



ANNO VICESIMÓ OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxix.

An Act to enable the *Furness* Railway Company to construct new Lines of Railway, and to raise further Monies; and for other Purposes.

[29th *June* 1865.]

WHEREAS it is expedient that the *Furness* Railway Company (herein-after called the Company) be authorized to make and maintain the Lines of Railway by this Act authorized in the Parish of *Dalton* in *Furness* in the County of *Lancaster*, as herein-after described: And whereas the Company are willing to undertake the Construction of such Railways if authorized so to do, and it is expedient that they should be empowered to raise Monies for that Purpose, and also for the general Purposes of their Undertaking: And whereas Plans and Sections describing the Lines and Levels of the proposed Railways, and the Lands which may be required to be taken for the Purposes thereof, together with Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Lancaster*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections,

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and

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and Books of Reference: And whereas the Objects before mentioned 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,)

Short Title.

1. This Act may be cited for any Purpose as "The *Furness Railway Act, 1865.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railway Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) of "The Railways Clauses Act, 1863," and Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Certain Provisions of
8 & 9 Vict.
c. 16. incorporated.

3. The Clauses and 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 Payment of Subscriptions and the Means of enforcing Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Consolidation of the Shares into Stock, 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 making of Dividends, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested shall be incorporated with this Act.

Interpretation of
Terms.

4. The Expression "the Railway" used in this Act means the Lines of Railway and Works by this Act authorized to be made; the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act 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 the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Same Meanings to
Words in
incorporated
Acts as in
this Act.

5. The several Words and Expressions which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this the same respective Meaning, unless excluded by the Subject or Context.

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6. The Company may from Time to Time raise (in addition to the Sums of Money which they are now authorized to raise) by the Creation of new Shares or Stock, either ordinary or preferential, or both, which Shares or Stock shall form Part of the general Capital of the Company, any further Sums, not exceeding in the whole Two hundred thousand Pounds; that is to say, for the Purposes of the Railway the Sum of One hundred thousand Pounds, and for the general Purposes of the Company the Sum of One hundred thousand Pounds. Power to raise additional Capital by new Shares or Stock.
7. It shall not be lawful for the Company to issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid in respect thereof. Shares or Stock not to issue until One Fifth paid up.
8. All Shares or Stock created by the Company under the Powers of this Act may be disposed of in such Manner, to such Persons, and on such Terms and Conditions as the Company think fit. Disposition of new Shares.
9. The Company from Time to Time, with the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by proxy, at a Meeting of the Company specially convened for the Purpose, may accept from the Holder of any new Shares created under this Act, and not being an Ordinary Share, a Surrender thereof, and may issue to him in lieu thereof a new Ordinary Share of the same nominal Amount as the nominal Amount of the new Share so surrendered, and thereupon the new Share so surrendered shall be cancelled, and every new Share so cancelled, and all Rights and Liabilities in respect thereof shall on the Cancellation thereof be absolutely extinguished. Exchange of new Shares for Ordinary Shares.
10. The Company from Time to Time may borrow on Mortgage for the Purposes of this Act any Sums not exceeding in the whole the Sum of Sixty-six thousand six hundred Pounds, provided that no Part thereof shall be borrowed until the whole of the Capital of Two hundred thousand Pounds is subscribed for or taken, and One Half thereof is actually paid up, and until the Company shall have proved to the Justice who is certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares or Stock for the whole of the Capital of Two hundred thousand Pounds have been issued, and that One Half of such Capital has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share or Portion of Stock, before or at the Time of the Issue or Acceptance thereof, and that such Shares or Stock are *bonâ fide* held by Subscribers or their Assigns, Power to borrow on Mortgage.

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Assigns, or for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

11. All Mortgages granted by the Company before the passing of this Act, and which are in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking or Portion of Undertaking thereby assigned, have Priority over all Mortgages granted by virtue of this Act, and attaching on the same Undertaking or Portion of Undertaking.

Arrears may be enforced by Appointment of a Receiver.

12. The Mortgagees under this Act may enforce Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Ten thousand Pounds.

Application of Monies raised under this Act.

13. All Monies which the Company are by this Act authorized to raise by Shares or Stock, or Mortgages, shall be applied only to the Purposes of this Act and to the general Purposes of the Company.

Powers for compulsory Purchases limited.

14. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

15. The Company may purchase by Agreement, in addition to the Lands by this Act authorized to be purchased compulsorily, any Quantity of Land for the extraordinary Purposes specified in "The Lands Clauses Consolidation Act, 1845," not exceeding Five Acres.

Power to make Railways authorized by this Act.

16. Subject to the Provisions of this Act, and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, and use, and appropriate all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference, and may from Time to Time make and maintain, in the Lines and according to the Levels shown on the deposited Plans and Sections, and in and upon the said Lands, the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

Description of Railways.

That Portion of Railway No. 1. shown upon the deposited Plans and Sections which commences by a Junction with the *Hawcoat* Branch of the Company in the Township of *Hawcoat* in the Parish of *Dalton in Furness* in the County of *Lancaster*, and terminates at the Point of Junction of the said Railway No. 1.

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with the Railway No. 3. shown upon the deposited Plans and Sections :

That Portion of Railway No. 2. shown upon the deposited Plans and Sections which commences by a Junction with the Railway No. 3. shown upon the deposited Plans and Sections in the said Township of *Hawcoat* and Parish of *Dalton in Furness*, and terminates by a Junction with the Line of the Company in the Township of *Above Town* in the said Parish of *Dalton in Furness* :

A Railway No. 3., situate wholly in the said Township of *Hawcoat* and Parish of *Dalton in Furness*, commencing by a Junction with the intended Railway No. 2. and terminating at a Point on the Seashore.

17. The Railway shall be completed within Five Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed. Limiting Time for Completion.

18. After the Expiration of the Period by this Act limited for the Completion of the Railway, if the same be not then completed the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railway is so completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it appears by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the 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 for Non-completion of Railways within Period limited for Completion thereof.

19. The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now by the "*Furness Railway Act, 1855*," authorized to receive in respect of their existing Undertaking as by that Act constituted, and the Railways shall, for the Purposes of Tolls and in all other respects, be deemed Part of the *Furness Railway*. Railway as to Tolls and otherwise to form Part of Company's Undertaking.

20. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, alter, or prejudice any of the Estates, Rights, Interests, Powers, or Privileges of the Company. Saving of Rights.

21. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or No Interest or Dividend to be paid out of Capital.

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Dividend

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Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest or Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

22. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act, 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 construct any Railway or to execute any other Work or Undertaking.

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

23. Nothing in this Act shall exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of the Fares and Charges or of the Tolls for small Parcels authorized by this Act or the recited Act.

Expenses of Act.

24. The Costs, Charges, and Expenses of and attending the passing of this Act and incidental thereto shall be paid by the Company.

LONDON :

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