



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxcvii.

An Act to enlarge the Powers of the *Waterloo and Whitehall* Railway Company.

[12th August 1867.]

WHEREAS the *Waterloo and Whitehall* Railway Company 28 & 29 Vict. c. cclviii. were incorporated by "The *Waterloo and Whitehall* Railway Act, 1865," for making a Railway from near the *Waterloo* Station of the *London and South-western* Railway to *Whitehall*: And whereas the Company have made some Progress with their Railway, but they will be unable to complete it unless they be empowered to raise further Capital beyond what is authorized by the said Act: And whereas by that Act they are authorized to raise One hundred thousand Pounds by Shares, and Thirty-three thousand Pounds by borrowing: And whereas the Company have raised and expended a large Portion of their Share Capital, but have not borrowed any Money, and it is expedient that the Powers as to Capital herein-after contained be conferred upon the Company: And whereas by reason of the financial Crisis of One thousand eight hundred and sixty-six the Company have not been able to raise the Remainder of their Share Capital, nor to avail themselves of their borrowing Powers, and consequently have been prevented from proceeding with the Works of their Undertaking with the Expedition necessary to comply with the special Requirements contained in the Forty-fourth and Forty-fifth Sections of the recited Act, and it is

[*Local.*] 34 T expedient

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expedient that the Times thereby limited for the Commencement and Completion of certain Works be enlarged, and that the Company have other Relief in the Premises : And whereas it is also expedient that the Powers herein-after contained be conferred upon the Company and the *London and South-western Railway Company* : And whereas the Purposes 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 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 all Purposes as “ *The Waterloo and Whitehall Railway (Amendment) Act, 1867.*”

8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

2. The Clauses and Provisions of “ *The Companies Clauses Consolidation Act, 1845,*” with respect to the following Matters, (that is to say,)

- The Distribution of the Capital of the Company into Shares ;
- The Transfer or Transmission of Shares ;
- The Payment of Subscriptions and Means of enforcing the Payment of Calls ;
- The Forfeiture of Shares for Nonpayment of Calls ;
- The borrowing of Money by the Company on Mortgage or Bond ;
- The Conversion of the borrowed Money into Capital ;
- The Consolidation of Shares into Stock ;
- The Remedies of the Creditors of the Company against Shareholders ; and
- The Provision to be made for affording Access to the Special Act by all Parties interested ;

And also Parts I. and II. of “ *The Companies Clauses Act, 1863,*” relating respectively to Cancellation and Surrender of Shares, and to additional Capital, are (except when expressly varied by this Act) incorporated with and form Part of this Act.

Same Mean-
ings to
Words, &c.
in incorpo-
rated Acts
as in this
Act.
Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction ; the Words “ *the Company* ” mean “ *the Waterloo and Whitehall Railway Company* ;” and the Expression “ *Superior Courts* ” or “ *Court of competent Jurisdiction,*” or other like Expression in this Act, or any Act incorporated herewith, are to 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.

4. The

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4. The Company may from Time to Time raise any Part of the Share Capital which they are already authorized to raise, but have not raised, and also and in addition thereto any Sums not exceeding in the whole Seventy-five thousand Pounds, by the Creation and Issue of new Shares or Stock in their Undertaking upon such Terms and Conditions, and with such Preference as to Dividend not exceeding Eight Pounds *per Centum per Annum*, as may be determined on by Three Fourths at least of the Votes of Shareholders present, in person or by proxy, at any Meeting of the Company convened with due Notice of the Object.

Company may raise additional Capital.

5. The Company shall not issue any Share under this Act, nor shall any such Share 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, is paid up in respect thereof.

Shares not to issue until One Fifth Part paid up.

6. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage any additional Sum of Money not exceeding Twenty-four thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is subscribed for, issued, and accepted, and One Half thereof 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 the whole of such additional Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof, before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their 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 Certificate shall be sufficient Evidence thereof.

Power to borrow on Mortgage.

7. Section 11 of the recited Act is hereby repealed, but subject always and without Prejudice to any Appointment already made or any Proceedings relative thereto now pending.

Sect. 11 of recited Act repealed.

8. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom

Arrears may be enforced by Appointment of a Receiver.

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whom the Application for a Receiver is made shall not be less than Five thousand Pounds in the whole.

Monies
borrowed on
Mortgage
to have
Priority.

9. All Monies to be borrowed on Mortgage under this Act or under the recited Act, from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge granted or to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect of any Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof.

Application
of Sums
raised under
this Act.

10. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of the recited Act and this Act only.

Sect. 35 of
recited Act
extended.

11. Section 35 of the recited Act shall extend and apply to and form Part of this Act.

Sects. 44
and 45 of
recited Act
repealed.
Altered
Provision
insuring the
speedy Com-
pletion of
Part of
Railway.

12. Sections 44 and 45 of the recited Act are hereby repealed.

13. If the Company do not commence that Part of the Tube, Tunnel, or Covered Way, Walls, and other Works between the Points marked respectively D and E on the Plan referred to in the recited Act as signed by *William Scholefield* and *Charles Alexander Gore* within One Year from the passing of this Act, the Powers by the said Act conferred for the Construction of that Portion of the Works shall cease and determine; and if the Company shall not complete the Works between the same Points within the Period of Twelve Months from the Time of commencing the same, they shall forfeit and pay for the Use of the Most Noble *George Duke of Northumberland* the Sum of Ten Pounds for each and every Day which shall elapse from and after the Expiration of such Period of Twelve Months until the same Part of the said Works shall be completed, such Sum of Ten Pounds *per Day* to be deemed a Debt due to the said Duke, and to be recoverable in any Court of Record at *Westminster*.

14. If

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14. If the Company do not commence the Construction of the Station in *Great Scotland Yard*, and the Tube, Tunnel, or Covered Way, and all other Works to the Westward of the Point marked D on the said Plan, within One Year from the passing of this Act, the Powers of the Company with respect to the Construction of that Station and that Portion of the Company's Works shall cease and determine; and if the Company shall not complete the said Station and Works to the Westward of the said Point D within the Period of Twelve Months from the Time of commencing the same, they shall forfeit and pay to Her Majesty, Her Heirs and Successors, as and for liquidated Damages, the Sum of Ten Pounds for each and every Day which shall elapse from the Expiration of such Twelve Months until the same Station and Works shall be completed to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Extension of
Period for
erecting
Station in
Scotland
Yard.

15. The Company on the one hand, and the *London and South-western* Railway Company on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the Conduct, Regulation, and Management, and the Transmission, Forwarding, and Delivery of Traffic upon the respective Railways of the contracting Companies, the Tolls, Charges, and other Payments for or in respect of such Traffic, and the Apportionment of such Tolls, Charges, and other Payments.

Power to
enter into
certain Ar-
rangements
with London
and South-
western
Railway
Company.

16. Any Work or Erection upon the Bed or Shore of the River *Thames* or the Access thereto which shall be abandoned by the Company shall be forthwith abated and removed to the Satisfaction of the Conservators of the River *Thames*; and if the Company fail so to abate and remove the same within One Month after the passing of this Act, or suffer it to fall into Disuse or Decay, the Conservators of the River *Thames* may abate and remove the same or such Part thereof as they think fit, and restore the Site thereof to its former Condition at the Cost of the Company, and the Amount thereof shall be a Debt due from the Company to the said Conservators, and be recoverable accordingly as such, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

In case
Works
abandoned.

17. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing of this Act the said Conservators did or might lawfully claim, use, or exercise, and the several Provisions of "*The Waterloo and Whitehall Railway*
[Local.] 34 U Act,

Saving
Rights of
the Conser-
vators of the
River
Thames.

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Act, 1865," in any way relating to the said Conservators, shall remain in as full Force and Effect as if this Act had not passed.

Company to
repay Metro-
politan
Board of
Works
certain Ex-
penditure.

18. Whereas the Metropolitan Board of Works having represented to the Company that they were greatly inconvenienced by the Company not completing, under the Powers of the recited Act, the Diversion of the *Victoria and Regent Street Sewers*, the Company requested the said Board forthwith to carry into execution by their Contractor the said Diversion and Works, and also the Brickwork of the Tube between the Face of the *Thames Embankment* and the Line of the *Metropolitan District Railway*, and the Company, by Agreement, bound themselves to pay to the said Board all the necessary Costs, Charges, and Expenses incurred by the said Board in and about such Works; and as it might happen that the said Board might in the Course of the said Works save some Sum in the Excavation which might have been necessary had the Board not consented to the Diversion, it was agreed that if the Engineer of the said Board should think any Sum had been so saved he should be at liberty to allow such reasonable and proper Sum to the Company in respect of such Saving as he might think right; and the said Board having proceeded with such Works under the Terms of the said Agreement, therefore the said Agreement, and all the Obligations and Engagements under the same, or consequent upon carrying it into effect, shall be binding upon the said Company and carried into effect; and the Amount of the aforesaid Costs, Charges, and Expenses may be recovered from the Company by the said Board, with full Costs of Suit, in any Court of competent Jurisdiction.

As to an
Agreement
for the Sale
of certain
Crown Land.

19. And whereas by an Agreement dated the Thirtieth Day of *August* One thousand eight hundred and sixty-five, and made between the Queen's most Excellent Majesty of the First Part, the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the Second Part, and the Company of the Third Part, certain Land with Messuages and Buildings thereon situate in *Great Scotland Yard* in the Parish of *Saint Martin in the Fields* (subject as in the said Agreement mentioned), and Licence to make a Tunnel or Passage with a perpetual Right of Way for the Purpose of the recited Act under certain other Land situate in *Great Scotland Yard* aforesaid, and adjacent or near thereto, were contracted to be sold to the Company for the Sum of Five thousand Pounds, subject to the Conditions and Provisions and for the Purposes in the said Agreement contained and expressed: And whereas the Company have pulled down and removed certain Buildings belonging to Her Majesty which at the Date of the said Agreement were standing upon Part of the Land thereby agreed to be sold: And whereas it is expedient that such Provision should be made

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made as is in this Section contained with respect to the Appropriation of the Land and Hereditaments the Subject of the said Agreement, in case the Railway and Works by the recited Act authorized are not completed within Five Years after the passing of such Act : Therefore, in case the same Railway and Works are not completed and open for public Traffic within the said Period of Five Years from the passing of the recited Act, all the Lands and Hereditaments mentioned in the recited Agreement of the Thirtieth Day of *August* One thousand eight hundred and sixty-five shall at the Expiration of such Period of Five Years be held by Her Majesty, Her Heirs and Successors, freed and discharged from such Agreement, and from all Rights, Interests, or Claims of the Company claiming under the said Agreement or under the recited Act or this Act, and of all Persons claiming through or under the Company, and the Licence and Authority to make a Tunnel or Passage and the Right of Way in the said Agreement mentioned shall, at the Expiration of the said Period of Five Years, absolutely cease and determine ; but if within the Space of Six Years from the passing of the recited Act the Company shall obtain the Assignment and Surrender to Her Majesty, Her Heirs and Successors, of all Leasehold and other Estates and Interests in, upon, or over the Land and Hereditaments belonging to Her Majesty which were by the said Agreement contracted to be sold (other than the Estate and Interest of Her Majesty therein), the Company shall, in consideration of such Assignment and Surrender, be entitled to have repaid to them the Sum of Two thousand five hundred Pounds, being One Moiety of the said Sum of Five thousand Pounds.

20. The Company shall not, out of any Money by this Act authorized to be raised by Calls or borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised : Provided always, that this Act shall not 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."

Interest not to be paid on Calls paid up.

21. The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any Railway, or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Capital raised under this Act.

22. Nothing

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Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

22. Nothing herein contained shall be deemed or construed to exempt the Railway of the Company 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 any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized to be taken by the Company.

Expenses of
Act.

23. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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