



## CHAPTER cix.

An Act to empower the Banbury and Cheltenham Direct Railway Company to make a Deviation of their authorised Railway, and to make a New Railway, and to execute other works and exercise other powers, and to raise further Money, and to extend the Time limited for the Construction of their authorised Railway; and for other purposes. A.D. 1877.

[23d July 1877.]

WHEREAS it is expedient that the Banbury and Cheltenham Direct Railway Company (in this Act called the Company), incorporated by the Banbury and Cheltenham Direct Railway Act, 1873, (in this Act called the Act of 1873,) should be empowered to make a deviation of the Railway No. 4 described in and authorised by that Act, and the estimated expense of such deviation is not more than the estimated expense of the portion of the said Railway No. 4 for which the deviation is intended to be substituted: 36 & 37 Vict.  
c. clxxii.

And whereas it is expedient that the Company should be empowered to make the new railway and the deviation of road and to acquire the lands in this Act mentioned:

And whereas plans and sections showing the lines and levels of the said deviation and new railways and deviation of road, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for the counties of Gloucester and Oxford, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the Company should be empowered to make certain alterations in the works authorised by the Act of 1873, and that for the purposes of that Act provision should be made for the diversion and stopping up of the roads and footpaths herein-after particularly mentioned:

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And whereas it is expedient that the period limited by the Act of 1873 for the construction and completion of the railways by that Act authorised should be extended :

And whereas it is expedient that the agreement between the Company and the Great Western Railway Company scheduled to and confirmed by the Act of 1873, to the extent herein-after provided, be made applicable to the deviation and new railways by this Act authorised :

And whereas by the Act of 1873 the Company were authorised to raise by shares six hundred thousand pounds and by borrowing two hundred thousand pounds, and the whole of such capital has been raised and expended :

And whereas the Company have made considerable progress in the construction of their railways as authorised by the Act of 1873, but it has been found that, owing to unexpected difficulties which have arisen in the construction thereof, the same cannot be completed for the amount of the authorised capital, and it is expedient that the Company should be empowered to raise further money by the creation of debenture stock for the purpose of completing their undertaking as authorised by the Act of 1873 and this Act :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Banbury and Cheltenham Direct Railway Act, 1877.

Certain provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act ; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

The Railways Clauses Consolidation Act, 1845 ; and

Part I. (relating to the construction of a railway), Part II.

(relating to extension of time), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863 ;

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the giving of notices and the provision to be made for affording access to the special Act by all parties interested ;

And Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railway" or "the railways" shall mean the deviation and new railways by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

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Interpreta-  
tion.

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

Power to  
make devia-  
tion and new  
railways.

The deviation railway herein-before referred to and authorised by this Act is two miles two furlongs five chains and seventy links in length, and commences in the parish of Whittington, in the county of Gloucester, by a junction with the Railway No. 4 described in and authorised by the Act of 1873, and terminates in the parish of Charlton Kings, in the same county, by a junction with the same railway:

The new railway herein-before referred to and authorised by this Act is one mile two furlongs six chains and thirty links in length, and commences in the parish of Churchill, in the county of Oxford, by a junction with the Chipping Norton Branch of the Great Western Railway, and terminates in the same parish by a junction with the West Midland Railway of the Great Western Railway Company.

5. Notwithstanding anything herein or in the incorporated Acts contained, it shall not be lawful for the Company, nor any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Railway Company, or in any manner to alter, vary, or interfere with the Chipping Norton Branch Railway of the Great Western Railway Company, or their West Midland Railway, or the works of or connected with those respective railways, without the consent of that company under their common seal, save only

Not to take  
lands or in-  
terfere with  
railway of  
Great West-  
ern Railway  
Company  
except for  
the purpose  
of junctions.

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Railways to form part of Company's undertaking.

6. Except as by this Act otherwise expressly provided, the deviation and new railways respectively shall for all purposes whatever, including the demanding and recovering of tolls, rates, and charges, be part of the Company's undertaking, as if the same had been a part of the railways of the Company authorised by the Act of 1873.

Inclination of a certain road.

7. In altering for the purposes of the deviation railway the public highway numbered on the deposited plans 9, in the parish of Charlton Kings, the Company may make the same of any inclination not steeper than one in eight on one side and level on the other.

For protection of the property of the Earl of Ducie.

8. In constructing the new railway by this Act authorised through the lands belonging to the Right Honourable the Earl of Ducie in the parish of Churchill, in the county of Oxford, the Company shall make, for the use and accommodation of the owner and occupier for the time being of the said lands, a bridge over the railway, with suitable approaches, and a roadway 12 feet wide, in the field numbered on the deposited plans 21, in the said parish (the said bridge to be capable of bearing a steam traction engine), and a bridge under the railway, with an arch 12 feet wide and 7 feet 6 inches high in the centre, in the field numbered on the said plans 7, in the same parish.

For protection of Post Office telegraphs.

9. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply ; (that is to say,)

(Notice to be given before interfering

(1.) Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company

shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, if necessary, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General:

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with tele-  
graphs.)

- (2.) Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:
- (3.) Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General

(Compensation by Company to Postmaster General, and penalty.)

(Saving for Telegraph Act and agreements.)

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or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

10. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of nine hundred and twenty-five pounds three pounds per cent. consolidated Bank annuities, being equal to five per centum upon eighteen thousand pounds, the amount of the estimate in respect of the new railway by this Act authorised, has been transferred into the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the new railway, either open that railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have raised so much of the money by this Act authorised to be raised as is equal to one half of the amount of the said estimate, and have expended for the purposes of the new railway a sum equal in amount to such one half; and if the said period shall expire before the Company shall either have opened the new railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

11. The said sum of stock transferred as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the new railway by this Act authorised, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the

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Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit. If no such compensation shall be payable, or if a portion of the said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the said sum has been transferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

**12.** If the deviation and new railways respectively are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as is then completed.

Period for completion of works.

**13.** The Company shall abandon the construction of so much of the Railway No. 4 described in and authorised by the Act of 1873 as lies between the commencement and termination of the deviation railway.

Company to abandon portion of authorised Railway No. 4.

**14.** The abandonment by the Company, under the authority of this Act, of any portion of railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or

Compensation for damage to land by entry, &c. for purposes of portion

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of railway  
abandoned.

probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1873.

Compensa-  
tion for non-  
completion  
of contracts  
in respect of  
portion of  
railway  
abandoned.

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

For the pro-  
tection of  
the East  
Gloucester-  
shire Rail-  
way Com-  
pany.

**16.** Nothing in this Act shall prejudice or affect the award of Walter Marr Brydone and Richard Hall, made on the 29th day of December 1876, with reference to the lands and works of the East Gloucestershire Railway Company the subject of such award, or any of the rights and liabilities of the several parties thereunder.

For the pro-  
tection of  
Walter  
Lawrence  
Lawrence.

**17.** Nothing in this Act shall prejudice or affect any existing agreements entered into between the Company and Walter Lawrence Lawrence, of the Manor House, Sevenhampton, in the county of Gloucester, or the award or supplemental award of Richard Hall, of Great George Street, Westminster, made under and in pursuance of the said agreements, or either of them, except that the time for completing the purchase of the land to be acquired by the Company thereunder is hereby extended until six calendar months from the passing of this Act, and the time for completing the railway and works until two years from the same date.

Alterations  
of works  
authorised

**18.** Notwithstanding anything in the Act of 1873, or in the Railways Clauses Consolidation Act, 1845, or the Railways Clauses



Act, 1863, with reference thereto, the Company may, in the construction of the Railway No. 1 described in and authorised by the Act of 1873, substitute tunnel for open cutting between the points on the deposited plans referred to in the Act of 1873 indicating nine miles seven furlongs seven chains and ten miles one furlong two chains, or thereabouts; and they may lengthen the tunnel as shown on the said deposited plans from the point thereon indicating fifteen miles twenty-two chains, or thereabouts, for about one hundred and fifty yards towards the junction of the said Railway No. 1 with the Chipping Norton Branch of the Great Western Railway; and they may substitute viaduct for embankment between the points on the said deposited plans indicating nine miles nine chains and nine miles one furlong six chains, or thereabouts, and between the points on the said deposited plans indicating nine miles three furlongs six chains and nine miles four furlongs six chains, or thereabouts.

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by Act of  
1873.

19. And whereas part of the viaduct so proposed to be substituted for embankment as last aforesaid will be situate on lands belonging or reputed to belong to William Horwood, on which the Company have agreed to construct an accommodation bridge under the railway, and the construction of such bridge will be rendered unnecessary by the construction of the said viaduct: Therefore the Company shall afford to the said William Horwood, and to all other persons who would have been entitled to use such bridge, the like right to use the arch of the viaduct nearest to the point at which the said bridge was to have been constructed, and shall deviate the existing roadway for that purpose; and thereupon the Company shall be and are hereby released from all obligation to construct the said bridge.

Viaduct to  
be in sub-  
stitution for  
accommoda-  
tion bridge.

20. Subject to the provisions of this Act, the Company may, in the line and according to the levels shown on the deposited plans and sections relating thereto, make the following deviation or alteration of the road herein-after described, and may enter upon, take, and use such of the lands shown on the said plans and described in the deposited books of reference as may be necessary for that purpose; (that is to say,)

Power to  
deviate road  
in parish of  
Salperton.

They may deviate the road numbered on those parts of the deposited plans referred to in the Act of 1873 which relate to the Railway No. 4 described in and authorised by that Act 11, in the parish of Salperton, in the county of Gloucester, from a point on the said road four chains, or thereabouts, eastward of the point where the same road is shown on those deposited plans

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to be crossed by the said Railway No. 4 to a point on the same road nine chains, or thereabouts, westward of the said point of crossing; and they may make the roadway of the bridge by which the said road when deviated will be carried over the railway of such width between the fences as they think fit, not being less than fifteen feet; and they may stop up and discontinue as a public highway the portion of the said existing road between the points aforesaid; and when and as they become the owners of the lands on both sides thereof, they may appropriate the portion of road so stopped up to the purposes of their undertaking; provided that the said deviation shall be completed on or before the twenty-first day of July one thousand eight hundred and seventy-eight.

Power to deviate in construction of altered road.

**21.** The Company may, in constructing the altered portion of road lastly authorised by this Act, deviate the line thereof to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections.

Provision as to substitution thereof.

**22.** The altered portion of road to be made by the Company under the authority of this Act shall when made and completed for all purposes be substituted for and have the same incidents as the portion of road by this Act authorised to be stopped up.

Company may acquire additional lands for general purposes.

**23.** Subject to the provisions of this Act, and in addition to the other lands which they are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate, for the purposes of their undertaking and works connected therewith, all or any of the lands following, delineated on the deposited plans relating thereto and described in the deposited books of reference; (that is to say,)

Certain lands in the parish of Cheltenham and county of Gloucester lying between and adjoining the Railways Nos. 4 and 5 respectively described in and authorised by the Act of 1873, and the Hatherley Road.

Powers for compulsory purchases limited.

**24.** 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.

Power to grant easements by agreement.

**25.** Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit,

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subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. A.D. 1877.

**26.** Subject to the provisions of this Act, the Company may divert, stop up, and discontinue as highways such parts of the several roads and footpaths, or portions of roads and footpaths, herein-after described as may be necessary for the purposes of the Act of 1873, with respect to the construction of the under-mentioned railways described in and authorised by that Act; (that is to say,) Stopping up  
of roads and  
footpaths.

As regards Railway No. 1, they may—

Divert and alter the footpaths in the field numbered on the deposited plans referred to in the Act of 1873, 31, in the township of Adderbury West, so as to carry the same under the bridge by which the railway is carried over the stream forming the boundary between the townships of Adderbury West and Adderbury East on a wooden platform above the flood level, and fenced from the said stream by a wooden fence;

Divert the footpath in the field numbered on those plans 37, in the hamlet of Milton, in the parish of Adderbury;

Divert the public highway numbered on those plans 20, in the parish of Bloxham, so as to carry the same along and on the north side of the railway to and into the turnpike road leading from Bloxham to Chipping Norton;

Stop up the road and footpath in the field numbered on those plans 19, in the parish of Wigginton;

Stop up the road and footpath in the field numbered on those plans 20, in the said parish of Wigginton;

Stop up the footpath in the fields numbered on those plans 33 and 34, in the parish of Hook Norton.

All the foregoing fields on Railway No. 1 are in the county of Oxford.

As regards Railway No. 4, they may stop up the following footpaths; viz.,

The footpath in the field numbered on the said deposited plans 17, in the parish of Naunton;

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So much of the footpath in the field numbered on those plans 50, in the parish of Charlton Kings, as crosses and lies on the south side of the railway; and they shall on the north side of the railway make and set out a proper footpath along the line of the fence of the railway from the point at which the said footpath now crosses the railway to and into the Cirencester turnpike road;

They may carry the two footpaths in the field numbered on those plans 80, in the parish of Charlton Kings, over the railway by a single footbridge placed at the point at which the westernmost of those two footpaths crosses the railway, and may divert the other footpath to such crossing, and may stop up so much of that other footpath as will become unnecessary by reason of such diversion;

They may stop up the footpath in the field numbered on those plans 56, in the parish of Leckhampton.

As regards Railway No. 5,—

They may stop up the footpath in the field numbered on the said deposited plans 34, in the parish of Cheltenham.

All the foregoing fields on Railways Nos. 4 and 5 are in the county of Gloucester.

Extinguish-  
ment of  
rights of  
way.

**27.** All rights of way over or along the several roads, footpaths, or other highways, or portions thereof, which shall under the provisions of this Act be stopped up, and over any of the lands which shall under those provisions be purchased or acquired, shall be and the same are hereby extinguished.

Extension  
of time for  
completion  
of railways.

**28.** The period limited by the Act of 1873 for the construction and completion of the railways by that Act authorised, other than the portion of Railway No. 4 by this Act authorised to be abandoned, is hereby extended to the twenty-first day of July one thousand eight hundred and eighty-one, and section fifty-one of that Act shall be read and construed as if the period by this Act limited for the construction and completion of the said railways had been the period by that Act limited; but if the said railways shall not be completed within the extended period by this Act limited, then on the expiration of that extended period the powers by this Act granted for making and completing those railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing herein contained shall extend the period within which if this Act had not passed the Company would have been bound to complete any

accommodation works which they have agreed to make on the lands of Thomas Beale Browne. A.D. 1877.

**29.** In constructing the railway by the Act of 1873 authorised through the lands of or reputed to belong to William Chamberlin, in the townships of Adderbury East and Adderbury West, the Company shall make and maintain the following accommodation works; that is to say, For the protection of the property of William Chamberlin.

(a.) A culvert to carry off the drainage waters at or near a point in the field No. 31, in such first-mentioned township, on the deposited plans referred to in the Act of 1873, and situate 1 mile 2 furlongs, or thereabouts, from the commencement of the Railway No. 1 :

(b.) A drain connecting the existing culvert in a field No. 34, in the first-mentioned township, on the said plans, with the drain under the bridge in the same field :

(c.) Turf or sow with grass seed the embankment in the fields numbered respectively 1 and 2 on the said plans, in the township of Adderbury West :

And the Company shall complete all accommodation works on the said lands to the satisfaction of the surveyor for the time being of the said William Chamberlin on or before the 21st day of July 1878.

**30.** For the purposes of their undertaking as authorised by the Act of 1873 and this Act, the Company may from time to time create and issue debenture stock to the amount of four hundred thousand pounds, subject to the provisions of Part III. of the Companies Clauses Act, 1863 ; and such debenture stock shall be distinguished as 1877 Debenture Stock, and the same and the interest thereon shall rank after all mortgages and debenture stock, and the interest thereon respectively, granted or created, or to be granted or created, by the Company in pursuance of the powers of the Act of 1873. Power to raise further money by debenture stock.

**31.** All moneys raised under this Act shall be applied only to the purposes of the Company's undertaking as authorised by the Act of 1873 and this Act. Application of moneys.

**32.** And whereas by an agreement made the twenty-seventh day of June one thousand eight hundred and seventy-three, between the Company of the one part and the Great Western Railway Company of the other part, and scheduled to and confirmed by the Act of 1873, it was, amongst other things, agreed that the Great Provisions as to existing agreement between Company and

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Great West-  
ern Railway  
Company.

Western Railway Company might and would manage, maintain, repair, work, and use the railways of the Company by that Act authorised on the terms and conditions therein specified: Therefore the said agreement, so far as respects the working, maintenance, and management of the said railways, shall apply to the deviation railway and the new railway by this Act authorised as fully and effectually in all respects as it applied to the railways authorised by the Act of 1873, and as if the railways by this Act authorised had been authorised by that Act: Provided always, that unless otherwise agreed between the Company and the Great Western Railway Company, nothing in this Act shall affect the rights or liability of the Great Western Railway Company under the said agreement, or render that Company liable to pay out of the gross receipts any greater sum or sums in respect of interest from time to time payable on the debenture debt of the Company than they would have been liable to pay if this Act had not passed; but, subject as herein mentioned, the Great Western Railway Company shall, at the times provided by Article 23 of the said agreement, pay the proportion of the gross receipts payable to the Company, or so much thereof as may be sufficient to provide for the interest for the preceding half year on the debenture stock for the time being created and issued under this Act, to a separate account of the Company, to be called the "Banbury and Cheltenham Direct Railway 1877 Debenture Stock Account."

Interest not  
to be paid on  
calls paid up.

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

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

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

Railways not  
exempt from  
provisions of  
present and

**35.** Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of

[40 & 41 VICT.] *The Banbury and Cheltenham Direct* [Ch. cix.]  
*Railway Act, 1877.*

railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company. A.D. 1877.  
future general Acts.

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

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