



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccxxxiii.

An Act for making a Railway from the *Oxford and Bletchley Junction* Railway to *Buckingham and Brackley*.
[27th July 1846.]

WHEREAS the making of a Railway from the *Oxford and Bletchley Junction* Railway in the Parish of *Middle Claydon* in the County of *Buckingham* to or near to the Town of *Buckingham* in the County of *Buckingham*, and thence to or near to the Town of *Brackley* in the County of *Northampton*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places: And whereas an Act was passed in the Eighth Year of the Reign 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:" 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:" And whereas

8 & 9 Vict. c. 16.

8 & 9 Vict. c. 18.

[Local.]

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another

8 & 9 Vict.
c. 20.

Recited Acts
incorporated
with this
Act.

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 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.

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 *Buckinghamshire Railway (Buckingham and Brackley Junction) 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, Thomas Smith, Constantine Richard Moorson, Robert Benson jun., 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 several Railways 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 Buckingham and Brackley 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 be it enacted, That the Capital of the said Company shall be Two hundred thousand Pounds.

Subscribers
to this Un-
dertaking to
pay their

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

of the estimated Expence of constructing such other Lines (together with and including the said estimated Expence of the Undertaking hereby authorized) is Eight hundred thousand Pounds, Three Fourths of which entire 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 Two hundred thousand Pounds bears to the said entire Sum of Eight hundred thousand Pounds.

Proportion towards additional Undertakings.

VI. And be it enacted, That the said Capital shall be divided into Shares of the Amount of Seventeen Pounds Ten Shillings each.

Value of each Share.

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 Moiety 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 opened 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.

Power to pay Interest on Calls till Completion of Railway.

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 Sixty-six thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Nine hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow Money on Mortgage.

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 Thirty thousand Pounds on the whole.

Mortgagees may enforce Payment of Arrears by Appointment 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

Number and Qualification of Directors.

shall be the Possession in his own Right of Fifty Shares in the Undertaking: Provided always, that Six of the said Directors shall be resident in the Counties of *Buckingham, Oxford, and Northampton*, or One of them, if there be that Number of Shareholders so resident and qualified to act as Directors.

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 Eighteen, 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 jun., Thomas Young, and Ross Donelly Mangles* shall be the first Directors of the Company.

Election of Directors at first Ordinary Meeting.

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."

Subsequent Elections of Directors.

Quorum of Directors.

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

Committees 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.

Committees not to make Calls.

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

Railway to be made according to deposited Plans.

XVIII. 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 Lands through which

which the same are 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 of the Counties of *Buckingham, Oxford, and Northampton*; 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.

XIX. And be it enacted, That the said Railway shall commence by a Junction with the *Oxford and Bletchley Junction Railway* in the Parish of *Middle Claydon* in the County of *Buckingham*, and shall pass through the following Parishes, Townships, and Extra-parochial Places, (that is to say,) *Middle Claydon, Steeple Claydon, Padbury, Buckingham, Radclive-cum-Chackmore, Tingewick, Water Stratford, Finmere, Westbury, Mixbury, Evenley, Turweston, Brackley Saint Peter, and Brackley Saint James*, and shall terminate at or near the Town of *Brackley* in the Parish of *Saint James Brackley* in the County of *Northampton*. Line of Railway.

XX. 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 Roads on the Level.

In the Parish of *Westbury*, the Road numbered 7 on the said Plans :

In the Parish of *Mixbury*, the Roads numbered 17 and 26 on the said Plans :

In the Parish of *Turweston*, the Road numbered 3 on the said Plans.

XXI. And be it enacted, That for the greater Convenience and Security of the Public the said Company shall erect and permanently maintain a Station or Lodge at the Points where the said Railway shall cross on a Level the before-mentioned Turnpike and public Carriage Roads. Station or Lodge to be erected at level Crossings.

XXII. And be it enacted, That it shall not be lawful for the said Company to erect any Cottages or other Buildings on any Part of the Land of, or which they may purchase from, *Stanlake Batson Esquire* in the Parish of *Mixbury* in the County of *Buckingham*, without the Consent in Writing of the said *Stanlake Batson*, or the Owner for the Time being of the said Land, first had and obtained for that Purpose. Company not to erect Buildings on Land of Stanlake Batson, Esq.

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

Compulsory
Purchase
of Lands
limited.

XXIV. And be it enacted, That 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 Three Years from the passing of this Act.

Period for
Completion
of Railway.

XXV. 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.

XXVI. 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, Culm, Charcoal, 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, Dyewood, 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*

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 Sixpence; 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;

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

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.

Regulations
as to the
Tolls.

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

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 Number 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 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 Parcels
and Articles
of great
Weight.

XXVIII. 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 Fourpence; 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.

XXIX. 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.

XXX. And

XXX. And be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers along 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 as aforesaid, except Government Duty, shall not exceed the following Sums; that is to say,

Maximum
Rate of
Charge for
Passengers.

For every Passenger conveyed in or by any Express Train, the Sum of Three-pence *per Mile* :

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of Two-pence *per Mile* :

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per Mile* :

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per Mile*.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggon or Trucks and locomotive Power, and every Expence incidental to such Conveyance, except Government Duty as aforesaid, and except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services usually performed by Carriers, where such Services or any of them shall be required to be performed by the Company, shall not exceed the following Sums; that is to say,

For Cattle,
Goods, &c.

For every Horse, Mule, or other Beast of Draught or Burthen, Four-pence *per Mile* :

For Cattle, the Sum of Two-pence *per Head per Mile* :

For Calves and Pigs, One Penny each *per Mile* :

For Sheep and small Animals, Three Farthings each *per Mile* :

For every Carriage, Five-pence *per Mile* :

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Coals, Coke, Culm, Charcoal, and Cinders, Pig and Bar Iron, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, and Salt, the Sum of One Penny and One Eighth of a Penny *per Ton per Mile* :

For Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, Two-pence *per Ton per Mile* :

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, *Manchester* Packs, Earthenware, Timber, Staves, Deals, Metals, Nails, Anvils, Vices, and Chains, the Sum of Two-pence Halfpenny *per Ton per Mile* :

For Cotton and other Wools, Drugs, and other manufactured Goods, the Sum of Three-pence *per Ton per Mile* :

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, the Sum of Three-pence Halfpenny *per Ton per Mile*.

And the following Regulations shall apply to such maximum Rates and Charges :

The Company shall be at liberty to fix a minimum Charge of Ten Shillings to be taken for each Carriage, and of Five Shillings for every Horse, conveyed upon the Railway, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed, according to the Rates aforesaid, may not amount to those Sums :

Where Waggon are not provided by the Company for the Conveyance of Coal, and the other Articles classed therewith, by the Parties sending the same, a Deduction of One Eighth of a Penny *per Ton per Mile* shall be made from the before-mentioned Rates :

Where any of the before-mentioned Articles and Things shall be conveyed along the Railway hereby authorized, and the Main Line of the *London and Birmingham* Railway, for a greater Distance than Fifty Miles, the following Reductions shall be made in such Rates for the whole Distance for which such Articles, Matters, and Things shall be conveyed :

In respect of Coal and the other Articles classed therewith, a Reduction of One Farthing *per Ton per Mile* :

In respect of all the other Articles before mentioned, a Reduction of One Halfpenny *per Ton per Mile* :

Where a Waggon for the Carriage of Cattle or Sheep shall be engaged by One Party the Charge for any such Waggon capable of containing Six Oxen or Twenty-five Sheep shall not exceed Sixpence *per Mile* :

Provided always, that where Coal or any of the Articles classed therewith shall be carried along the said Railway for a less Distance than Fifteen Miles, it shall be lawful for the said Company to charge an additional Halfpenny *per Ton per Mile* in respect thereof.

Restriction as to Charges not to apply to Special Trains.

XXXI. 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 run upon the said Railway, but shall apply only 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.

Company may take increased Charges by Agreement.

XXXII. Provided also, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by special Agreement, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Railway to be constructed by the London and Birmingham

XXXIII. 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

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 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
Company.

XXXIV. 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 *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 Profits 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*.

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

XXXV. 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.

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

XXXVI. And

London and
Birmingham
Railway
Company to
provide
locomotive
Stock;

XXXVI. 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 Debentures 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 same 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 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.

and to be
responsible
for Execu-
tion of
Powers of
the Act.

XXXVII. 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 conferred or imposed.

Power of
Sale to the
London and
Birmingham
Railway
Company.

XXXVIII. 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 under the Corporate Seal of the Company, 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*

and *Birmingham* Railway Company had been inserted herein instead of the Name of the Company hereby incorporated.

XXXIX. 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 Railway Company to keep separate Accounts.

XL. 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 Company 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 Accounts of the Company hereby incorporated.

Joint Auditors to be appointed.

XLI. 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 Demands, 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 or Debenture 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.

Mode of defraying the Expence of Works.

XLII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights

Saving the Rights of the Crown.

in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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.

XLIII. 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 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.

Railway to
be subject to
Provisions of
any future
general Act.

XLIV. 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.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1846.