ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. lxxxvii.

An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway from the *London and South-western* Railway at *Chertsey* to the *Staines and Wokingham* Railway at *Egham;* and for other Purposes.

[23d *June* 1864.]

WHEREAS the making and maintaining of a Railway from the *London and South-western* Railway at *Chertsey* in the County of *Surrey* to the *Staines and Wokingham* Railway at *Egham* in the same County would be of local and public Advantage: And whereas the *London and South-western* Railway Company, herein-after called "the Company," are willing at their own Expense to carry the Undertaking into execution: And whereas it is expedient that the Company be authorized to raise Monies for the Purposes of this Act: And whereas Plans and Sections of the intended Railway showing the Line and Levels thereof, and the Lands in which the Railway is intended to be made, and Books of Reference thereto 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 *Surrey*, and those Plans, Sections, and Books of Reference are in this Act referred to as

the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "*South-western* (*Chertsey* Extension) Railway Act, 1864."

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

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I., relating to Construction of a Railway, of "The Railways Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts and Part respectively are by this Act expressly excepted or varied,) are respectively incorporated with this Act.

Part of 8 & 9 Vict. c. 16. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; that is to say,

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 upon 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 Shares into Stock;

And with respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

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

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided, that 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

and the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Provisions of 25 & 26 Vict. c. xlii. as to Shares and Stock to apply to this Act.

5. The Provisions of Sections 49 to 70 (both inclusive) of "The *South-western* Railway (Additional Powers) Act, 1862," with respect to preferential Shares and Stock, and the Cancellation of Shares and Stock, and the Issue of new Shares or Stock instead of cancelled Shares or Stock, and with respect to voting for Shares or Portions of Stock, and otherwise respecting Shares and Stock, extend to this Act with respect to the Company and the Shares and Stock which by this Act they are authorized to create and issue.

Provisions of 21 & 22 Vict. c. lxxxix., 25 & 26 Vict. c. xlii., and 26 & 27 Vict. c. xc., as to Debenture Stock to apply to Mortgages under this Act.

6. The Provisions of Sections 99 to 105 (both inclusive) of "The *South-western* Railway (Works and Capital) Act, 1858," and of Sections 71 to 79 (both inclusive) of "The *South-western* Railway (Additional Powers) Act, 1862," and of Section 115 of "The *South-western* Railway Act, 1863," with respect to Debenture Stock, extend to this Act with respect to the Mortgages by this Act authorized.

Power to take and use Lands for Works authorized by Act.

7. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for the Purposes of the Railway and Works by this Act authorized such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, as they think requisite.

Powers for compulsory Purchases limited.

8. 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 Two Years after the passing of this Act.

Power to make Works authorized by Act.

9. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain in the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, the Railway and Works by this Act authorized, and, so far as they are shown on the deposited Plans and Sections, may make and maintain them in the Lines and in accordance with the Levels shown thereon.

Railway and Works authorized by Act.

10. The Railway and Works by this Act authorized comprise the following Railway and Works, with all proper and sufficient Sidings, Stations, Buildings, Yards, Bridges, Viaducts, Roads, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing in the Parish of *Chertsey* in the County of *Surrey* by a Junction with the existing *Chertsey* Branch of the *London and South-western* Railway at or near the *Chertsey* Station thereon, and terminating in the Parish of *Egham* in the same County by a Junction with the *Staines and Wokingham* Railway.

11. The

Level Crossings.

11. The Company may make and maintain the Railway with not exceeding a double Line of Railway across and on the Level of the public Carriageroad in the Parish of *Chertsey* numbered 7 on the deposited Plans.

As to Diversion of Road at Chertsey.

12. The Company shall divert the Course of the public Carriageroad No. 86 in the Parish of *Chertsey*, and shall carry the same over the Railway by a Bridge to be situate about Three Chains to the Westward of the present Line of that Road.

Height and Span of Arch under Railway.

13. The Company may make the Arch for carrying the Railway over the public Road numbered on the deposited Plans 105, in the Parish of *Chertsey*, of Span not greater than Twelve Feet, and of Height not greater than Ten Feet.

Period for Completion of Works.

14. The Railway by this Act authorized shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act given to the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty for Noncompletion of Works within Period limited.

15. After the Expiration of the Period by this Act limited for the Completion of the Railway, if it 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 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.

Tolls on Railway.

16. The Company from Time to Time may demand and take in respect of the Railway by this Act authorized, for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, and for all Services performed by them thereon, and for all other Matters with respect to Traffic thereon, a like Amount of Tolls, Fares, Rates, and other Charges as by the several Acts relating to the Company, or any of them, the Company are authorized to demand and take for like Traffic, Services, and Matters on or with respect to the Company's Main Line of Railway, and in like Manner and with and subject to like Powers and Provisions in

in all respects as if the Railway by this Act authorized were Part of that Main Line.

Maximum Charges.

17. Provided, That the maximum Charges to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Railway, or any Part thereof, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of their Traffic on and at the same respectively, shall not in any Case to which the Limitation of maximum Charges is applicable exceed the Sums in that Behalf limited by the Acts from Time to Time in force with respect to the Company's Main Line of Railway.

Provision as to Rent under Lease to Company of Staines and Wokingham Railway.

18. Inasmuch as the Company are the Lessees of the *Staines, Wokingham, and Woking* Railway (in this Act called the *Staines and Wokingham* Railway) under a Lease thereof, dated the Twenty-eighth Day of *October* One thousand eight hundred and fifty-eight, for the now Residue of a Term of Forty-two Years from the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight, at a Rent dependent in every Year on the Amount of the gross Receipts of the Lessees for that Year in respect of the demised Premises as therein expressed, and inasmuch also as the gross Receipts in respect of the demised Premises may be lessened by the Diversion by means of the Railway by this Act authorized of Traffic from the demised Premises, and inasmuch also as the Company and the *Staines, Wokingham, and Woking* Railway Company have agreed on the Terms expressed in this Section, therefore in estimating, for the Purposes of the Rent reserved by the Lease, the gross Receipts of the Lessees in respect of the demised Premises, the following Terms shall be observed:

(A.) All Traffic whatsoever from Time to Time carried by the Company from the *Clapham Junction* Station on the *London and South-western* Railway, or from Places Eastward of that Station, to the *Virginia Water* Station on the *Staines and Wokingham* Railway, or over any Part of that Railway to Places Westward of that Station, shall be considered as having been carried by them over that Railway from its Commencement in the Parish of *Staines* to or (as the Case may be) beyond that Station, and the gross Receipts of the Lessees shall be calculated as if that Traffic had been so carried:

(B.) All Traffic whatsoever from Time to Time carried by the Company from the *Virginia Water* Station on the *Staines and Wokingham* Railway, or over any Part of that Railway from Places Westward of that Station to the *Clapham Junction* Station on the *London and South-western* Railway, or to Places Eastward

Eastward of that Station, shall be considered as having been carried by them over the *Staines and Wokingham* Railway from the *Virginia Water* Station thereon, or, as the Case may be, from Places Westward of that Station to the Commencement of the *Staines and Wokingham* Railway in the Parish of *Staines*, and the gross Receipts of the Lessees shall be calculated as if that Traffic had been so carried.

Power to raise additional Capital by new Shares or new Stock.

19. The Company from Time to Time, with the Sanction of at least Three Fifths of the Votes of the Shareholders present, in person or by proxy, at an Extraordinary General Meeting of the Company specially convened for the Purpose, may raise for the Purposes of this Act, by the Creation and Issue of new Shares or new Stock, whether ordinary or preferential, or both, any Sums not exceeding in the whole Forty-five thousand Pounds, and in addition to and as Part of the Capital of the Company which they are now authorized to raise by Shares or Stock: Provided that the Money so raised shall only be applied for the Purposes of this Act, and no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Saving of existing preferential Shares or Stock.

20. Provided, That any Preference or Priority in Payment of Dividend which the Company from Time to Time grant in respect of any new Shares or new Stock under this Act shall not prejudice any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock theretofore granted by the Company in pursuance of or confirmed by this Act, or any Act of Parliament passed before the passing of this Act, or which is then otherwise lawfully subsisting.

Power to borrow on Mortgage.

21. The Company from Time to Time may borrow on Mortgage for the Purposes of this Act any Sums not exceeding in the whole, in addition to the Sums which they are already authorized to borrow, Fifteen thousand Pounds: Provided that the Company shall not borrow any Part thereof until the whole of the additional Capital of Forty-five thousand Pounds by this Act authorized is subscribed for or taken, and One Half thereof is actually paid up, and until the Justice who certifies, in pursuance of Section 40 of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, is satisfied that Shares or Stock for all such additional Capital have or has been issued or accepted, and that not less than Twenty *per Centum* was paid up on each Share and on each Portion of Stock so issued before or at the Time of the Issue or Acceptance thereof, and that such Shares or Stock were or was taken *bonâ fide*, and are or is held by the Persons to whom the same were issued, or their Assigns, and that

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

Priority of now existing Mortgages.

22. Provided, That the Mortgages of the Company granted before the passing of this Act, and now in force, shall, while in force, have Priority over all Mortgages granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

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

Interest not to be paid out of Capital.

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

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

25. The Company shall not, out of any Monies by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by the Standing Orders of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

Saving Rights of Company.

26. Except as is by this Act expressly provided, this Act shall not take away, lessen, prejudice, or alter any of the Estates, Interests, Rights, Powers, Privileges, and Authorities of the Company.

Saving Rights of the Crown.

27. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right,

Right, Privilege, Power, or Authority vested in or enjoyed or exercise-able by the Queen's Majesty, Her Heirs or Successors.

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

28. Nothing in this Act contained shall exempt the Railway, or any other Railway of the Company, from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act, or any other Act relating to the respective Railway authorized, or of the Rates for small Parcels thereby authorized.

Expenses of Act.

29. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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