



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. clxxviii.

An Act for making a Railway from the *Northampton and Peterborough* Branch of the *London and North-western* Railway to the Town of *Banbury*, to be called "*The Northampton and Banbury Railway*;" and for other Purposes.

[9th July 1847.]

WHEREAS the making of a Railway from the *Northampton and Peterborough* Branch of the *London and North-western* Railway in the Parish of *Blisworth* in the County of *Northampton* to the Town of *Banbury* would be of great public Advantage: And whereas the Persons hereafter named 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 Provisions of the "*Companies Clauses Consolidation Act, 1845*," of the "*Lands Clauses Consolidation Act, 1845*," and of the "*Railways Clauses Consolidation Act, 1845*," shall be

[*Local.*]

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incorporated
with this Act.

incorporated with and form Part of this Act, save as to such of the Provisions thereof (if any) as may be modified by or inconsistent with this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, and other Documents, it shall be sufficient to use the Expression “The *Northampton and Banbury* Railway Act, 1847.”

Subscribers incorporated. III. And be it enacted, That *Ross Donnelly Mangles, Frank Somerville Head, Thomas Smith*, 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 a Railway from the *Northampton and Peterborough* Branch of the *London and North-western* Railway in the Parish of *Blisworth* in the County of *Northampton* to or near to the Town of *Banbury* in the Parish of *Warkworth* in the same County, with all proper Works and Conveniences belonging thereto respectively, according to the Provisions of this Act; and for the Purposes aforesaid such Company shall be incorporated by the Name of “The *Northampton and Banbury* 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 Railway hereby authorized is Five hundred thousand Pounds; be it enacted, That the Capital of the Company shall be Five hundred thousand Pounds.

Number and Amount of Shares. V. And be it enacted, That the said Capital shall be divided into Twenty-five thousand Shares of Twenty Pounds each.

Calls. VI. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and that Two Months at the least shall be the Interval between successive Calls.

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

Interest not to be paid on Calls paid up. VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay

pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

IX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to 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 authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

X. And be it enacted, That the Number of Directors shall be Twelve, and that the Qualification of each Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Number and Qualification of Directors.

XI. And be it enacted, That it shall be lawful for the Company, by Vote of any General or Special General Meeting, to increase or reduce the Number of Directors, provided that the increased Number do not exceed Sixteen, and that the reduced Number be not less than Eight.

Power to vary Number of Directors.

XII. And be it enacted, That *Ross Donnelly Mangles*, Member of Parliament, *Frank Somerville Head*, *Thomas Smith*, *Robert Benson*, *Edward Cropper*, *Constantine Richard Moorsome*, *Edmund Peel*, *Edward Harrison Barwell*, the Honourable *Charles Pelham Villiers*, *William Gordon Thompson*, *Timothy Rhodes Cobb*, and *James Walkinshaw*, shall be the first Directors of the Company.

First Directors.

XIII. 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 to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

How long first Directors to remain in Office.

XIV. And be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of Directors then retiring from Office, agreeably to the Provisions in the said "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being

Subsequent Election of Directors.

neither

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.

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

First Ordinary Meetings. XVII. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Six Months from the passing of this Act.

Power to make Railway and Branches. XVIII. And be it enacted, That it shall be lawful for the Company to make and maintain the Railway herein-after mentioned, with all proper Works, Approaches, and Conveniences connected therewith respectively; (that is to say,)

A Railway commencing by a Junction with the *Northampton and Peterborough* Branch of the *London and North-western* Railway at or near the *Gayton* Wharf on the *Northampton* Arm of the *Grand Junction* Canal in the Parish of *Blisworth* in the County of *Northampton*, and terminating near the Town of *Banbury* in the Parish of *Warkworth* and said County of *Northampton*.

Railway to be made according to deposited Plans. XIX. And whereas Plans and Sections of the said Railway showing the Lines and Levels thereof, together with Books of Reference to such Plans containing the Name of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Northampton*; be it enacted, That, subject to the Provisions in this Act and in the said "Lands Clauses and Railway Clauses Consolidation Acts" contained, the said Railway and other Works shall be made according to the Lines and Levels or Situations thereof as defined upon the said Plans and Sections, and it shall be lawful for the Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for such Purpose.

Protecting the Grand Junction Canal. XX. And whereas the said Railway is intended to be carried over the *Grand Junction* Canal in the Parish of *Blisworth* in the County of *Northampton*, and it is expedient to provide against any Injury or Obstruction being occasioned by means of the said Railway to the said Canal or to the free Navigation thereof; be it therefore enacted, That, except as hereby expressly provided, nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the said *Grand Junction* Canal, or authorize or empower

power the said Railway Company to alter the Line or Level of the said Canal or Towing Path thereto, or any Part thereof, or to obstruct the Navigation of the said Canal or any Part thereof, or to divert any of the Waters therein or which supply the said Canal, or to injure any of the Works of the said Canal; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway delineated in the Map or Plan of the said Railway deposited with the Clerk of the Peace for the County of *Northampton* by which Deviation any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works belonging to the said *Grand Junction* Canal Company, or any Part thereof respectively, shall be taken, used, or damaged, except for the Purpose merely of crossing the said Canal, and as in manner herein-after prescribed, without the Consent of the said *Grand Junction* Canal Company in Writing under their Common Seal first had and obtained.

XXI. And be it enacted, That in carrying the said Railway over the said *Grand Junction* Canal the said Railway Company shall and they are hereby required, at their own Expence, and to the reasonable Satisfaction of the Engineer for the Time being of the said Canal Company, 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 and the Towing Path thereto, with proper Approaches to such Bridge, and the Soffit of such Bridge shall be at least Ten Feet above the Top-water Level of the said Canal at the Centre of the Waterway, and no Part of the Arch over the Towing Path shall be less than Eight Feet above the said Top-water Level of the said Canal, and such Bridge shall be of such Width and Curve as shall leave a clear, uniform, and uninterrupted Opening of not less than Twenty-one Feet for the Waterway in the middle or deep Part of the said Canal, or in such Place as shall be directed by the Engineer or Surveyor for the Time being of the said Canal Company, and Nine Feet for the Towing Path under such Bridge; and the said Railway Company shall and they are hereby required, during the Progress of constructing such Bridge over the said *Grand Junction* Canal, and of the necessary Repairs or Renewal thereof, from Time to Time and at all Times to leave an open and uninterrupted navigable Waterway in the said Canal of not less than Sixteen Feet in Width during the Time of constructing and putting in the Foundation Walls of the Abutments of the said Bridge, or Renewal or Repairs thereof, and of the new Towing Path along the same up to One Foot above the Top-water Level of the said Canal, and which Time for constructing the said Waterway shall not exceed Thirty Days, nor shall less than Twenty-one Feet for the said Waterway and Nine Feet for the said Towing Path be left during the Remainder of the Period of constructing, repairing, or renewing such Bridge, and that the present Towing Path shall remain undisturbed until the new Towing Path Wall shall be erected, and the Ground made good and properly gravelled, and open for the free Passage of Horses under such Bridge.

Directing
the Mode of
erecting the
Bridge over
the *Grand
Junction
Canal*.

Provision in
case of Ob-
struction to
the Grand
Junction
Canal.

XXII. And be it enacted, That if by reason of any Accident, or in the 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 over the said *Grand Junction* Canal, or of any of the Slopes, Banks, or Walls of the said Railway near the said Canal, it shall happen that the Main Line of the said Canal or the Towing Path thereof shall be so obstructed that Boats or other Vessels navigating or using the said Canal shall be impeded in their Passage, or shall not be able to pass along the same, or in case the navigable Waterway and Towing Path herein-before required to be preserved during the Progress of the Work shall at any Time be contracted to a less Width than herein is prescribed, then and in such Case the said Railway Company shall pay to the said *Grand Junction* Canal Company, as or by way of ascertained Damages, the Sum of Ten Pounds for every Hour during which any such Impediment shall continue, and so in proportion for any less Time than an Hour: Provided always, that if such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of any of the Servants or Persons employed by the said Railway Company, the said Railway Company shall pay to the said *Grand Junction* Canal Company the Sum of Thirty Pounds for every Hour during which the Obstruction shall continue, as or by way of ascertained Damages; and in default of Payment of the said Sum or Sums, as the Case may be, on Demand made on the Secretary or any of the Directors of the said Railway Company, the said *Grand Junction* 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 Bridge to be erected for the said Railway over the said *Grand Junction* Canal or the Towing Path Walls under the said Bridge, or the several Approaches, Side Slopes, or Banks of the said Railway next to the said Canal, or any of them or any Part thereof, shall not be kept in good Repair, it shall be lawful for the said *Grand Junction* Canal Company to do the needful Repair, 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*: Provided also, that nothing herein contained shall extend to prevent the said *Grand Junction* Canal Company from recovering against the said Railway Company any special Damage that may be sustained by them on account of the Acts or Defaults of the said Railway Company in respect of which the said Penalties are imposed beyond the Amount of such Penalty or Penalties, and they are hereby authorized to sue for and recover such special Damages accordingly; but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the said Railway Company, and any Action for special Damage shall be brought as above mentioned, then the said Penalty or Penalties so paid shall be deemed and considered as Payments on account of such special Damage, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the said Railway Company, and the same shall be deducted from the Amount of Damages to be re-
covered

covered by the *Grand Junction* Canal Company; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Railway Company; and no Action shall be maintainable by the said *Grand Junction* Canal Company against the said Railway Company for the Recovery of any Penalty or Penalties after any Judgment shall have been obtained by them for any special Damage, in respect of the Act or Acts for which such Penalty or Penalties would have been recoverable.

XXIII. And be it enacted, That it shall be lawful for the said Company to carry the said Railway on the Level across the Roads numbered respectively on the Plans as herein-before mentioned as follows; namely, Power to cross Roads on the Level.

In the Parish of *Tiffield*, the public Highway numbered 17:

In the Parish of *Helmdon*, the public Highways numbered respectively 35 and 36.

XXIV. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred. Company to erect a Station or Lodge at the Points of crossing.

XXV. And be it enacted, That it shall be lawful for the Company to purchase and take any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres. Lands for extraordinary Purposes.

XXVI. 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. Limiting Period for compulsory Purchase.

XXVII. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as shall then be completed. Period for Completion of Works.

XXVIII. And

Tolls.

XXVIII. 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 Merchandize.

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, 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 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

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, &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 any Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

XXIX. 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 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 on in proportion for any smaller Quantity.

XXX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls Tolls for small Parcels and
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Articles
of great
Weight.

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.

XXXI. 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
Rates of
Charges for
Passengers.

XXXII. 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, shall not exceed the following Sums; that is to say,

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 *per Mile*:

For Goods
and Animals.

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 Waggons or Trucks and locomotive Power, and every Expence incidental to such Conveyance, 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

shall be required to be performed by the Company, shall not exceed the following Sums; that is to say,

For every Horse, Mule, or other Beast of Draught or Burden, 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 Halfpenny *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 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*.

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, Express, or Extra Train that may be required to be 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.

Foregoing Charges not to apply to Special Trains.

XXXIV. 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.

Company may take increased Charges by Agreement.

XXXV. And

Railway to be constructed by the London and North-western Railway Company.

XXXV. And whereas it has been agreed between the Subscribers to the Undertaking hereby authorized and the *London and North-western* 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 North-western* 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 also been agreed between the said Parties that the intended Railway shall be constructed by the *London and North-western* 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 North-western* 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 North-western* 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 North-western Railway Company.

XXXVI. 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 North-western* Railway Company, and the *London and North-western* 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 the next subsequent half-yearly Statement, if therein 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 the 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*.

Powers of this Act to be used by London and

XXXVII. And be it enacted, That on the Completion of the Works and the opening of the Railway the *London and North-western* Railway Company, and their Directors, Officers, Agents, and
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Servants,

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 North-western* Railway Company had been inserted herein in lieu of the Name of the Company hereby incorporated.

North-western Railway Company.

XXXVIII. And be it enacted, That the *London and North-western* Railway Company shall provide all Engines, Carriages, and other locomotive Establishment necessary to work the Railway hereby authorized; 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.

Said Company to provide locomotive Stock;

XXXIX. And be it enacted, That the *London and North-western* 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.

and to be responsible for Execution of Powers of the Act.

XL. 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 North-western* 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 North-western* 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 North-western* Railway Company are hereby authorized to raise by the Creation of new Shares any further Sum of Money which may be necessary for the Purposes aforesaid, not exceeding in the whole the Sum of Five hundred thousand Pounds, and to borrow any further Sum on Mortgage not exceeding One Third of the said last-mentioned Amount; but such Power of borrowing shall not be exercised unless and until the whole of the Capital of the said *London and North-western* Railway Company in Shares and Stock, including the said Sum of Five hundred thousand Pounds, shall have been subscribed for, and One Half thereof actually paid up; 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

Power of Sale to the said Company.

[Local.]

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Money,

Money, the Railway hereby authorized to be made shall vest in and belong to the *London and North-western 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 North-western Railway Company* had been inserted herein instead of the Name of the Company hereby incorporated.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XLII. Provided always, and be it enacted, That it shall not be lawful for the said *Northampton and Banbury Railway Company*, by virtue of the Power herein-before contained, to sell, demise, or lease, nor for the said *London and North-western Railway Company* to purchase, or to enter into or accept such Lease of the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

London and North-western Railway Company to keep separate Accounts.

XLII. And be it enacted, That the *London and North-western 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.

Joint Auditors to be appointed to audit the Accounts of the London and North-western Railway Company.

XLIII. 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 North-western 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 North-western Railway Company*, and shall report thereon in the same Manner as the Auditors of the Accounts of the Company hereby incorporated.

Mode of defraying the Expence of Works.

XLIV. And be it enacted, That for the Purpose of enabling the *London and North-western 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 North-western 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 North-western 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 North-western Railway Company*, the *London and North-western 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 North-western* Railway Company may (if they think fit) for the Purpose of the Execution of the said Works raise by Mortgage of their Undertaking all or any Part of the Amount which the Company hereby incorporated are empowered to raise by Mortgage or Bond, and in lieu and substitution of such Amount: Provided further, that it shall not be lawful for the said *London and North-western* Railway Company to exercise such Power of borrowing until the whole of the existing Capital of such Company shall have been subscribed, and One Half thereof actually paid up, or to borrow for the Purpose aforesaid any Sum which together with any Amount which may be due and owing by the said Company shall exceed One Third of the existing Capital of such Company in Shares and Stock.

XLV. And whereas the Formation of the Railway by this Act authorized to be made would be beneficial to the Interests of the *London and North-western* Railway Company; be it therefore enacted, That it shall be lawful for the *London and North-western* Railway Company to subscribe towards and become Shareholders in the said Undertaking to any Extent not exceeding Four hundred and fifty thousand Pounds which may be agreed or resolved to be subscribed by them at any General Meeting specially convened for the Purpose.

Power for
London and
North-west-
ern Railway
Company to
subscribe
towards the
Undertaking.

XLVI. And be it enacted, That for such Purpose it shall be lawful for the *London and North-western* Railway Company to raise the Sum which may be so agreed or resolved to be advanced by them, or any Part thereof, by the Creation of new Shares, of such Amount and upon such Terms and Conditions as may be determined by a Majority of the Shareholders present at any General Meeting of the *London and North-western* Railway Company, or it shall be lawful for the *London and North-western* Railway Company, if they so think fit, to guarantee Interest out of their Corporate Funds or annual Revenue after a Rate not exceeding Five Pounds *per Centum per Annum* on the Shares for which they are hereby empowered to subscribe as aforesaid, for such Periods, and upon such Conditions as to the Redemption of such Shares by the *London and North-western* Railway Company, or otherwise, as the respective Holders for the Time being of such Shares, or Parties in whose Hands the same may be placed as Security, and the *London and North-western* Railway Company, may mutually agree upon.

Power for
said Com-
pany to raise
Capital for
the Purpose.

XLVII. And be it enacted, That it shall not be lawful for the said *London and North-western* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized

Interest not
to be paid
on Calls
paid up.

authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Right of voting by London and North-western Railway Company.

XLVIII. And be it enacted, That at all Ordinary and Extraordinary Meetings of the Company hereby incorporated the *London and North-western* Railway Company, in case they shall subscribe any Portion of the Capital, may vote by any Person, being a Shareholder in the last-mentioned Company, who may be deputed by the *London and North-western* Railway Company to attend such Meeting on their Behalf.

Railway Companies to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XLIX. 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 Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said present 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 any succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Session held in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Companies from the Provisions of the said recited Acts respectively, but that such Provisions shall be in force in respect to the Railway and Companies so far as the same shall be applicable thereto.

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

L. And be it enacted, That nothing herein contained shall be held or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or 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.

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