



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 5.

An Act to enable the Company of Proprietors of the *Surrey Iron Railway* to raise a further Sum of Money, for completing the said Railway, and the Works thereunto belonging. [12th March 1805.]

WHEREAS by an Act passed in the Forty-first Year of the Reign of His present Majesty, for making and maintaining a Railway from the Town of *Wandsworth* to the Town of *Croydon*, with a Collateral Branch into the Parish of *Carshalton*, and a navigable Communication between the River *Thames* and the said Railway at *Wandsworth*, all in the County of *Surrey*, several Persons therein named, and their Successors, are united and made one Body Politic and Corporate, by the Style or Name of “The *Surrey Iron-Railway Company* ;” and are authorized to make and maintain the said Railway, and other Works in the said Act mentioned, and to raise any Sum of Money for defraying the Expence thereof, not exceeding Thirty-Five Thousand Pounds; but that in case the said Sum should not be found sufficient for carrying the Purposes of the said Act into Execution, then the said Company of Proprietors were authorized and empowered to raise a further Sum of Money, not exceeding Fifteen Thousand Pounds, for perfecting and completing the said Railway and other Works: And whereas considerable Progress hath been made in carrying on the Works directed by the said Act, and in making the Purchases which by the said Act were authorized to be made, but from the great Advance in the Price of Materials and Labour, and from other Circumstances which have taken place since the passing of the said Act, it is found that the said Act cannot be carried into complete Execution without a Power being given to the said Company

[Loc. & Per.] 2 to

Authorizing
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to raise a further Sum of Money for completing the Purposes mentioned in the said Act: May it therefore please your Majesty, That it may be enacted, and be it enacted by the KING'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, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise and contribute amongst themselves, or to admit other Persons to become Subscribers towards raising any further Sum or Sums of Money for carrying into Execution the Purposes contained in the said Act, not exceeding in the Whole, the Sum of Ten Thousand Pounds, any Thing in the said recited Act contained to the contrary notwithstanding, which Money shall be divided into new Shares of the like Value as the Shares created by virtue of the said recited Act were originally of, and the Money so to be raised shall be applied in defraying the Expences of finishing and completing the said Railway and other Works appertaining thereto, as are authorized by the said recited Act to be done, which new Shares shall be deemed Personal Estate, and transmissible as such; and all Bodies Politic, Corporate, and Collegiate, and other Persons who shall subscribe for or towards raising the said new Shares, or any of them, or who shall become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns shall be, and they are hereby declared to be Owners or Proprietors of the said new Shares in the said Undertaking, and shall be, and are hereby united to, and incorporated with the said Company of Proprietors, and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act, shall extend to the calling for, raising, suing for, and recovering the several Sums which shall be subscribed for or towards the said new Shares; and for compelling and obliging the several Subscribers or Proprietors of the said new Shares to pay the respective Sums to be subscribed as aforesaid, and for transferring and entering the same, and in all other Respects relating to the Money so to be subscribed, and to the said new Shares, and the Owners and Proprietors thereof, in like Manner as if the Sums so to be subscribed were Part of the Money authorized to be raised by virtue of the said recited Act.

Company of
Proprietors
empowered
to raise Mo-
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I. Provided always, and be it further enacted, That in case the said Company of Proprietors shall think it more adviseable to raise the said Sum of Ten Thousand Pounds or any Part thereof, by Mortgage of the Rates and Tolls, authorized to be collected by virtue of the said recited Act, or either of them, instead of raising the same in the Manner herein-before mentioned; then it shall and may be lawful for the said Company of Proprietors, to borrow and take up at Interest, by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the said Rates and Tolls, or either of them, the said Sum of Ten Thousand Pounds, or any Part thereof, and to assign and make over their Interest and Property in the said Railway and other Works, and the Rates and Tolls to arise by virtue of the said recited Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same

same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage, and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same; and the Interest arising therefrom, as are mentioned or contained in and by virtue of the said recited Act respecting the borrowing of Money, and the Securities to be made for the same; and the Money so to be borrowed shall be applied in Manner aforesaid.

II. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Commissioners, or any Three or more of them; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

Subject to the Order of the Court of Chancery, on Motion or Petition.

III. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act for the Purchase of any Lands or Hereditaments, or of any Estate, Right or Interest in any Lands or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities, to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities

Where any Question shall arise touching the Title to the Money to be paid, the Person who shall be in Possession, of the Lands &c. shall be

deemed entitled thereto, according to such Possession, unless it be a wrongful Possession.

Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or other Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or other Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or other Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Company.

IV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or other Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or other Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Act, how to be paid.

V. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors out of any Money to be raised or received by virtue of this Act.

Public Act.

VI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and all Judges, Justices, and other Persons are required to take Notice of it as such, without specially pleading the same.

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