Act, 1856 ;

The London, Tilbury, and Southend Railway (Extension and Branches) Act, 1856 (herein referred to as the Act of 1856) ;

The London, Tilbury, and Southend Railway Act, 1862 (herein referred to as the Act of 1862) ; and

The London, Tilbury, and Southend Railway Act, 1863 :

And whereas, under the powers of the Act of 1854, the railway has been leased to Messieurs Peto, Betts, and Brassey, which lease will expire on the third day of July 1875 :

And whereas by the Act of 1856 the Company were authorised to make a branch railway, in that Act called the Northern Junction, the object of which was to effect a junction with the North Woolwich Railway, but no part of such branch railway has been constructed, and the said railway is not required in the public interest, and it is expedient that all obligations upon the Company as regards the making of such railway should cease :

And whereas it is expedient that the Company have power to acquire further lands for sidings and other purposes connected with their undertaking, and that certain footways in the parish of Leigh, in the county of Essex, which are now crossed by the railway of the

A.D. 1875. — Company on the level, should be dealt with as by this Act provided, namely, that as regards five of such footways the rights of way in respect thereof should be extinguished, and that the other footway should be carried by a bridge over the railway :

And whereas plans showing the lands and other property which may be required or taken under the provisions of this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands and other property, were duly deposited with the clerk of the peace for the county of Essex, and are herein-after respectively referred to as the deposited plans and books of reference :

And whereas the authorised share capital of the Company is six hundred and sixty-two thousand pounds, and of this they have only issued six hundred and fifty thousand six hundred and fifty pounds, all of which has been long since paid up, and it is expedient that the Company have power to issue their remaining capital with a preference as to dividend, and that they should have power to raise further moneys, and also that their present borrowing powers, which are limited to one hundred and ninety thousand pounds, should be extended to two hundred and twenty thousand pounds, being one third or thereabouts of their already authorised share capital :

And whereas it is expedient that the present powers of the Company should be in certain respects otherwise altered and enlarged :

And whereas the purposes aforesaid cannot be accomplished 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 as "The London, Tilbury, and Southend Railway Act, 1875."

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes of and not inconsistent with the provisions of this Act) are hereby incorporated with this Act ; (namely,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters ; (namely,)

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions, and the means of enforcing the payment of calls ; A.D. 1875.

The forfeiture of shares for nonpayment of calls ;

The consolidation of shares into stock ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of borrowed money into capital ;

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 ;

Also Part I. (relating to the cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, 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 simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

4. Subject to the provisions of this Act, the Company may enter upon, take, and use and appropriate to the purposes of their undertaking all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to acquire additional land for general purposes.

5. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

6. All rights of way in, over, or affecting the following footways in the parish of Leigh in the county of Essex, namely, the footways numbered respectively 2, 4, 5, 6, and 7 upon the deposited plans, shall, so far as regards the land and railway of the Company, cease and be extinguished, and when and so soon as the footbridge shown upon the deposited plans as a substitute for the present level crossing of the railway by the footway numbered 3 on those plans is made and open for use, all rights of way in, over, or affecting that footway, so far as regards the present level crossing, shall cease and be extinguished.

Crossing of certain footways on the level abolished.

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Company
may abandon
the Northern
Junction
Branch
Railway
authorised by
Act of 1856.

7. The Company may abandon the construction of the Northern Junction Railway authorised by the Act of 1856, and section nine of that Act shall be read and construed as if the said Northern Junction Railway had not been one of the railways authorised by that Act; and the Company shall within two years from the passing of this Act sell, under the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, all lands which they have acquired for the purposes of the said Northern Junction Railway.

Compen-
sation for
damage to
land by entry,
&c. for the
purposes of
railway aban-
doned.

8. The abandonment by the Company under the authority of this Act of the said railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845.

Compen-
sation to be
made in re-
spect of con-
tracts and
notices.

9. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to
raise addi-
tional money.

10. The Company from time to time may raise by the creation and issue of shares or stock such additional sums of money as they shall think necessary, not exceeding in the whole one hundred and fifty thousand pounds, and the Company may create and issue such shares or stock, and may also issue any of their already authorised but unissued capital, either wholly or partially as ordinary

or wholly or partially as preferential shares or stock, as they may think fit.

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11. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, nor shall any 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 shall have been paid in respect thereof.

Shares not to be issued until one fifth part paid up.

12. The amount of any one call to be made upon the shares created under the powers of this Act shall not exceed one fourth of the amount of such shares, and there shall be an interval of two months at least between every two successive calls, and not more than three fourths of the amount of each share shall be called up in any one year.

Limit of amount and number of calls.

13. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as they would have been entitled to had such shares or stock been existing shares or stock in the Company.

Votes in respect of new shares or stock.

14. The Company may at any time after the passing of this Act borrow on mortgage, in addition to any sums which they have borrowed or are already authorised to borrow, any sums not exceeding in the whole thirty thousand pounds, and they may also from time to time borrow on mortgage, in addition to the said sum of thirty thousand pounds and any sums which they are already authorised to borrow, any sums not exceeding in the whole fifty thousand pounds in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise; provided that in respect of every thirty thousand pounds of such additional capital created and issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole ten thousand pounds; but no part of any of the before-mentioned sums of ten thousand pounds shall be borrowed until shares for so much of the said portion of 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 portion of additional capital have been issued and accepted, and that one half of such portion has been paid up, and that not less than one fifth part of the amount of each separate share in such portion of 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

Power to borrow on mortgage.

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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 or was issued and accepted and paid up bonâ fide, and are or is held by the persons or corporations to whom the same may be issued, or their executors, administrators, successors, or assigns, and also if the said capital be 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 shall be sufficient evidence thereof.

Existing mortgages to have priority.

15. All mortgages or bonds 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 bonds, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

16. All moneys raised by the Company under this Act, or after the passing thereof, 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.

Debenture stock.

17. 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.

Interest on calls not to be paid out of capital.

18. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

Deposits for future Bills 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 authorising the Company to construct any other railway, or to execute any other work or undertaking.

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20. Nothing in this Act contained shall exempt the Company or their railway 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.

Railway not exempt from provisions of present and future general 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, and all expenses incurred by the Company with the consent of the shareholders in respect of proceedings in the last session of Parliament, shall be paid by the Company out of any moneys raised or authorised to be raised by them.

Expenses of Act, and of former proceedings in Parliament.