

[51 & 52 Vict.] *Oxford and Aylesbury Tramroad* [Ch. clxxxv.]
Act, 1888.



CHAPTER clxxxv.

An Act to authorise the abandonment of the Railway authorised by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883 and the construction of a Tramroad instead thereof. A.D. 1888.
[7th August 1888.]

WHEREAS by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883 (hereinafter called "the Act of 1883") a company (hereinafter called "the Company") were incorporated by the name of the Oxford Aylesbury and Metropolitan Junction Railway Company and were empowered to make a railway commencing in the parish of Saint Clement Oxford and terminating in the parish of Quainton by a junction with the Aylesbury and Buckingham Railway: 46 & 47 Vict.
cap. ccx.

And whereas it has been found impracticable to obtain the capital required for the construction of that railway and the time limited by the Act of 1883 for the completion thereof is about to expire:

And whereas it is believed that a tramroad can be constructed at moderate expense between Oxford and the Wotton tramway in the parish of Brill which could be worked in substitution for the said railway by steam or mechanical power and would be of public and local convenience and it is expedient that provision should be made as in this Act contained for the abandonment of the railway authorised by the Act of 1883 and for the substitution of the tramroad hereinafter described in its place and that the powers of the Company to raise capital under the Act of 1883 should be reduced and their name changed and other provisions made with reference to the Company and their undertaking as in this Act set forth:

And whereas the Company have not created or issued any shares or stock and have not borrowed any money on mortgage or taken any steps towards the construction of the said railway:

And whereas plans and sections showing the line and level of the tramroad by this Act authorised such plans showing the lands

A.D. 1888. — to be taken compulsorily under the powers of this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerks of the peace for the counties of Oxford and Buckingham and are hereinafter referred to respectively as the deposited plans sections and books of reference :

And whereas the purposes aforesaid 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 (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Oxford and Aylesbury Tramroad Act 1888.

Incorporation of general Acts.

2. The following Acts and parts of Acts (that is to say) :—

The Companies Clauses Consolidation Act 1845 except the provisions thereof with regard to borrowing of money on mortgage ; Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway and with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon and also sections 49 to 54 inclusive relating to offences and section 56 (recovery of tolls penalties &c.) of the Tramways Act 1870 ;

So far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression " the tramroad " means the tramroad by this Act authorised ;

The expression " the undertaking " means the undertaking of the Company ;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated with this Act 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. A.D. 1888.

4. The Company may and shall abandon the making of the railway authorised by the Act of 1883 and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligation with respect to the making and maintaining of the said railway. Abandonment of railway.

5. The abandonment of the railway by the Company under the authority of this Act 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 probing or boring to ascertain the nature of the soil or setting out 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 1883. Compensation for damage to land by entry.

6. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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. Compensation for non-completion of purchase.

7. Subject to the provisions of this Act the Company may make and maintain with all proper stations sidings approaches works and conveniences connected therewith and in the line and according to the level shown on the deposited plans and sections a tramroad Power to make tramroad.

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(11 miles and 4·5 chains in length) commencing in the parish of Saint Clement in the city and county of Oxford and terminating by a junction with the Wotton tramway at the termination thereof in the parish of Brill in the county of Buckingham and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

The tramroad will be a single line except at the passing places where it will be a double line.

Limiting
quantity of
commonable
land to be
taken.

8. Notwithstanding anything shown on the deposited plans the Company shall not purchase or take more than a quarter of an acre of Peasmoor Piece in the parish of Marston in the county of Oxford and if Peasmoor Piece is intersected by the tramroad a crossing shall be provided between the intersected portions.

For pro-
tection of the
college of
St. Mary
Magdalen in
the Univer-
sity of
Oxford.

9. For the protection of the college of Saint Mary Magdalen in the University of Oxford and the president and scholars of the said college for the time being the Company shall notwithstanding anything to the contrary contained in this Act or anything shown on the deposited plans and sections be subject (except in so far as may be otherwise agreed between the said president and scholars and the Company) to the following conditions and stipulations:—

- (1) The Company shall not take compulsorily under the powers of this Act the property shown on the deposited plans and numbered 4 on the said plans and described in the deposited book of reference as shrubbery and footpath in the extra-parochial place of Kings Mill but may acquire the same only with the consent in writing of the said president and scholars of the said college;
- (2) The Company shall not without such consent as aforesaid use for station purposes any part of the properties numbered 1, 2, 3, 4, 5, 6 and 7 on the deposited plans in the said extra-parochial place taken or acquired by them under this Act but such properties so taken or acquired by them shall be used only for making and maintaining the line of the tramroad;
- (3) The Company shall construct the tramroad to the east of and at a distance of not less than thirty feet from any part of the present eastern boundary fence of the said property numbered 4 on the deposited plans in the said extra-parochial place known as Kings Mill and the tramroad shall in traversing the properties numbered 1, 2 and 3 on the deposited plans in the said extra-parochial place be constructed in a cutting so that the surface of the rails shall not be raised higher than forty feet above the datum line as indicated on the deposited sections

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and the Company shall erect and maintain a good iron wire fence on either side of the said cutting to the satisfaction of the surveyor for the time being of the said president and scholars of the said college; A.D. 1888.

(4) The Company shall not stop up the occupation road and footpath numbered 3 on the deposited plans in Kings Mill aforesaid and they shall construct and maintain at all times at each side of the tramroad where it crosses the said occupation road a good and sufficient gate across the said road of twelve feet in width between the posts and also a wicket gate for foot-passengers of three feet in width between the posts;

(5) The Company shall pay to the said president and scholars of the said college all reasonable costs to be incurred by them and their surveyor in or about carrying into effect the stipulations of this section.

10. The Company in constructing the tramroad may deviate from the lines and levels thereof shown on the deposited plans and sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11, 12, 14 and 15 of the Railways Clauses Consolidation Act 1845 and those sections shall apply to the tramroad as if the same were a railway within the meaning of that Act. Power to deviate.

11. The Company shall for the purposes of constructing the tramroad have the same powers as are given by section 16 of the Railways Clauses Consolidation Act 1845 in the case of a railway and that section shall apply to the tramroad as if the same were a railway within the meaning of that Act. Power to execute works.

12. The Company shall fence off the tramroad and the adjoining lands taken by them from the adjoining lands not taken by them and (subject to any agreement made with any owner lessee or occupier of such last mentioned lands) shall construct and maintain such gates passages and drains over under or by the side of the tramroad as shall be necessary for making good the interruption caused by the tramroad to the use or drainage of or access to lands through which the same will be made and shall construct proper watering-places for cattle in cases in which the cattle of any person occupying lands adjoining the tramroad are by the construction thereof deprived of access to watering-places and shall construct the necessary watercourses or drains for conveying water to such new watering-places and if any question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by two justices. As to accommodation works.

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As to cross-
ing public
roads &c.

13. With respect to the crossing on the level of the public roads respectively numbered on the deposited plans and in the deposited books of reference as follows namely :—

Number.	Parish.
42	Marston.
7	Stanton Saint John.
42	Do.
70	Do.
6	Beckley.
28	Boarstall.
40	Do.

the following provisions shall have effect (that is to say) :—

- (1) The Company shall erect and maintain at all times gates across the tramroad at each side of the said roads and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ proper persons to open and close such gates.
- (2) Such gates shall be kept constantly closed across the tramroad except during the time when engines carriages or trucks passing along the tramroad shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed to fence in the tramroad and prevent cattle or horses passing along the said respective roads from entering upon the tramroad.
- (3) The conductors of any engines carriages or trucks passing along the tramroad or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same and shall be liable to a penalty of not exceeding forty shillings for every default in so doing.
- (4) Before constructing the tramroad on the level across the road numbered 42 in the parish of Stanton Saint John the Company if required by the Board of Trade shall construct to the reasonable satisfaction of the authority having control over the said road a footbridge over the tramroad on one side of the said road where crossed on the level and such footbridge shall thereafter be open for public use and shall be maintained and kept in a proper state of repair by the Company.

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(5) The tramroad at the points of crossing shall consist of a single line of rails or not more than a double line of rails if a second line be approved by the Board of Trade. A.D. 1888.

14. Where the tramroad will cross the enclosure numbered on the deposited plans and in the deposited books of reference 13 in the parish of Brill the Company shall before fencing off the tramroad from the remaining portions of the said enclosure throw open between the track traversing the said enclosure and the road numbered 40 in the parish of Boarstall a piece of land on the north side of the tramroad of the clear width of twenty feet which shall be left open to public use for traffic between the said track and the said road and notwithstanding anything in the deposited plans and sections the Company may and shall fence off the tramroad from the remainder of the said enclosure on both sides. As to diversion of drove way in parish of Brill.

15. Instead of constructing the tramroad over the road numbered on the deposited plans and in the deposited books of reference 43 in the parish of Brill and on the level across the road numbered on the said plans and books of reference 73 in the same parish in the manner shown on the deposited plans and sections the Company shall either carry the tramroad over the said two roads at their junction by a bridge which shall have a clear span of not less than twenty feet and a clear headway throughout of not less than sixteen feet above the surface of the road or carry the said roads over the tramroad by a bridge which shall have a clear width between the parapets of not less than twenty feet and they may divert the said roads or the roads numbered 75 and 76 in the parish of Brill so far as may be necessary for the purposes aforesaid and to provide for their being carried either over or under the tramroad by a single bridge: Provided that the method of crossing the said roads shall be agreed between the Company and the authority having control over the said roads or in default of agreement shall be settled by an arbitrator appointed by the Board of Trade. As to certain road crossings in parish of Brill.

16. If at any time the Board of Trade are of opinion that by reason of the increase of traffic on the tramroad or any road crossed by the tramroad on the level any alteration of the level crossings or the mode of working the same is expedient the Company shall be subject to all such rules and regulations with regard to the mode of working such crossings as may from time to time be made by the Board of Trade and section 48 of the Railways Clauses Consolidation Act 1845 and section 7 of the Railways Clauses Act 1863 shall be incorporated with this Act and shall apply to the tramroad in the same manner as if it were a railway. Further powers to Board of Trade as to level crossings.

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Company
may use
carriages
adapted for
use on
railways and
carry passen-
gers goods
&c.

17. The Company may lay edge rails upon the tramroad upon the gauge of four feet eight and a half inches and may use thereon carriages or trucks adapted for use upon railways and subject to and in accordance with the provisions of this Act the Company may carry and convey passengers animals goods minerals and parcels on the tramroad.

Correction of
errors on
deposited
plans and
books of
reference.

18. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans of the tramroad or described in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply for the correction thereof to two justices and if it appears to such two justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described. The certificate of the justices shall be deposited with the clerk of the peace for the county in which the lands are situate to which it relates and a duplicate thereof with the parish clerk of the parish in which they are situate if there be a parish clerk of such parish and the certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the said plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Company may execute the works in accordance with the certificate.

As to rails of
tramroad.

19. The rails of the tramroad where laid in or across the carriage-way of a street or road shall be of such character and laid in such manner as the Board of Trade may approve.

Inspection
by Board of
Trade.

20. The tramroad shall not be opened for public traffic and no part of the Wotton tramway shall be used by the Company for public traffic until the same have respectively been inspected and certified to be fit for such traffic by the Board of Trade and the Board of Trade may on the application of the Company make such inspection and certificate accordingly.

Tramroad
always to be
kept on level
of surface of
roads.

21. If and whenever the level of any road in or across the carriage-way of which the rails of the tramroad are laid or authorised to be laid shall be altered the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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22. The carriages and trucks used on the tramroad may be moved by animal power and subject to the provisions of this Act by steam or mechanical power: Provided always that in the exercise of the powers by this Act conferred with respect to the use of steam or mechanical power the Company shall be subject to the regulations set forth in the first schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of those powers.

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Use of steam power to be subject to regulations of Board of Trade.

23. All orders and bye-laws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade.

Orders and bye-laws to be signed &c.

24.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until---

As to taking houses of labouring class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons

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Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

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Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment: A.D. 1888.

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

25. The Company may demand and take for passengers travelling upon the tramroad and in respect of any animals goods minerals parcels articles or things conveyed by them on the tramroad any tolls or charges not exceeding those which they are authorised to demand and take in respect of their railway under the Tolls and charges.

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Act of 1883 and the tolls and charges to be taken by the Company shall be paid at such times and places and to such persons upon or near to the tramroad and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

List of tolls to be exhibited.

26. A list of the tolls and charges by this Act authorised to be taken in respect of the tramroad for passengers and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon the tramroad.

Damages and charges in case of dispute to be settled by justices.

27. In all cases wherein damages or charges are by this Act directed or authorised to be paid and the manner of ascertaining the amount thereof is not specified or provided for such amount in case of non-payment thereof or any dispute respecting the same shall be ascertained and determined by two or more justices.

Recovery and application of penalties &c.

28. All offences under this Act and all penalties and forfeitures damages charges tolls and costs inflicted imposed or ordered to be paid or payable under or by virtue of this Act may be taken cognizance of or recovered under the provisions of the Summary Jurisdiction Acts.

Power to landowners &c. to make sidings to tramroad.

29. The owner of any adjacent lands or quarries in order to get access to the tramroad may on his own lands and upon any other lands with the consent of the owners lessees and occupiers thereof make such sidings as may be necessary or convenient for that purpose and may with the consent of the road authority having jurisdiction thereover cross over under or on the level of any public roads.

Agreements with private owners &c. as to junction and other matters.

30. The Company may from time to time enter into carry into effect vary and rescind contracts agreements and arrangements with the owner or owners lessee or lessees of any lands quarries or other works or any or either of such owners or lessees with respect to the following matters or any of them (that is to say):—

The point at which the mode in which and the terms and conditions upon which any junction or junctions of the tramroad with any tramroad of such owners or lessees or any of them shall be made;

The use management and maintenance of such junction or junctions.

Confirming agreement as to Wotton tramway.

31. The agreement between the owner of the Wotton Tramway and the Company bearing date the seventeenth day of July one thousand eight hundred and eighty-eight as set forth in the third

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schedule to this Act is hereby confirmed and shall have full force and effect and shall be carried into effect by the parties thereto accordingly and during the working of the said tramway by the Company as therein provided the said tramway shall be deemed for all purposes of this Act to form part of the tramroad: Provided that the said agreement so far as relates to the use and working of the said tramway shall not be of any force or effect until it shall have been approved by the Board of Trade.

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32. It shall be lawful for the Company to enter into and carry into effect any further agreement (not being inconsistent with the scheduled agreement) with the owner for the time being of the Wotton tramway and any other person interested therein or in the lands on which it is situate as to the use and working of the same or as to the purchase thereof by the Company or as to the execution of any works connected therewith: Provided that no such further agreement shall have any effect until it shall have been approved by the Board of Trade.

Agreements
as to Wotton
tramway.

Any such purchase may be carried into effect under the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands by agreement as if the said tramway and the works of and incidental thereto were included in the expression "lands."

33. The capital of the Company shall be eighty-five thousand pounds in eight thousand five hundred shares of ten pounds each.

Capital.

34. The sections of the Act of 1883 the numbers and marginal notes of which are set out in the second schedule to this Act are hereby repealed.

Amendment
of Act of
1883.

35. 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.

Time for
compulsory
purchase of
land.

36. 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 fourteen thousand nine hundred and thirty-six pounds three pounds per centum consolidated annuities being equal to five pounds per centum upon the amount of the estimate in respect of the railway authorised by the Act of 1883 remains deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for that Act: And whereas the said sum largely exceeds in value five pounds per centum upon the amount of the estimate in respect of the tramroad and two thousand seven hundred and forty-two pounds like annuities part of the said

Deposit fund
not to be
repaid except
so far as
tramroad is
opened.

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A.D. 1888. sum being equal in value to five pounds per centum on the amount of the said last-mentioned estimate is hereinafter referred to as "the tramroad deposit fund": Be it enacted that notwithstanding anything contained in the said Act the tramroad deposit fund 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 which person's survivors or survivor are or is in this Act referred to as "the depositors" unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramroad open the same for public traffic: Provided that if within such period as aforesaid the Company open any portion of the tramroad for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramroad opened as aforesaid and the portion of the tramroad deposit fund which bears to the whole of the tramroad deposit fund the same proportion as the length of the tramroad so opened bears to the entire length of the tramroad the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the tramroad deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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.

37. If the Company do not previously to the expiration of the period limited for the completion of the tramroad complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroad or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such

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portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the solicitor to 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 Court 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 paid or 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 deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore 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 depositors.

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38. If the tramroad is not completed within four 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 tramroad or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Period for completion of tramroad.

39. Subject to the provisions of section 41 of the Act of 1883 with respect to the compensation of landowners or other persons injured and to the protection of creditors the High Court of Justice may and shall at any time after the passing of this Act on application by the depositors mentioned in the 40th section of the Act of 1883 order that twelve thousand one hundred and ninety-four pounds being the residue of the annuities mentioned in that section after deducting the tramroad deposit fund shall be transferred or paid with the interest or dividends thereof to the depositors or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of annuities and any interest or dividends thereon shall be transferred or paid accordingly.

Providing for release of deposit.

40. All the powers which the Company possess under the Act of 1883 in relation to the railway thereby authorised may be exercised by the Company in relation to the tramroad and all the powers of the Company under the Act of 1883 and all the provisions of the Act of 1883 save and except as expressly repealed or amended by this Act shall continue in full force and effect.

Powers of Company under Act of 1883.

41. The tramroad shall for the purposes of the conveyance of Her Majesty's mails and generally in relation to the rights and

Conveyance of mails on tramroad.

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A.D. 1888. powers of Her Majesty's Postmaster-General be deemed to be a railway and the enactments relating to the conveyance of mails by railway and to the rights and powers conferred upon the Postmaster-General in relation to telegraphs shall apply to the tramroad and to the Company as if the tramroad were a railway and the Company were a railway company.

The expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

Provision for
protection of
the Post-
master
General.

42. In the event of the tramroad of the Company being worked by electricity the following provisions shall have effect:—

(1) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramroad by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(2) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;

(3) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not

31 & 32 Vict.
c. 119.

[51 & 52 Vict.] *Oxford and Aylesbury Tramroad* [Ch. clxxxv.]
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exceeding fifty pounds for every day on which such interruption continues; A.D. 1888.

(4) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

(5) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

(6.) For the purposes of this section and subject as therein provided sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted. 41 & 42 Vict.
c. 76.

43. The provisions of the Railway and Canal Traffic Act 1854 and of the Regulation of Railways Acts 1873 and 1874 shall apply to the Company as if they were a railway or canal company and to the tramroad authorised by this Act as if that tramroad were a railway or canal. Application
of certain
general
Acts.

44. Subject to the provisions of Part IV. of the Companies Clauses Act 1863 with respect to change of name the name of the Company shall be the Oxford and Aylesbury Tramroad Company and their undertaking shall be called the Oxford and Aylesbury Tramroad. Change of
name.

45. No interest or dividend shall be paid out of any share capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always that 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. Interest not
to be paid on
calls paid up.

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

46. 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 tramroad or to execute any other works or undertaking.

Provision as
to Acts
relating to
tramroads.

47. Nothing herein contained shall be deemed or construed to exempt the tramroad from the provisions of any general Act relating to such tramroads 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 tolls or charges authorised by this Act.

Costs of Act.

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

The FIRST SCHEDULE referred to in the foregoing Act. A.D. 1888.

BREAK POWER OF ENGINES.

Every engine used on the tramroad shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled thereby to a stand as the Board of Trade may from time to time think sufficient.

AS TO FITTINGS OF ENGINES.

Every engine used on the tramroad shall have its number shown in some conspicuous part thereof and shall be fitted—

With suitable fenders to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a place for the driver of such engine from which he may command the fullest possible view of the road before him.

AS TO CARRIAGES.

Every carriage used on the tramroad shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

AS TO SPEED.

The speed at which engines trucks and carriages may be driven or propelled along any portion of the tramroad which shall cross any street or road on the level shall not exceed the rate of eight miles an hour.

THE SECOND SCHEDULE.

Sections of Act of 1883 repealed.

Number.	Marginal Note.
14	Capital.
26	Power to borrow.
27	For appointment of a receiver.
28	Debenture stock.

A.D. 1888.

The THIRD SCHEDULE referred to in the foregoing Act.

ARTICLES of AGREEMENT made the seventeenth day of July one thousand eight hundred and eighty-eight between the MOST NOBLE RICHARD PLANTAGENET CAMPBELL DUKE OF BUCKINGHAM AND CHANDOS (herein-after called "the owner" in which term shall be included the heirs executors administrators successors sequels in right and assigns of such owner) of the one part and the OXFORD AYLESBURY AND METROPOLITAN JUNCTION RAILWAY COMPANY (herein-after called "the Company" in which term shall be included the successors or assigns of such Company) of the other part.

WHEREAS the tramway called Wotton Tramway is six and a half miles in length or thereabouts and is provided with stations sidings works and conveniences and is situate wholly in the county of Buckingham commencing in the parish of Quainton by a junction with the Aylesbury and Buckingham Railway near the Aylesbury station of that railway passing through the parishes of Waddesden Wotton Underwood and Ashendon and terminating in the parish of Brill and is shown on the plan annexed hereto and is thereon coloured partly blue partly red partly green and partly yellow :

And whereas the Company were incorporated by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883 and authorised to make the railway therein described commencing in the city of Oxford to a point and terminating in the said parish of Quainton by a junction with the Aylesbury and Buckingham Railway :

And whereas the Company are promoting a Bill in the present session of Parliament entitled " A Bill to authorise the abandonment of the railway authorised by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883 " and the construction of a tramroad instead thereof " by which Bill it is proposed to be enacted that the Company may make and maintain with all proper stations sidings approaches works and conveniences connected therewith and in the line and according to the levels shown on the deposited plans and sections a tramroad eleven miles and forty-five chains in length commencing in the parish of St. Clement in the city and county of Oxford and terminating by a junction with the said Wotton Tramway at the termination thereof in the said parish of Brill And by the said Bill it is proposed to be enacted that it shall be lawful for the Company to enter into and carry into effect any agreement with the owner for the time being of the Wotton Tramway as to the use or working of the same or as to the purchase thereof by the Company or as to the execution of any works connected therewith Provided that in the event of any such agreement the said tramway shall be deemed for all purposes of that Act to form part of the tramroad therein described :

And whereas the owner and the Company have agreed to enter into the stipulations hereinafter contained as to the user working and leasing of the Wotton Tramway :

Now therefore it is hereby agreed between the owner and the Company as follows :— A.D. 1888.

1. The Company shall use and work such parts of the said Wotton Tramway as on the said plan are coloured red green and yellow for and during a term of ninety-nine years commencing on the date of the taking over of the said Wotton Tramway by the Company and so much of the said tramway as on the said plan is coloured blue for and during a term to commence at the day last aforesaid and to expire at Michaelmas one thousand eight hundred and ninety-nine yet so that the owner and his tenants shall have a right to use all crossings drains and watercourses easements and quasi-easements over or under the said tramway now used by him or his tenants in as full and ample a manner as the same have been hitherto used by them or as may be desirable for the convenient use of the adjoining lands of the owner and also the further right to use such new and additional crossings drains watercourses and other accommodation works to be made by and at the expense of the Company upon the request in writing of the owner (and which the Company hereby agree to make accordingly) as shall be necessary for the convenient enjoyment of any adjoining or neighbouring lands all questions as to the new or additional crossings drains and watercourses and other works or the user thereof or the necessity therefor to be settled in case of dispute by arbitration.

2. The Company shall pay to the owner for the use of such parts of the said tramway as are respectively coloured blue red green and yellow on the said plan the annual sums of thirty-nine pounds two pounds fifty-five pounds and two hundred and four pounds respectively the said annual sums to be paid by equal half-yearly instalments on the twenty-fifth day of March and the twenty-ninth day of September during the respective terms before mentioned clear of all taxes charges rates assessments dues and impositions and outgoings whatsoever.

3. The Company shall pay and discharge all taxes charges rates assessments impositions and outgoings whatsoever charged upon or affecting or payable in respect of the occupation of the Wotton Tramway or any part of it and shall save harmless and keep indemnified the owner therefrom.

4. The Company shall within twelve calendar months after the requisite capital shall have been raised under the said Act relay the whole of the main line of the Wotton Tramway from its point of junction with the Aylesbury and Buckingham Railway at Quanton Road station to its termination in the parish of Brill with steel rails of not less weight than fifty-five pounds per lineal yard laid on cross sleepers not less than nine feet long nine inches wide four and a half inches thick and securely fastened thereto and at all times after the same shall have been so relaid keep the same in repair.

5. The Company shall also within the period last aforesaid reballast the said Wotton Tramway throughout and shall fence it where required and protect all level crossings with suitable gates and do all other work necessary to meet the requirements of the Board of Trade.

6. In the event of the Board of Trade or the Company requiring additional width of land to be provided at any point or points on the said tramway or at the stations or sidings thereof or for the purpose of increasing the radius of any curves the owner so far as he lawfully can or may shall allow the Company at any time within four years from the date hereof to enclose within their fences as much land adjoining the tramway as may be necessary for such purpose without

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any further payment in respect of purchase money compensation or otherwise but so nevertheless that the lands to be enclosed under this power shall not in the whole exceed two acres.

7. The owner shall at the expense in all respects of the Company endeavour to arrange with the trustees of the Quanton Almshouses either for an extended lease of that portion of the site of the Wotton Tramway which is coloured blue on the said plan or for the exchange of that portion for other land belonging to the owner in such manner that the owner may be enabled to grant to the Company the use of the portion coloured blue of the Wotton Tramway for a term co-extensive with the term to be granted of the other portion of the tramway hereby agreed to be leased.

8. The Company hereby accepts the title of the owner to the property hereby agreed to be leased but the owner shall at all times hereafter at the request and expense of the Company produce all deeds documents and writings in his power and possession which may be necessary for the purpose of defending the title of the Company to any property hereby agreed to be leased.

9. The Company shall indemnify and keep harmless the owner from and against all actions suits claims and demands whatsoever in respect of any act matter or thing relating to or arising out of the carriage of passengers and goods upon or over the Wotton Tramway or the working of the traffic thereon after the actual taking over using and working of the said tramway by the Company.

10. The Company shall during the said term but as to the works to be done pursuant to the fourth and fifth clauses hereinbefore contained after the same shall have been done at their own cost well and sufficiently repair and maintain the said Wotton Tramway and the stations sidings works and conveniences connected therewith in good working order and condition and shall at the expiration or sooner determination of the said term peaceably surrender and yield up the same to the owner in such good working order and condition and repair as aforesaid.

11. If the said yearly sums of thirty-nine pounds two pounds and fifty-five pounds or any of them or any part thereof respectively shall be in arrear for the space of forty days after any of the days whereon the same ought to have been paid as aforesaid whether the same shall or shall not have been demanded in writing or if there shall be any breach of any of the agreements hereinbefore contained and on the part of the Company to be observed and performed so far as relates to the parts of the tramway coloured blue red and green on the said plan then and in any of the said cases it shall be lawful for the owner at any time thereafter to apply to the High Court of Justice for the appointment of a receiver or receiver and manager of the said tramway in the same manner as if he were an unpaid mortgagee or an unpaid debenture-holder in a railway company incorporated by a special Act of Parliament.

12. The Company shall insure all stations and other buildings for the time being used by them under this agreement in the joint names of the owner and the Company in some or one of the public offices of insurance in London or Westminster from loss or damage by fire to the amount of three-fourths at least of the value thereof and shall lay out the money to be received from any such insurance in substantially repairing rebuilding and reinstating such stations and buildings as shall have been destroyed or damaged by fire And the Company

will at all times when required so to do produce to the owner or his agent the policy or policies of insurance and the receipts for the premiums thereon And it shall be lawful for the owner or his surveyor or agent at all reasonable times to enter upon the premises used or worked under this agreement and inspect the condition thereof.

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13. If the yearly sum of two hundred and four pounds shall be in arrear and unpaid for forty days after the same shall have become due and payable whether the same shall or shall not have been demanded in writing or if so far as relates to the part of the tramway coloured yellow on the said plan there shall be a breach of any of the covenants provisions and conditions herein contained and on the part of the Company to be observed and performed or if the works agreed to be done by the said fourth and fifth clauses hereinbefore contained shall not as and within the time specified in such conditions be executed then and in every such case this agreement as to such part of the said tramway but no further and subject and without prejudice to any right of action which shall have actually accrued shall be void.

14. Within one calendar month after the works agreed to be done by the fourth and fifth clauses shall have been done separate leases of the lands coloured respectively blue red green and yellow on the said plan shall be granted by the owner to the Company to the full extent of his estate and interest in the same lands or any powers exerciseable by him over the same but not further or otherwise and shall contain all such provisions covenants and stipulations as may be necessary for the purpose of giving full effect to this agreement and the provisions herein contained and the Company shall at their expense thereupon accept the same and execute counterparts thereof and pay the reasonable costs of preparing the same Such leases shall be prepared by the solicitor of the owner at the expense of the Company.

15. No part of the substrata of the tramway or of the buildings occupied in connexion therewith shall be included in such leases which shall include only the surface and subject as hereinafter provided the necessary right of support.

16. There shall be reserved in the leases to the owner the fullest powers of working the mines and minerals under the tramway by underground workings only paying compensation for all damage to be done in the exercise of such powers to the tramway and right of support and other premises comprised in the said leases and a provision that the exercise of such powers shall not in any case except when there is reasonable apprehension of danger be restrained by injunction but that the remedy of the Company shall be in damages only.

17. The lease so to be granted of the portion of the tramway coloured yellow on the said plan shall in addition to the provisions hereinbefore stipulated for contain all such clauses as are prescribed in that behalf in a private Act of Parliament passed in the year one thousand eight hundred and fifty relating to the Duke of Buckingham's estate.

18. This agreement is subject to such alterations as Parliament may think fit to make therein Provided that if the Committee on the said Bill make any material alteration therein it shall be competent to either party to the agreement to withdraw it.

19. In case the necessary capital of the Company shall not have been raised and the said Wotton Tramway taken over by the Company as aforesaid

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A.D. 1888. — within a period of four years from the passing of the said Bill now pending in Parliament this agreement shall at the expiration of such period become null and void without claim by the owner or the Company against the other of them in respect thereof.

20. All costs charges and expenses of and incidental to the preparation engraving stamping and execution of this agreement and of the leases and counterparts herein referred to and of all fees of surveyors and all other incidental expenses in any way connected with these presents or anything to be done thereunder shall be paid by the Company.

In witness whereof the owner has hereunto set his hand and seal and the Company have caused their common seal to be affixed the day and year first above written.

BUCKINGHAM AND CHANDOS.

L.S.

Signed and sealed by the Most Noble Richard Plantagenet
Campbell Duke of Buckingham and Chandos in the
presence of

WILLIAM M. STURGES
Clerk to Messrs. Currie Williams and Williams
32 Lincoln's Inn Fields.

The seal of the Oxford Aylesbury and
Metropolitan Junction Railway
Company was hereunto affixed in
the presence of

ROBERT FOWLER
Attorney for H. A. Herbert Esq.
a Director.

Seal of the
Oxford Aylesbury
and Metropolitan
Junction Railway
Company.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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