

[54 & 55 VICT.] *Birmingham and Henley-in-Arden* [Ch. clxxv.]
Railway Act, 1891.



CHAPTER clxxv.

An Act to extend the time for the completion of the authorised Railway of the Birmingham and Henley-in-Arden Railway Company and for other purposes. A.D. 1891.
[28th July 1891.]

WHEREAS by the Henley-in-Arden and Great Western Junction Railway Act 1873 (in this Act referred to as "the Act of 1873") the Henley-in-Arden and Great Western Junction Railway Company were incorporated and were authorised to make and maintain the railway therein described:

And whereas by the Henley-in-Arden and Great Western Junction Railway (Revival of Powers) Act 1884 (in this Act referred to as "the Act of 1884") the powers and the periods for the compulsory purchase of lands for and for the completion of the said railway were revived and extended and the name of the Henley-in-Arden and Great Western Junction Railway Company was changed to that of the Birmingham and Henley-in-Arden Railway Company (in this Act called "the Company"):

And whereas by the Birmingham and Henley-in-Arden Railway Act 1888 (in this Act referred to as "the Act of 1888") the powers for the compulsory purchase of lands for and for the completion of the said railway were again revived the time for the completion of the said railway being limited to three years from the passing of the Act of 1888 which received the Royal Assent on the seventh day of August one thousand eight hundred and eighty-eight:

And whereas the Company have served notices to treat in respect of the lands required for the purposes and are proceeding with the construction of the said railway:

And whereas by the Great Western Railway Act 1889 an agreement between the Company and the Great Western Railway Company for the working maintenance and use of the said railway by the Great Western Railway Company and for other purposes

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A.D. 1891. — was confirmed and made binding upon the parties thereto in the terms set forth in the Fourth Schedule to that Act and the said agreement provided that for a period of twenty-one years from the opening of the railway for public traffic the Great Western Railway Company would allow to the Company a rebate upon the receipts on the Great Western Railway Company's lines arising from through booked traffic as therein mentioned:

And whereas it is expedient that the period limited by the Act of 1888 for the completion of the said railway should be extended as herein-after mentioned:

And whereas the purposes of this Act 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:—

Short title. 1. This Act may be cited as the Birmingham and Henley-in-Arden Railway Act 1891.

Incorporation of Part II. of Railways Clauses Act 1863. 2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Further extending period limited for completion of railway. 3. The period limited by the Act of 1888 for the completion of the railway authorised by the Act of 1873 (and the powers to construct which were revived by the Acts of 1884 and 1888) is hereby extended for a period of two years from the seventh day of August one thousand eight hundred and ninety-one and at the expiration of that period the powers of the Company for making and completing the said railway or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed. The said extended period shall be deemed to be the time limited for the completion of the railway within the meaning and for the purposes of the recited agreement between the Company and the Great Western Railway Company.

As to application of deposit. 4. Section 12 of the Act of 1888 is hereby repealed and in lieu thereof it is hereby enacted as follows:—

If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund mentioned in section 11 of the Act of 1888 or so much thereof as shall not have been paid to the depositors mentioned in the said section shall be applicable and after due notice in the "London Gazette" shall

be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Acts of 1873 1884 or 1888 and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the said deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the said deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the said depositors. Provided that until the said deposit fund has been repaid or re-transferred to the said depositors or has 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 said depositors. A.D. 1891.

5. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by any Act relating to the Company. Provision
as to general
Railway
Acts.

6. 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. Costs of
Act.

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