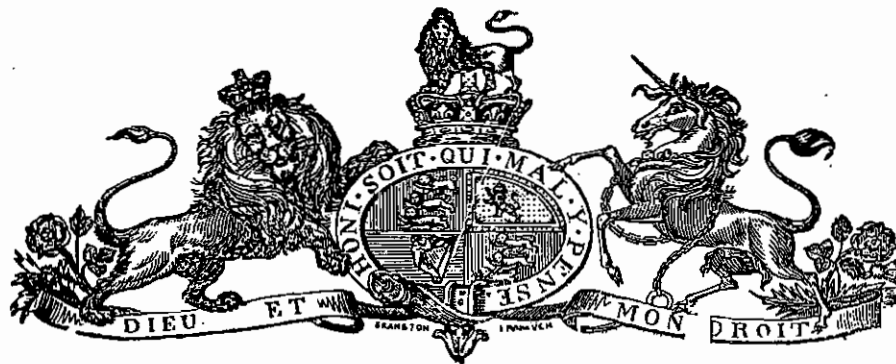


L



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act for making a Railway from *Oxford* to the *London and Birmingham Railway* at *Bletchley* in the County of *Buckingham*. [26th June 1846.]

WHEREAS the making of a Railway from the City of *Oxford* to the *London and Birmingham Railway* in the Parish of *Bletchley* in the County of *Buckingham* would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas an Act was passed in the Eighth Year of Her Majesty Queen *Victoria*, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature*, called "The Companies Clauses Consolidation Act, 1845:" 8 & 9 Vict. c. 16. And whereas another Act was passed in the said Eighth Year of the Reign of Her said Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, called "The Lands Clauses Consolidation Act, 1845:" 8 & 9 Vict. c. 18. And whereas another Act was passed in the said Eighth Year of the Reign of Her said Majesty, intituled

[Local.]

8 & 9 Vict.
c. 20.

intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, called "The Railways Clauses Consolidation Act, 1845." And whereas the Persons hereafter named, together with other Persons are willing, at their own Expence, to carry such Undertaking into execution; but the same 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, That the said "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by or inconsistent with the Provisions of this Act.

Recited Acts
incorporated
with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to use the Expression "*The Oxford and Bletchley Junction Railway Act, 1846.*"

Subscribers
incorporated.

III. And be it enacted, That Sir *Harry Verney* Baronet, the Honourable *Philip Sidney Pierrepont*, *Zacharias Daniel Hunt*, *Edward Dewes*, *Humphrey Humphreys*, *Timothy Rhodes Cobb*, *Jonathan Samuel Browning*, *George Carr Glyn*, *Joseph Frederick Ledsam*, *Edward Cropper*, *Constantine Richard Moorsom*, *Thomas Smith*, *Robert Benson junior*, *Thomas Young*, *Ross Donnelly Mangles*, *Edward Cobb*, *John Ellis*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-before mentioned, and herein-after more particularly defined, with proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Oxford and Bletchley Junction Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said recited Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is Five hundred and fifty thousand Pounds; be it enacted, That the Capital of the Company shall be Five hundred and ninety-five thousand Pounds.

Regulating
Proportions
of said
Capital to be
subscribed
by Persons
above men-
tioned,

V. And whereas the said Subscribers to the Undertaking hereby authorized have also proposed to undertake amongst themselves the Construction of certain other Lines of Railway, and the total Amount of the estimated Expence of constructing such other Lines (together with and including the said estimated Expence of the Undertaking hereby authorized) is One million four hundred thousand Pounds,

Three Fourths of which Amount has been subscribed for by the said last-mentioned Parties; be it enacted, That each of the Persons or Corporation hereby incorporated as aforesaid shall pay and be liable to pay, for the Purposes of this Act, such Proportion, and such Proportion only, of the gross Amount so subscribed for by him, her, or them for such several Purposes as aforesaid, as the before-mentioned Sum of Five hundred and fifty thousand Pounds bears to the said entire Sum of One million four hundred thousand Pounds.

relatively
to further
Capital for
other Under-
takings.

VI. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Thirty-four thousand, and the Amount of each Share shall be Seventeen Pounds Ten Shillings.

Number and
Amount of
Shares.

VII. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and One Half of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Calls.

VIII. And be it enacted, That it shall be lawful for the Directors of the said Company, until the said Railway shall be completed and open to the Public, to pay Interest at any Rate not exceeding Four Pounds *per Centum per Annum* in respect of the Calls paid on every Share, from the Day on which such Calls shall respectively have been paid up, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or on any other Share holden by the same Proprietor, during such Period as such Call shall remain unpaid.

Interest to
be paid on
Calls until
the Railway
is completed.

IX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of One hundred and ninety-eight thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Five hundred and ninety-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to
borrow
Money.

X. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One hundred thousand Pounds in the whole.

Mortgagees
may enforce
the Payment
of Arrears
by Appoint-
ment of a
Receiver.

XI. And be it enacted, That the Number of Directors of the said Company shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Number and
Qualification
of Directors.

XII. And

Power to vary the Number of Directors.

XII. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, provided that the Number of Directors, when so increased, do not exceed Fifteen, and if reduced be not less than Nine Directors.

First Directors.

XIII. And be it enacted, That Sir *Harry Verney* Baronet, the Honourable *Philip Sidney Pierrepont*, *Zacharias Daniel Hunt*, *Edward Dewes*, *Humphrey Humphreys*, *Timothy Rhodes Cobb*, *Jonathan Samuel Browning*, *George Carr Glyn*, *Joseph Frederick Ledsam*, *Edward Cropper*, *Thomas Smith*, *Constantine Richard Moorsom*, *Robert Benson junior*, *Thomas Young*, and *Ross Donnelly Mangles*, shall be the first Directors of the Company.

Directors to continue in Office until first Meeting of Company, when new ones may be appointed.

XIV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the corresponding Ordinary Meeting to be held in the next and every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office in rotation, agreeably to the Provisions in the said "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Number and Quorum of Committee of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committee shall be Three.

Committee not to make Calls.

XVII. And be it enacted, That such Committees shall not be empowered to make Calls for Money on the Shareholders.

Remuneration of Directors and Auditors.

XVIII. And be it enacted, That the Remuneration of the Directors and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of such Company.

Power to make Railway according to deposited Plans.

XIX. And whereas Plans and Sections of the intended Railway, showing the Lines and Levels thereof, and also Books of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Land through which the

the same is intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace for the Counties of *Oxford* and *Buckingham*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

XX. And be it enacted, That the said Railway shall commence at or near the City of *Oxford* in the Parish of *Saint Giles* in the County of *Oxford*, and shall pass through the following Parishes, Townships, and Extra-parochial Places, (that is to say,) *Saint Giles Oxford, Cutslow, Kidlington, Islip, Oddington, Charlton, Wendlebury, Chesterton, Bicester, Launton, Marsh Gibbon, Twyford, Steeple Claydon, Middle Claydon, East Claydon, Addington, Winslow, Great Horwood, Swanbourne, Little Horwood, Mursley, Neunton Longville* otherwise *Newton Longville*, and *Bletchley*, and shall terminate by a Junction with the *London and Birmingham* Railway in the Parish of *Bletchley* in the County of *Buckingham*. Line of Railway.

XXI. And be it enacted, That the said Company shall and they are hereby required to make a convenient Station for Passengers and Goods at the Village of *Islip* in the County of *Oxford*, or as near thereto as Circumstances will permit. Company to make Station at Islip.

XXII. And be it enacted, That in making the said Railway it shall be lawful for the Company to construct the said Railway across and on the Level of the following Turnpike and public Carriage Roads (that is to say,) Power to cross certain Roads on the Level.

In the Parish of *Saint Giles Oxford*, the Road numbered 6, and the Turnpike Roads numbered 21 *a* and 28 on the said Plans:

In the Parish of *Chesterton*, the Road numbered 1 on the said Plans:

In the Parish of *Bicester*, the Turnpike Road numbered 15 on the said Plans.

XXIII. And be it enacted, That the Company shall erect and maintain at each of such level Crossings proper and sufficient Lodges for the Use of the Gatekeepers to be employed by the said Company at such level Crossings respectively; and in case the said Company shall fail to do so they shall be subject and liable to a Penalty not exceeding Five Pounds for each Day during which such Omission shall continue. Company to erect Lodges at level Crossings.

XXIV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres. Lands for extraordinary Purposes.

XXV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall Powers for compulsory Purchase

[Local.]

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of Lands
limited.

shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Railway,
&c.

XXVI. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Tolls.

XXVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of any of the said Railways, not exceeding the following; (that is to say,)

Tonnage on
Articles of
Merchan-
dize.

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes :

Class 1. For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Penny :

Class 2. For all Coals, Coke, Cuhm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Penny :

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Two-pence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Two-pence :

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Two-pence :

Class 5. And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per Mile* not exceeding Six-pence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per*

Mile not exceeding Two-pence; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding Two-pence; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton:

In respect of Animals conveyed in Carriages upon the Railway as follows: Tolls for Animals.

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per* Mile not exceeding One Penny:

Class 7. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

In respect of Passengers conveyed in Carriages upon the Railway as follows: Tolls for Passengers

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

XXVIII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Numbers of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With

With respect to all Articles, except Stone and Timber; the Weight shall be determined according to the usual Avoirdupois Weight: With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Par-
cels and
great
Weights.

XXIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they may think fit; provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Carriage shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile*; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Four-pence; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Three-pence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Passengers
Luggage.

XXX. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First Class Passengers, One hundred Pounds in Weight for Second Class Passengers, and Sixty Pounds in Weight for Third Class Passengers, without any Charge being made for the Carriage thereof.

Maximum
Rate of
Charges for
Passengers.

XXXI. And be it enacted, That the maximum Rate of Charges to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First Class Carriage, the Sum of Three-pence *per Mile*:

For every Passenger conveyed in a Second Class Carriage, the Sum of Two-pence *per Mile*:

For every Passenger conveyed in a Third Class Carriage, the Sum of One Penny Halfpenny *per Mile*.

XXXII. Pro-

XXXII. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company), shall not exceed the Amounts mentioned in the following Table; (that is to say,)

Maximum
Rate of
Charges for
Goods and
Animals.

For the Matters herein-before mentioned under Class 1., not exceeding Two-pence Halfpenny *per Ton per Mile* :

For the Matters mentioned under Class 2., not exceeding Three-pence *per Ton per Mile* :

For the Matters mentioned under Class 3., not exceeding Four-pence Three Farthings *per Ton per Mile* :

For the Matters mentioned under Class 4., not exceeding Sixpence *per Ton per Mile* :

For any Carriage mentioned under Class 5., not weighing more than One Ton, not exceeding Ten-pence *per Mile*; and if weighing more than One Ton, not exceeding Two-pence Halfpenny *per Mile* for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton :

For every thing mentioned under Class 6., not exceeding Five-pence *per Mile* :

For every thing mentioned under Class 7., not exceeding One Penny Halfpenny *per Mile*.

XXXIII. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train that may be required to be run upon the said Railway, but shall only apply to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Restriction
as to Charges
not to apply
to special
Trains.

XXXIV. And whereas it has been agreed between the Subscribers to the Undertaking hereby authorized and the *London and Birmingham* Railway Company, with a view to the economical and convenient working of the Railway, that a Lease thereof in perpetuity shall be granted to the *London and Birmingham* Railway Company, and accepted by them, with a Guarantee on their Part to pay to the Shareholders in the said Undertaking annually, by half-yearly Payments, such Sum of Money by way of Rent as will be equal to Interest at Four *per Centum per Annum* on the Outlay required for the Construction of the Railway, together with Half the surplus Profits of the Undertaking; and it has been also agreed between the said Parties that the intended Railway shall be constructed by the *London and Birmingham* Railway Company, and shall be completed in an efficient Manner, with all reasonable Despatch, after the passing of this Act; be it therefore enacted, That the *London and Birmingham* Railway Company shall execute the Works of the Railway hereby authorized to be made, and for that Purpose shall have, use, and exercise all such Powers and Privileges as are granted to the Company hereby incorporated, and shall be subject to the Regulations and Restrictions hereby imposed on the same Company, as fully and effectually in all

Railway to
be con-
structed by
the London
and Birmingham
Railway
Company.

respects as if such Powers, Privileges, Regulations, and Restrictions had been directly granted to or imposed on the *London and Birmingham* Railway Company, and as if their Name had been inserted in this Act instead of the Name of the Company hereby incorporated.

Railway to be leased to the London and Birmingham Railway Company.

XXXV. And be it enacted, That on the Completion of the Works of the Railway the Company hereby incorporated shall and they are hereby empowered and required to grant to the *London and Birmingham* Railway Company, and the *London and Birmingham* Railway Company shall and they are hereby empowered and required to accept, a Lease in perpetuity of the Railway hereby authorized to be made, at a Rent which shall be equal to Interest at Four Pounds *per Centum per Annum* on the Outlay required for the Construction of the Railway (such Outlay to include the Cost of obtaining this Act) and One Half of any surplus net Profit which may be derived from the Undertaking, in estimating which net Profits all the working Expences of the Line, and all Losses, Damages, and Expences attending the same, and the Maintenance of the Line, together with such Sum for Interest and Depreciation of Stock as is herein-after provided, shall be deducted: Provided nevertheless, that any previous Surplus which shall have been paid shall be taken into account and allowed for in any subsequent half-yearly Statement wherein the Profits of the Undertaking shall not be equal to Four *per Centum per Annum*; and any subsequent Surplus shall in the first instance be applied in Repayment of such Sums as may have been advanced in any previous Half Year to make good any Deficiency in the said Rent of Four *per Centum per Annum*, with Interest on such Advance at the Rate of Four *per Centum per Annum*.

Power of this Act to be used by London and Birmingham Railway Company.

XXXVI. And be it enacted, That on the Completion of the Works, and the opening of the Railway, the *London and Birmingham* Railway Company, and their Directors, Officers, Agents, and Servants, shall have, use, and exercise all such Powers and Privileges in relation to the Railway as are hereby granted to the Company hereby incorporated, and their Directors, Officers, Agents, and Servants, and as if the Name of the *London and Birmingham* Railway Company had been inserted herein in lieu of the Name of the Company hereby incorporated.

London and Birmingham Railway Company may borrow Money to provide Engines, &c.

XXXVII. And be it enacted, That the *London and Birmingham* Railway Company shall provide all Engines, Carriages, and other locomotive Establishment necessary to work the Railway hereby authorized, and for that Purpose may raise such further Sum of Money as may be necessary, not exceeding Fifty thousand Pounds, either wholly or partially, by creating new Shares or Stock, in such Manner and on such Conditions as they shall think fit, or wholly or partially by borrowing the same at Interest on Bond, to be granted for that Purpose by the *London and Birmingham* Railway Company; and in estimating the net Profits of the Undertaking hereby authorized, as herein-before provided, the said Company shall be allowed Interest at Five *per Centum per Annum* on the Amount expended for the last-mentioned Purpose, with an additional Two and a Half *per Centum*

Centum per Annum for Depreciation of Stock, and if such Allowance should be insufficient, then such further Sum as shall appear to be necessary for that Purpose.

XXXVIII. And be it enacted, That the *London and Birmingham* Railway Company shall be answerable, in exoneration of the Company hereby incorporated, for all Loss or Damage which may in any way arise from the Execution or Omission by them of any of the Powers or Obligations by this Act confined or imposed.

London and Birmingham Company responsible for Execution of Works.

XXXIX. And be it enacted, That it shall be lawful for the Company hereby incorporated, at any Time hereafter, with the Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some ordinary or extraordinary Meeting of the said Company, (Notice to that Effect having been given in the Advertisement calling such Meeting,) to sell to the *London and Birmingham* Railway Company the Railway by this Act authorized to be made, on such Terms and Conditions as may be agreed upon for that Purpose; and it shall be lawful for the *London and Birmingham* Railway Company at any Time hereafter, with the like Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some General or Special Meeting of the Company, (Notice to that Effect having been given in the Advertisement calling such Meeting,) to purchase the Railway hereby authorized to be made, upon such Terms and Conditions as may be agreed upon for that Purpose, or take and hold Shares therein; and the *London and Birmingham* Railway Company are hereby authorized to raise, in such Manner as they may deem fit, any further Sum of Money which may be necessary for the Purposes aforesaid; and upon the Completion of such Purchase, and upon the Execution of a Deed of Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, the Railway hereby authorized to be made shall vest in and belong to the *London and Birmingham* Railway Company, who shall thenceforth have, use, and exercise all the Powers, Privileges, and Authorities, and be liable and subject to all the Regulations and Restrictions, by this Act conferred and imposed on the Company hereby incorporated, as fully and effectually to all Intents and Purposes as if the Name of the *London and Birmingham* Railway Company had been inserted herein instead of the Name of the Company hereby incorporated.

Company empowered to sell Railway to the London and Birmingham Company..

XL. And be it enacted, That the *London and Birmingham* Railway Company shall keep separate Accounts of all Payments and Receipts on account of the Undertaking hereby authorized; and such Accounts shall be open at all reasonable Times to the Inspection of the Directors of the Company hereby incorporated, and of the Auditors hereby directed to be appointed.

London and Birmingham Company to keep Accounts, to be open to Inspection.

XLI. And be it enacted, That Four Auditors shall be appointed at every half-yearly Meeting, Two of whom shall be nominated by the *London and Birmingham* Railway Company (under their Common Seal, or under the Hands of Three Directors), and Two by the Com-

Auditors to be appointed by the London and Birmingham Company

Company,
and Com-
pany hereby
incorporated.

pany hereby incorporated, who shall audit the Accounts of the said Undertaking, and of the working thereof by the *London and Birmingham* Railway Company, and shall report thereon, in the same Manner as the Auditors of the said Accounts of the Company hereby incorporated.

Mode of de-
fraying the
Expence of
Works.

XLII. And be it enacted, That, for the Purpose of enabling the *London and Birmingham* Railway Company to execute and complete the Works of the said Railway, the Company hereby incorporated shall, from Time to Time when required, pay over to the *London and Birmingham* Railway Company all such Sums of Money as they shall have expended or become liable to in the Execution of the Works of the said Railway (of the Amount whereof the Certificate of the principal Engineer of the *London and Birmingham* Railway Company shall be conclusive Evidence); and in case Default shall be made by the Company hereby incorporated in any such Payment for the Space of Fourteen Days after the same shall have been demanded by some Writing under the Hands of any Three Directors of the *London and Birmingham* Railway Company, the *London and Birmingham* Railway Company are hereby empowered, in their own Name, or in the Name of the Company hereby incorporated, forthwith to make all such Calls for Money upon the Subscribers to the Undertaking hereby authorized as the Directors thereof could have made, and to take such Means to enforce Payment thereof, and of all Arrears of Calls, and to demand and receive all Sums of Money in the Hands of any Bankers or others belonging to the Company hereby incorporated, as the Directors of such Company could have taken or received, and so from Time to Time until such Demand, with all Expences arising from the Nonpayment thereof, shall have been fully discharged: Provided nevertheless, that the *London and Birmingham* Railway Company may (if they think fit), for the Purpose of the Execution of the said Works, raise by Mortgage all or any Part of the Amount which the Company hereby incorporated are empowered to raise by Mortgage or Debenture, and in lieu and substitution of such Amount.

Nothing in
this Act to
diminish the
Powers of
the Oxford
Canal Navi-
gation.

XLIII. And whereas the said Railway is intended to pass over the *Oxford* Canal Navigation, and it is expedient to make the following Provisions in consequence thereof; be it therefore enacted, That nothing in this Act contained shall take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the said *Oxford* Canal Navigation, or authorize or empower the said Railway Company to alter the Line or Level of the said Canal or the Towing Paths thereto, or any Part or Parts thereof respectively, or to obstruct the Navigation of the said Canal or any Part thereof, or to divert from the said Canal any of the Waters therein, or prevent a free Passage to the said Canal of any of the Waters which may be taken for the Use of or which now supply the said Canal, or to injure or alter the said Canal or any of the Works thereof, in any Manner not expressly denoted or implied on or by the Maps or Plans and Sections of the said Railway deposited with the Clerks of the Peace of the several Counties through which the said Railway is intended to pass; and it shall not be lawful for the said Railway Company to make any Deviation from the

the Course or Direction of the said Railway as delineated on the said Maps or Plans of the said Railway so deposited as aforesaid to a greater Distance than Thirty Yards on either Side thereof, by which Deviation any Part of the said Canal, or any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, Feeders, or other Works of or belonging to the said Canal, or any Part thereof, shall be taken, used, or damaged, without in any of the said respective Cases the Consent of the said Company of Proprietors of the *Oxford* Canal Navigation under their Common Seal first had and obtained (except as hereinafter is mentioned).

XLIV. And be it enacted, That for the Purpose of carrying the said Railway across the said Canal the said Railway Company shall and they are hereby required, at their own Expence, to make, and at all Times for ever thereafter to maintain and keep in perfect Repair, a good and substantial Bridge over the said Canal in the Parish of *Saint Giles* in the City of *Oxford*, with proper Approaches thereto, which said Bridge shall be made either on the Line of Railway delineated on the said Maps or Plans and Sections, or within Thirty Yards of the said Line on either Side thereof; and it shall be lawful for the said Railway Company, without such Consent as aforesaid, to take so much of the Ground of the said Canal Company adjoining the said Canal or the Towing Path thereof as shall be requisite for making the said Approaches to the said Bridge.

Railway Company to construct and maintain a Bridge over the Oxford Canal.

XLV. And be it enacted, That the said Bridge shall be made in such Manner that the Span thereof between the Abutments shall not be less than Twenty-six Feet in the clear, so as to include the Canal and Towing Path, allowing Eighteen Feet for the Width of the Canal at Bench Level, and Eight Feet for the Width of the Towing Path; and that the Soffit of the Arch over the Centre of the Towing Path shall not come within less than Eight Feet of the Top-water Level of the Canal, or within less than Ten Feet over the Centre of the Waterway; and that the Waterwings necessary for contracting the Canal at the said Bridge shall be built of substantial Brick or Stone Work, and extend at least Twenty-five Feet each Way from the Bridge, and shall be properly guarded with Iron, in like Manner as hath been done in the new Improvements or shortening Lines of the said Canal, with Iron Grove Posts built in as the Work proceeds for Drop Planks; and the Abutments of the said Bridge shall be made parallel with the Line of the said Canal at the Place where the said Bridge shall be erected.

Regulation as to Construction of the Bridge.

XLVI. And be it enacted, That during the Erection of the said Bridge, and at all future Times during any Repairs thereof, no Obstruction shall be occasioned to the Boats or Barges passing along the said Canal, or to the Towing Horses drawing the same, but that at all Times during such Erection or Repairs a Waterway of not less than Nine Feet, a Towing Path of not less than Five Feet, and a clear Height of not less than Seven Feet from the Top-water of the said Canal, shall be left for the Navigation of the said Canal; and that the said Bridge shall be constructed, as regards its Position, Form, and Dimensions, over the said Canal, to the reasonable Satisfaction of

Navigation not to be obstructed during the Construction or Repair of Bridge.

the principal Engineer for the Time being of the said Company of Proprietors of the said Canal.

In the event of Obstruction to Navigation, Railway Company to pay Damages.

XLVII. And be it enacted, That if by reason or in execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works, or of the said Bridge or its Appendages, or if by any Act or Omission of the said Railway Company, or any of their Agents, Servants, or Workmen, the said *Oxford Canal Navigation*, or the Towing Path thereof, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same cannot pass, or shall be delayed in the Passage along the same, or in case the Space under the said Bridge shall at any Time be contracted so as to be less in Width or Height than the Width or Height herein-before prescribed, then and in either of the said Cases the said Railway Company shall pay to the said Canal Company, as or by way of ascertained Damages, the Sum of One hundred Pounds for every Twenty-four Hours during which such Obstruction or Contraction shall continue on the said Canal, and so in proportion for any less Time than Twenty-four Hours; and in default of Payment of the said Sum, or such Proportion thereof as shall become due, on demand made by the Treasurer or Clerk of the said Canal Company of the Treasurer or Clerk of the said Railway Company, the said Canal Company may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; and in case the said Bridge over the said Canal, or any Part thereof, or the Approaches, Side Slopes, or Banks of the said Railway next the said Canal, or any or either of them, or any Part thereof respectively, shall not be kept in good and substantial Repair by the said Railway Company, and any Agent of the said Canal Company shall give Notice in Writing to the said Railway Company, their Clerk or Agent, to do the needful Repairs, and the said Railway Company shall not, within the Space of Fourteen Days after the Delivery or such Notice, commence such Repairs, and proceed with all reasonable Expedition to the Completion thereof, it shall be lawful for the said Canal Company, from Time to Time, as often as the Case shall happen, to do the needful Repairs, and to recover the Amount of the Expences from the said Railway Company by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XLVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; be it enacted, That nothing in this

this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

XLIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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 authorized by this Act.

Railway not exempt from Provisions of any future general Act.

L. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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