ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. ccxvii.

An Act to enable the *Aylesbury and Buckingham* Railway Company to raise a further Sum of Money, and for other Purposes.

[25th *July* 1864.]

WHEREAS the *Aylesbury and Buckingham* Railway Company (in this Act called "the Company") were incorporated by "The *Aylesbury and Buckingham* Railway Act, 1860," with a Share Capital of Ninety-eight thousand Pounds, with Powers to borrow Thirty-two thousand five hundred Pounds, and were authorized to make and maintain a Railway from the *Aylesbury* Branch of the *London and North-western* Railway in the County of *Buckingham* to the *Buckinghamshire* Railway in the said County, which Railway is now in the Course of Construction: And whereas it would be expedient that the Company be authorized to raise a further Sum of Money in manner herein-after mentioned: And whereas it would be attended with Advantage and Convenience to the Public and to the Company if the Company were authorized to shut up a certain level Crossing in this Act described, and to substitute a Bridge therefor: And whereas the Objects 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

23 & 24 Vict. c. cxcii.

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,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Aylesbury and Buckingham* Railway Act, 1864."

Certain Provisions of 8 & 9 Vict. c. 16. extended to this Act.

2. All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act and of other Acts to be incorporated therewith;

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 Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on 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 Provision to be made for affording Access to the Special Act by all Parties interested;

shall be incorporated with and form Part of this Act, and shall in all Particulars not otherwise provided for by or under the Powers of this Act respectively apply to all Shares and Capital created and to all Monies borrowed and Mortgages granted under the Powers of this Act; and in construing those Clauses and Provisions in connexion with this Act, the Expression "the Special Act" shall mean this Act, the Expression "the Company" shall mean the *Aylesbury and Buckingham* Railway Company, the Expression "the Undertaking" shall mean the Undertaking of the Company, and the Expression "Superior Courts" or "Courts of competent Jurisdiction," or any other like Expression, shall 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; and all other Words and Expressions to which by "The Companies Clauses Consolidation Act, 1845," Meanings are assigned shall in the incorporated Clauses and Provisions of that Act, and in this Act, have the respective Meanings so assigned to them, unless in so far as there may

may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction.

3. The following Parts of "The Companies Clauses Act, 1863," namely, Part I., relating to Surrender and Cancellation of Shares, and Part II., relating to Additional Capital, shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act. Certain Parts of 26 & 27 Vict. c. 118. extended to this Act.

4. In addition to the Sums of Money which the Company are authorized to raise by the recited Act, the Company may from Time to Time raise by the Creation of new ordinary Shares of the nominal Value of Twenty-five Pounds each any Sums not exceeding in the whole Twelve thousand Pounds, and the Company may create and issue such Shares at such Times and to such Persons as the Company from Time to Time may think fit. Power to raise additional Capital.

5. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof. One Fifth Part of the Share to be paid on Issue.

6. Provided always, That the greatest Amount of a Call on a new Share shall be Two Pounds, and Two Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share. Calls.

7. Except as otherwise provided by or under this Act, the new Share Capital created by virtue of this Act shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares, or the Nonpayment of Calls or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls which respectively it shall be lawful for the Directors of the Company, subject as herein mentioned, from Time to Time to fix as they shall think fit. New Capital to be subject to same Incidents as Capital authorized by recited Act.

8. The new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively. Votes and Qualifications in respect of new Shares.

9. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Four thousand Pounds in addition to the Sum authorized to be borrowed by their existing Power to borrow on Mortgage.

existing Act; but no Part of such additional Sum shall be borrowed until the whole Share Capital of the Company under this Act shall have been subscribed for *bonâ fide* and issued, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide* and has been issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that every Share is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

10. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted by virtue of this Act.

Application of Monies raised.

11. All Monies raised by the Company by Shares or borrowing, under the Powers of this Act, shall be applied only to the general Purposes of the Undertaking of the Company.

Company may shut up level Crossing and substitute a Bridge.

12. Subject to the Provisions contained in "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of Roads and Construction of Bridges, (which Provisions are hereby incorporated with this Act,) the Company may shut up the existing level Crossing on their authorized Line of Railway situate in the Parish of *Aylesbury* and County of *Buckingham*, and numbered 83 on the Plans deposited in respect to "The *Aylesbury and Buckingham* Railway Act, 1860," and may carry the Footpath over the Railway by means of a Bridge, and may divert and alter the Line and Levels of the said Footpath from a Point thereon about Eighteen Yards South-westward from the Centre of the Main Line of Railway of the said *Aylesbury and Buckingham* Railway Company, to a Point near the said Footpath about Eighteen Yards North-eastward from such Centre of the same Line of Railway.

Power to use Steam Engines over certain Portion of their authorized Line.

13. It shall be lawful for the Company, subject to the Conditions and Provisions herein-after mentioned, to use Steam Power over that Portion of their authorized Line of Railway which lies between the *Aylesbury* Branch of the *London and North-western* Railway and a Point West of the *Walton Street Road*, Thirty-four Chains or thereabouts from the Junction of the Company's authorized Railway with the *Aylesbury* Branch of the *London and North-western* Railway, anything contained in the Thirty-first Section of "The *Aylesbury and*

and Buckingham Railway Act, 1860," to the contrary in anywise notwithstanding.

14. Provided always, That the Company shall in consideration of the Authority hereby granted, and as a Condition thereof, construct and at all Times maintain at their own Expense an Apparatus or mechanical Contrivance whereby the Gates at the level Crossing over *Walton Street* shall be worked simultaneously with the working of the distant Signals, which Signals shall also, at the Company's Expense, be so constructed and maintained as to work simultaneously with the working of the said Gates, and shall be at Distances from them of not less nor more than as near as may be One hundred Yards on the West, and of not less nor more than as near as may be Two hundred Yards on the North-east of the Point of crossing; and provided further, that all Trains on the Railway shall be made to slacken their Speed before arriving at such level Crossing, and shall not pass over the level Crossing at any greater Rate of Speed than Four Miles an Hour; and the Company shall be subject, with regard to the Construction and working of such Apparatus or mechanical Contrivance as aforesaid, and otherwise with regard to such level Crossing, to such Rules and Regulations as may from Time to Time be made by the Board of Trade.

Conditions on which level Crossing by Steam Power allowed.

15. The Company shall not, out of any Money by this or the recited Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

16. The Company shall not, out of any Money by this or the recited Act authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being 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 make any other Railway, or execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Company's Capital.

17. Nothing herein contained shall be deemed or construed to exempt the Company or the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or

Railway not exempt from Provisions of present and future General Acts.

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 authorized by this Act or of the Rates for small Parcels.

Expenses of Act.

18. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory or incidental thereto, shall be paid and discharged by the Company.

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