CHAPTER clxxvii.

An Act to authorise the Staines and West Drayton Railway Company to divert a portion of their authorised Railway near West Drayton; and for other purposes. [11th August 1881.]

A.D. 1881.

WHEREAS by the Staines and West Drayton Railway Act, 1873 (in this Act referred to as "the Act of 1873"), the Staines and West Drayton Railway Company (herein-after called "the Company") were incorporated and empowered to make a railway from the London and South-western Railway at Staines to the Great Western Railway at West Drayton: 36 & 37 Vict. c. cxxviii.

And whereas by the Staines and West Drayton Railway Act, 1878, the powers granted to the Company by the Act of 1873 for the compulsory purchase of land which had then expired were revived and the time for completing the railway was extended: 41 & 42 Vict. c. xcix.

And whereas the railway authorised by the Act of 1873 was intended to join the main line of the Great Western Railway near the West Drayton Station thereon, but such main line has since been widened and additional lines of rails laid down upon it, and it is expedient to abandon the junction so authorised and to extend the railway to the northern side of the Great Western Railway and form a junction with the Uxbridge Branch thereof near West Drayton:

And whereas it is also expedient to extend the time limited for the making of the railway authorised by the Act of 1873, and to increase the capital of the Company:

And whereas plans and sections describing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly

A.D. 1881.

deposited with the clerks of the peace for the counties of Middlesex and Buckingham, and are herein-after referred to as the deposited plans sections and books of reference:

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 Staines and West Drayton Railway Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

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 the means of enforcing the payment of calls.

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

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 giving of notices: and

The provision to be made for affording access to the special Act by all parties interested:

26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863; the Lands Clauses Consolidation Acts, 1845, 1860 and 1869; the Railways Clauses Consolidation Act, 1845; and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts, wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction, and for the purposes of this Act the expression "superior courts" or

"court of competent jurisdiction," or any other like expression in this Act, or any Act, wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand, with respect to which the expression is used, were a simple contract debt, and not a debt or demand created by statute. A.D. 1881.

Power to make railway.

4. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described with all proper stations, approaches, junctions, sidings, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railway herein-before referred to and authorised by this Act is as follows:—

A railway four furlongs one chain and three links in length, commencing in the parish of Iver, in the county of Buckingham, at a point on the centre line of railway, No. 1, authorised by the Act of 1873, about one chain northward of the northern side of the River Colne, thence passing in a northerly direction under the main line of the Great Western Railway, and terminating in the parish of Hillingdon, in the county of Middlesex, by a junction with the Uxbridge Branch of the Great Western Railway, at or near the distance post on that branch railway denoting $13\frac{1}{4}$ miles from Paddington.

Power to raise additional capital.

5. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise any additional capital, not exceeding twenty-seven thousand pounds in the whole, by the creation and issue, at their option of new ordinary shares or new preference shares, or wholly or partially by either of those modes, but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

New shares to be subject to the same incidents as other shares.

6. Except as by this Act otherwise provided, the additional capital under this Act and the new shares therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now authorised capital of the Company of the same class or description and the new shares were shares in that capital.

A.D. 1881.

Dividends on new shares.

7. Every person who becomes entitled to new shares in the additional capital under this Act shall in respect of the same be a holder of shares in the capital of the Company, and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Restriction as to votes in respect of preferential shares.

8. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Power to borrow.

9. The Company may in respect of the additional share capital of twenty-seven thousand pounds, which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole nine thousand pounds, but no part thereof shall be borrowed until shares for the whole of such additional capital of twenty-seven thousand pounds are 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 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 has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations or their executors, administrators, successors, or 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.

Priority of principal moneys secured by existing mortgages.

10. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Appointment of a receiver.

11. Section 13 of the Act of 1873, relating to the appointment of a receiver is hereby repealed, but without prejudice to any appointment heretofore made or any proceedings now pending. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest due on their respective

mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

12. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863, but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

13. All moneys raised under this Act, whether by shares, debenture stock or borrowing, shall be applied for the purposes of the Act of 1873 and this Act only.

Period for compulsory purchase of lands.

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 two years from the passing of this Act.

Power to take easements, &c., by agreement.

15. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act grant to the Company any easement, right or privilege, not being an easement of water required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Protection of Great Western Company.

16. For the protection of the Great Western Railway Company (in this section called the Great Western Company) the following provisions shall have effect (that is to say) :—

Not to enter on lands of Great Western Company until plans of proposed works affecting that Company approved.

(1.) The Company shall not enter upon or interfere with the railway of the Great Western Company, or any of the lands or works of that Company, or execute any works whatever, under, over, or affecting the same, until the Company shall have delivered to the Great Western Company plans and drawings of such intended works, and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company, or in the event of his failure, for fourteen days after the delivery of the plans and

A.D. 1881.

drawings, until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade, and all the intended works shall be executed by the Company at their sole expense, in all things according to such approved plans and drawings, and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company, or in case of difference by an engineer to be appointed by the Board of Trade.

Construction of railway on lands of Great Western Company.

(2.) In constructing the railway through or over the land and property of the Great Western Company, the Company shall not deviate from the centre line shown on the deposited plans, where the railway passes under the railway of the Great Western Company, without the previous consent in writing of that Company under their common seal, and the railway shall be carried under the Great Western Railway by an archway or bridge of iron, brick, or stone, of sufficient length to carry five lines of rails, and the Company shall within six months of being required to do so by the Great Western Company, construct and completely finish, at their own expense, and hand over to the Great Western Company, for the free and uninterrupted use of that Company, an extension of the said archway or bridge upon the north side thereof, as may be required by the Great Western Company, such extension to be in the aggregate of sufficient width to carry an additional line of rails, with such spaces, not exceeding eight feet between the additional lines and the existing lines as the Great Western Company may require and the Great Western Company may at any time or times thereafter, upon giving one month's notice to the Company and without being required to pay any sum of money by way of acknowledgment for the easement which may be required for the purpose, construct, and thereafter maintain at their own expense any further additional extensions of the said bridge to such an extent as may be necessary to enable them to carry any number of additional lines of rails over the railway of the Company; and such crossing of the railway of the Great Western Company shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever:

Company to pay to Great Western Company expenses of watchmen

(3.) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railway, over, under, and adjacent to the Great Western Company's railways of a sufficient number of inspectors, signalmen, or watchmen, to be

appointed by them for watching the said railways and works, and the conduct of the traffic thereon, with reference to and during the execution of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise:

during construction of works.

(4.) The archway or bridge and any extensions thereof, constructed by the Company, and the incidental works connected therewith for carrying the railway under the Great Western Railway, shall from and after the completion, and subject and without prejudice to the duty and obligation of the Company for ever thereafter, at their own expense, to uphold and maintain the same in good and sufficient repair and otherwise in respect thereof be the property of the Great Western Company, and be deemed part of the structure of their railway:

Archway or bridge under Great Western Railway to be property of Great Western Company.

(5.) Notwithstanding anything in this Act contained, the Company shall from time to time be responsible for, and make good to the Great Western Company all losses, costs, damages, and expenses which may be occasioned to them or any of their works or property, or to the traffic on their railways, or to any Company or persons using the same or otherwise, during the execution or renewal, or by reason of the failure of any of the intended works, or of any act default or omission of the Company, or of any person in their employ, or of their contractors or otherwise, and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them, by reason of such execution or failure, and of any such act default or omission:

Damages sustained by Great Western Company to be repaid.

(6.) The Company shall at their sole expense and at all times maintain the bridge and other works, and any extensions thereof constructed by them by which the railway shall be carried under the railway of the Great Western Company, in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company, and if and whenever the Company fail so to do, after one month's notice from the Great Western Company for that purpose, or in case of urgency, without any notice being required, the Great Western Company may make and do in and upon as well the land of the Company as their own land all such works and things as the Great Western Company shall think requisite in that behalf for insuring such repair; and the sum

Maintenance of works affecting railway of Great Western Company.

A.D. 1881.

from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company, and in default of full repayment, the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction:

Not to interfere with traffic on railways of Great Western Company.

(7.) In constructing the railway the Company shall not in any way obstruct or interfere with the traffic passing along the railways of the Great Western Company, and if by reason of any works or proceedings of the Company, there shall be any unnecessary obstruction or interference with the said railways or either of them, so as to impede or prevent the convenient passage of engines and carriages along the same, the Company shall pay to the Great Western Company the sum of fifty pounds per hour during which any such obstruction or interference shall continue:

No land of Great Western Company to be taken except for certain works.

(8.) Except for the purposes of crossing the Great Western Railway, and for the junction of the railway with the Uxbridge Branch of that railway (which junction or the substituted junction herein-after referred to is to be maintained and worked at the expense and risk of the Company), the Company shall not take or acquire any rights over any land of the Great Western Company, and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use, either temporarily or permanently, any of the lands of the Great Western Company, or to alter, vary, or interfere with the railways or either of them of that Company, or with any of the works thereof, further or otherwise than is necessary for the construction of the railway, without the consent in writing in every instance for that purpose, first had and obtained of the Great Western Company under their common seal, and with respect to any lands of the Great Western Company, which the Company are by this Act from time to time authorised to use, enter upon or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the Great Western Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same, and the Great Western Company may at any time or times hereafter, should it be necessary for them to do so, alter or remove the junction by this Act authorised of the railway with the Uxbridge Branch Railway, and substitute a new

junction therefor, but so as such alteration or renewal, or substituted junction as the case may be, shall not stop the traffic of the railway or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction, or the substituted junction as the case may be, or the signals, works, and conveniences connected therewith : A.D. 1881.

Arbitration.

(9.) If any dispute shall arise between the Great Western Company and the Company, respecting the matters and provisions aforesaid or any of them, such dispute shall be settled by an arbitrator, to be agreed upon between the parties, or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers. The costs of the arbitration to be in the discretion of such arbitrator :

Saving rights of Great Western Company.

(10.) Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, or powers of the Great Western Company, otherwise than is by this Act expressly provided.

Deposit-money not to be repaid except so far as railway is opened.

17. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act passed in the Session of Parliament held in the ninth and tenth years of Her present Majesty, chapter twenty, a sum of one thousand pounds new three pounds per centum annuities being five per centum upon the amount by which the estimate in respect of the railway authorised by this Act exceeds the expense of the portion of railway by this Act directed to be abandoned, has been deposited with the Chancery Division of the High Court of Justice in England, in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") be it enacted that, notwithstanding anything contained in the said recited Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor, are or is in this Act referred to as "the depositors") unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway open the said railway for the public conveyance of passengers, provided that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers, then, on production of a certificate of the

A.D. 1881.

Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund, which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Chancery Division shall, on the application of the depositors, order the portion of the deposit fund, so specified in the certificate as aforesaid, to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application of deposit.

18. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made, complete the said railway, and open it for the public conveyance of passengers, then, in every such case, the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable, and after due notice in the London Gazette, shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the court may seem fit, and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the court thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the

Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Period for completion of works.

19. If the railway is not completed within three years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Railway to form part of Company's undertaking.

20. The railway by this Act authorised shall, for the purposes of tolls and charges, and all purposes whatsoever, be part of the undertaking of the Company.

Company to abandon portion of line authorised by 36 & 37 Vict. c. cxxviii. and repeal of section 6 of that Act.

21. The Company shall abandon the construction of so much of railway No. 1, authorised by the Act of 1873, as will be rendered unnecessary by the construction of the railways in this Act described, and section 6 of the Act of 1873 (not to take lands of or to interfere with the railway of the Great Western Company, except for the purpose of the junction) is by this Act repealed.

Compensation for damage to land by entry, &c., for purpose of railway abandoned.

22. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway; and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such lands, of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Acts of 1873 and 1878.

Compensation to be made in respect of

23. Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any

A.D. 1881.

portion of railway abandoned.

portion of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extension of time for completion of railways.

24. The extended time limited by the Act of 1878 for the completion of the railways authorised by the Act of 1873, shall be and the same is hereby further extended and enlarged until the expiration of three years from the seventh day of July, one thousand eight hundred and eighty-one; and section thirty-two of the Act of 1873 shall be read as if the period therein referred to for the completion of the railways by that Act authorised was the extended time limited by this Act.

Interest not to be paid on calls paid up.

25. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him, but nothing herein contained shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Deposits for future Bills not to be paid out of capital.

26. The Company shall not out of any money by this Act authorised to be raised, pay or deposit any sum of money which by any Standing Order of either House of Parliament now in force, or hereafter to be in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or execute any other work or undertaking.

Provision as to general railway Acts.

27. Nothing in this Act contained shall exempt the railways 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 further revision or alteration, under the authority of Parliament,

of the maximum rates of fares and charges, or of the rates for small parcels.

Expenses of Act.

28. All costs, charges, and expenses of and incident to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1881.