



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxi.

An Act for incorporating “The *Cape Town* Railway and Dock Company,” and for other Purposes connected therewith. [16th *July* 1855.]

WHEREAS a Company has been formed in *England*, under the Name and Style of “The *Cape Town* Railway and Dock Company,” for the Purpose of acquiring and holding Lands in the Colony of the *Cape of Good Hope* and *Great Britain*, and for establishing, constructing, maintaining, and working Railway Communication within the Boundaries of the said Colony, and especially between the Towns and Places of *Cape Town*, *Simons Town*, *Simons Bay*, *Stellen Bosch*, and *Wellington*, and for making and extending the said Railway Communication to and between other important Towns, Places, and Districts in the said Colony, and for the Construction and Maintenance of Docks at *Cape Town* and in other Parts of the said Colony, and for the Prosecution of all Undertakings which may be necessary or convenient for the said Purposes or any of them, or may be advantageously prosecuted and carried on in connexion therewith: And whereas the making and constructing and maintaining such Railways and Docks, and especially of forthwith making a Railway Communication between the Copper and other Mines of the said Colony and the Sea Coast, would be of great public Advantage, and

[*Local.*]

25 A

the

The Cape Town Railway and Dock Act, 1855.

the Persons herein-after named are willing to become the First Directors of the said Company, and with other Persons to carry out and complete the Objects of such Company for the Construction of such Railways and Docks, and for other Purposes ; but the Objects and Purposes of the said Company cannot be fully and effectually carried out without the Incorporation of the said Company by 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,)

Incorporation and Purposes of the Company.

I. *Harrison Watson, Harry Borradaile, William Prinsep, Rothwell Pounsett, Abraham Borradaile, George Lathom Browne, Charles James Busk, William Little*, and the several other Persons and Corporations who are or shall become Proprietors and Shareholders in the said Railway Company, and their respective Executors, Administrators, Successors, and Assigns, shall be and are hereby united into One Body Corporate, under the Name of "*The Cape Town Railway and Dock Company*," for the Purpose of making, constructing, working, and maintaining such Railway or Railways, Dock or Docks, in the Colony of the *Cape of Good Hope*, including all necessary, convenient, or accessory Extensions, Branches, Docks, Piers, Break waters, and Works as may be agreed upon by and between the said Railway and Dock Company and the Local Government of the said Colony of the *Cape of Good Hope*, and also of doing and performing all such Matters and Things, and making all such Contracts as may be necessary or convenient for carrying into effect the Objects and Purposes aforesaid, or any of them, as may also be agreed upon by and between the said Railway and Dock Company and the said Local Government or any other Corporations or Persons in *Great Britain* or in the said Colony of the *Cape of Good Hope* ; and the Company hereby incorporated by the Name aforesaid shall have perpetual Succession and a Common Seal, and by such Name shall and may sue and be sued, and shall have Power to purchase, take, and hold Lands for the Purposes aforesaid, (including Lands in *Great Britain* for Offices or Places of Business,) without incurring any Penalties or Forfeitures, and shall have such other Powers as herein-after mentioned.

For vesting Property of the Company in the Corporation.

II. All Property, Real and Personal, and all Deeds, Books, and Writings belonging to the Company, or which have been conveyed to or are held by any Person in trust for the Company, and all Rights and Powers of the Company subject to any Engagements affecting the same, shall be vested in the Company incorporated by this Act, without the Necessity of any Transfer or connecting Title other than this Act ; and all Contracts, Covenants, Engagements, and Liabilities now exist-

ing

The Cape Town Railway and Dock Act, 1855.

ing with or by the Company, or any Director, Trustee, or Person on behalf of the Company, shall and may be enforced by, with, and against the Company incorporated by this Act; and such incorporated Company shall and may sue and be sued in respect thereof in the same Manner as if such Company had been Party thereto.

III. "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and shall for the Purposes of this Act extend to the said Colony, and in applying and construing the Provisions thereof in the said Colony any Expression in the said Act implying a Court of Law or of Equity shall mean any Court of Judicature in the said Colony, and any Expression implying a Justice of the Peace shall mean a Justice of the Peace or Magistrate in the said Colony; and any Reference in the said Act to the Act or Acts for the Relief of Insolvent Debtors shall mean the Act or Acts of Parliament relating to Insolvent Debtors for the Time being in force in the said Colony; and the Managing Director, Secretary, or Treasurer of the Company shall have Power to authorize by Letter of Attorney some Officer of the Company in the said Colony to represent the Company in all Cases of Bankruptcy or Insolvency in the said Colony, and to act therein in like Manner as such Managing Director, Secretary, or Treasurer could act in like Cases in *England*; and no Byelaw in the said Colony shall be repugnant to the Laws of the said Colony; and any Declarations which by the said Act are authorized to be made before a Justice or Master in Chancery shall be of the same Force and Effect if made before a Justice of the Peace or Magistrate in the said Colony, or before any Officer authorized to take an Affidavit or Declaration in any Court of Judicature in the said Colony.

8 & 9 Vict.
c. 16. incor-
porated.

IV. It shall and may be lawful for the Company from Time to Time to enter into and conclude with the Local Government of the *Cape of Good Hope* such Contracts, Agreements, and Arrangements as the respective Parties may think fit and agree upon for making any Railway or Railways in the said Colony and any Telegraphs connected therewith, and for maintaining and working the same, and for the other Objects and Purposes aforesaid, including, so far as the said respective Parties may agree thereto, all or any of the Provisions following; (that is to say,) any Provisions for securing to the Local Government any Facilities, Rights, and Advantages in relation to the said Railways and Premises respectively, and any Provision as to the Tolls, Receipts, and Profits thereof, and the Application of such Tolls, Receipts, and Profits; any Provisions for giving to the Local Government, or to any of their Officers, Servants, or Agents, any absolute or other Rights of supervising, controlling, directing, regulating, and ordering the Company, and the Works, Contracts, Accounts, Byelaws, Acts, Proceedings, Transactions, and Affairs of the Company, as well in *England* as elsewhere,

Power to
enter into
Terms with
the Local
Government
of the
Colony of
the Cape of
Good Hope.

The Cape Town Railway and Dock Act, 1855.

elsewhere, and any Provisions for enabling the Local Government and the Principal Secretary of State of *Great Britain* charged for the Time with the Superintendence of the Affairs of the said Colony of the *Cape of Good Hope*, to appoint *ex-officio* Directors of the Company, whether qualified by holding Shares or not, in the Place of any One of the ordinary Directors of the Company or otherwise, and any Provisions for regulating the Powers (including a Right of Veto at the Board of the Directors,) and the Duties and Proceedings and the Liabilities of any such official Directors, and any Provisions for binding the Company to conform to and fulfil all or any Directions which may be given by the Local Government or their authorized Officers and Agents touching all or any of the Matters aforesaid, and any Provisions for the Appointment of Agents of the Company in the said Colony or elsewhere, and for determining and regulating the Powers and Duties of such Agents as aforesaid, and any Provisions for depositing with or paying to the said Local Government all or any Part of the subscribed Capital of the Company, upon any Terms (as to Interest or otherwise) to be agreed upon, and any Provisions with regard to any Land which may be granted or leased to the Company by the said Local Government or otherwise, and any Provisions for charging all or any Part of the Property of the Company with the Payment of any Sum or Sums of Money, upon any Terms to be agreed upon, and any Provisions for the Surrender or Sale to the said Local Government, or to any other Person or Persons, of the said Railway or Railways or any Part thereof, and of all or any Part of the Property of the Company at any future Period, and any Provisions for referring Disputes to Arbitration, and any Provisions intended to enforce or secure the due Performance of any Contract or Engagement to be made by the Company, and generally all such Provisions and Stipulations in relation to the Matters aforesaid, and any of them, and in relation to the Undertakings of the Company and the Encouragement and Promotion thereof, and the eventual or contingent Transfer of the same or any Part thereof to the said Local Government, as the said respective Parties shall think fit and agree upon, and from Time to Time to vary and alter such Contracts, Agreements, and Arrangements, and to enter into new or other Contracts, Agreements, and Arrangements in relation to the Premises, all which Contracts, Agreements, and Arrangements, subject to the Provisions of this Act, and of any other Law or Statute in force for the Time being, shall be valid and effectual and binding to all Intents and Purposes whatsoever, and full Effect shall be given to the same accordingly.

Existing
Capital.

V. The Capital of the Company shall be in the first instance Six hundred thousand Pounds Sterling, in Thirty thousand Shares of Twenty Pounds each.

V. It

The Cape Town Railway and Dock Act, 1855.

VI. It shall be lawful for the Company from Time to Time to consolidate into any less Number the Shares into which the Capital for the Time being or any Part thereof of the Company shall for the Time being be divided, and such consolidated Shares shall be Shares within the Meaning and Intent of the Provisions to which Shares are subject by this Act or by virtue thereof: Provided always, that as to any aliquot Part of such Capital whereof the Shares shall be so consolidated, which aliquot Part shall not after such Consolidation represent an entire consolidated Share in such Capital, it shall be lawful for the Company to purchase such aliquot Part, or the then existing original Share or Shares representing such aliquot Part, at the Value of such original Share or Shares at the Time of the making of such Consolidation, and the aggregate of such purchased Capital may be re-issued in the consolidated Shares, in such Manner and on such Terms as the Company shall think fit.

Power to
consolidate
the Shares.

VII. In the event of any Agreement being made between the Company and the said Local Government, by which any Amount of Interest shall be guaranteed to the Company, it shall be lawful for the Directors to attach to any Certificates of paid-up Shares in the Capital for the Time being of the Company, or of any Capital Stock of the Company, any subsidiary Certificate in the Nature of Interest Warrants or Coupons payable pursuant thereto, due Regard being had to the Nature of such Agreement as aforesaid.

Power, in
the event
of Agree-
ment with
Local Go-
vernment,
to attach to
Certificates
in the Nature
of Interest
Warrants,&c.

VIII. When and soon as from Time to Time the whole of the Capital for the Time being of the Company shall have been subscribed for, and One Half of such Capital shall have been paid up, it shall be lawful for the Company from Time to Time, by Order of a General Meeting, to borrow Money on Mortgage of their Undertaking to an Amount in the whole equal to One Third Part of such Capital for the Time being.

Power to
borrow on
Mortgage.

IX. The General Meetings of the Shareholders shall be held in *London*, unless and until it shall be resolved at a General Meeting of the Company specially convened for the Purpose that such General Meetings shall for the future be held in the said Colony, and such Resolution shall have been approved of by the Proprietors of more than Half of the entire Share Capital of the Company for the Time being, in which Case the said Meetings shall be held at some Place in the said Colony to be from Time to Time appointed by Order of a General Meeting of the Shareholders, and to be specified in a Notice published in the Newspapers in which the Notices of the Company are required to be advertised; and the Ordinary Meetings of the Shareholders shall be held in the Months of *February* or *March*, and *August* or *September*, in each Year, or at such other stated Periods as

Ordinary
Meetings
to be held
in *London* or
the Colony,
and half-
yearly.

[*Local.*]

25 B

shall

The Cape Town Railway and Dock Act, 1855.

shall be appointed for that Purpose by an Order of a General Meeting of the Shareholders; and the First Ordinary Meeting shall be held in *August* or *September* One thousand eight hundred and fifty-five.

Quorum for
a General
Meeting.

X. The Quorum to be present, either personally or by Proxy, in order to constitute a Meeting of the Shareholders, shall be Shareholders holding in the aggregate not less than One Fiftieth of the Capital of the Company, and being in Number not less than Twenty.

Proxies of
Share-
holders.

XI. Notwithstanding anything in the "Companies Clauses Consolidation Act, 1845," contained to the contrary, it shall be lawful for any Shareholder by Writing under his Hand to appoint a Proxy to vote on his Behalf at all or any Meetings of the Shareholders of the Company which may be held after the Date of such Writing, or which may be so held after the Date of such Writing, but within a Period specified therein: Provided always, that no Person shall be entitled to vote by way of Proxy unless the Instrument of Proxy shall have been transmitted to or lodged with the Managing Director, Secretary, or Clerk of the Company not less than Forty-eight Hours before the Time appointed for holding every Meeting at which the same is to be used.

Number of,
and First Di-
rectors.

XII. The Number of Directors shall be Ten, and the said Persons herein-before named as Directors shall be the First Directors of the Company.

Power to
vary the
Number of
Directors.

XIII. It shall be lawful for the Company from Time to Time to increase or reduce the Number of the Directors within the Limits of the Numbers Fifteen and Seven.

Qualifica-
tion of
Directors.

XIV. The Number of Shares of which a Person shall be possessed in order that he may be capable of being a Director shall be Twenty-five at the least.

Newspaper
for Adver-
tisements.

XV. The Newspaper in which Notices required by "The Companies Clauses Consolidation Act, 1845," shall be advertised shall be as follows; that is to say, so long as the General Meetings of the Company are held in the United Kingdom, some Newspaper published at least Six Days in the Week in *London* or *Middlesex*, and so long as such General Meetings shall be held in the said Colony, some Newspaper in which the Notices of the Local Government of such Colony are advertised.

Expenses of
Act.

XVI. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or in any way incidental thereto, shall be paid by the Company.

XVII. In

The Cape Town Railway and Dock Act, 1855.

XVII. In citing this Act for any Purpose whatever, it shall be Short Title.
sufficient to use the Expression “The *Cape Town* Railway and Dock
Act, 1855.”

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.

