



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. ccix.*

An Act for enabling the *Oxford, Worcester, and Wolverhampton* Railway Company to construct a Branch Line of Railway to the Town of *Chipping Norton* in the County of *Oxford*, and for regulating the Working and Use of the same by such Company. [31st July 1854.]

**W**HEREAS by the Act intituled "*The Oxford, Worcester, and Wolverhampton Railway Act, 1845,*" the *Oxford, Worcester, and Wolverhampton* Railway Company were incorporated, and under and by virtue of such Act and the other Acts relating to the Railway the said Company have nearly constructed their Main Line of Railway, and opened nearly the whole of the same for public Traffic: And whereas the making a Railway from the *Oxford, Worcester, and Wolverhampton* Railway to the Town of *Chipping Norton* in the County of *Oxford* will be of local and public Advantage: And whereas a Subscription hath been entered into to enable the said Company to construct the said Branch Railway, and they are willing so to do, and the said Branch may be advantageously worked by such Company in connexion with their Main Line: And whereas it is expedient that the said Company should be enabled to construct the said Branch Railway, and that some of the Powers and Provisions of the Acts relating to the Company be altered and amended, but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it

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enacted

*The Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854.*

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,)

Recited Acts not to be altered except as expressly enacted.

I. That, except as by this Act expressly enacted, nothing in this Act contained shall extend to alter or repeal the Acts relating to the *Oxford, Worcester, and Wolverhampton Railway* or any of them.

Interpretation of Terms.

II. That in this Act whenever the Words "the Company" are used, the same shall be held to mean "The *Oxford, Worcester, and Wolverhampton Railway Company*," and the Expression "the Branch Railway" shall be held to mean the Branch Railway by this Act authorized to be made.

Short Title.

III. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854.*"

Power to make Railway, &c.

IV. That it shall be lawful for the Company to make and maintain the following Branch Railway herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,)

A Branch Railway from and out of the *Oxford, Worcester, and Wolverhampton Railway*, at or near the Point in the Parish of *Churchill* in the County of *Oxford* where the said Main Line is crossed by the public Carriage Road leading from the Village of *Churchill* in the said County of *Oxford* to the Village of *Bledington*, and terminating on the *Great Common* in the Parish of *Chipping Norton* in the County of *Oxford* at or near the Turnpike Road leading from *Chipping Norton* aforesaid to *Moreton-in-the-Marsh*.

Powers to make Works according to deposited Plans.

V. And whereas Plans and Sections of the Branch Railway hereby authorized to be made, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in, upon, or through which the same Works are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Oxford*: Be it enacted, That, subject to the Provisions in this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, and to the Powers of Deviation in such last-mentioned Act, it shall be lawful for the Company to make and maintain the said Branch Railway and other Works delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the Lands described upon the said Plans and in the said Books of Reference as may be necessary for such Purposes.

VI. That

*The Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854.*

VI. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

8 & 9 Vict.  
cc. 18 & 20.  
incorporated.

VII. That the Branch Railway by this Act authorized to be made and constructed shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act or by the Acts incorporated herewith granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Period for  
Completion  
of Works.

VIII. That in case the Branch Railway by this Act authorized shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Branch Railway shall have been completed and opened for public Traffic.

If Railway  
not completed,  
&c. within a  
limited  
Period,  
Payment of  
Dividends to  
be suspended.

IX. That the Company may lawfully demand and receive in respect of the Branch Railway hereby authorized to be made, for or in respect of all Passengers, Articles, Matters, and Things conveyed upon the same or any Part thereof, and in respect of all Beasts, Cattle, and Animals conveyed in Carriages and for Carriages conveyed upon the same or any Part thereof, and for or in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railway or any Part thereof, in Waggons or Carriages belonging to the Company, of any Passengers or any Cattle or other Animals, Goods, Wares, Merchandise, Articles, Matters, and Things, such Amount of Rates, Tolls, or other Charges, not exceeding the maximum Tolls which the Company are authorized to demand and receive upon their Main Line of Railway; and for the better ascertaining the Tolls to be charged upon the Branch Railway, the same shall for such Purpose be deemed Part of the Main Line of Railway.

Company to  
take the same  
Tolls as on  
the Main  
Line.

X. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," and this Act, with respect to the crossing Roads on the Level, it shall be lawful for the Company to cross the following Roads on the Level; (that is to say,)

Certain  
Roads may  
be crossed on  
the Level.

The Roads numbered 5, 17, 22, in the Parish of *Churchill* in the County of *Oxford*.

XI. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall

Company to  
erect Station  
or Lodge  
where Roads  
crossed on  
the Level.

shall

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shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge instead of level Crossing.

XII. Provided always, That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time either before or after the Works hereby authorized to be made, or any of them, shall be completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Railway may be constructed on Broad Gauge if Company think fit.

XIII. That, notwithstanding anything contained in the Act for regulating the Gauge of Railways, it shall be lawful for the Company, if they think fit, with the Consent of the Board of Trade, to construct the said Branch Railway on the Broad Gauge.

Power to raise Capital by Creation of new Shares.

XIV. And whereas the estimated Expense of the Branch Railway is Twenty-four thousand Pounds: And whereas a Subscription hath been entered into, and Shares representing such Sum hath been taken by the Subscribers: Be it therefore enacted, That the Company may raise for the Purposes of this Act, by the Creation of Two thousand four hundred new Shares of Ten Pounds each, a Capital of Twenty-four thousand Pounds,

Shares to be called Chipping Norton Branch Shares.

XV. That the Shares in that Capital shall be called *Chipping Norton Branch Shares*, and all Persons who have already subscribed or shall hereafter subscribe towards that Capital shall be Proprietors of such a Number of those Shares as represents the Sum so subscribed by them respectively.

Registration of Shares.

XVI. That such Shares shall be numbered in arithmetical Progression, beginning with Number One, and shall, subject to the Provisions of this Act, be deemed Part of the Capital Stock of the Company, and such Shares shall be registered accordingly.

Shares not to confer other Rights than hereby granted.

XVII. That those Shares shall not confer on the Holders thereof any other Rights or Privileges than such as are expressly conferred by this Act.

XVIII. That

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XVIII. That the Holders of existing Shares in the Company shall not in respect of such Shares have, except as by this Act expressly provided, any Right or Privilege in or with respect to the Undertaking by this Act authorized.

Existing Shares not to give Rights as to Undertaking.

XIX. That the Shares shall qualify the Holders thereof to attend and vote at Meetings of the Company upon Questions only relating to the Undertaking by this Act authorized.

Qualification for voting.

XX. That the greatest Amount of any One Call on the Branch Shares shall be Four Pounds, and the Interval between successive Calls shall be Three Months at least, and not more than Four Fifths of a Share shall be called up in any One Year.

Calls.

XXI. That after the whole of the Capital by this Act authorized is subscribed for, and One Half thereof is paid up, the Company may borrow on Mortgage of the future Calls, if any, under this Act, on the Shareholders and the Undertaking by this Act authorized, and the Tolls and Sums of Money arising by virtue of this Act, and payable to the Shareholders by this Act authorized to be created, any Sums not exceeding in the whole Eight thousand Pounds.

Power to borrow on Mortgage.

XXII. That all Moneys raised under this Act by Shares or by borrowing shall be applicable only for the Purposes of this Act, and shall be applied; first, in paying the Costs, Charges, and Expenses of and incident to the applying for and obtaining this Act, and then in constructing the Branch Railway and Works by this Act authorized, and in otherwise carrying this Act into execution, and to or for no other Purpose whatsoever.

Application of Monies raised.

XXIII. That all the Profits of the Undertaking by this Act authorized applicable for Dividends shall be divided and paid to and among the Shareholders of the Capital by this Act authorized.

Application of Profits.

XXIV. That the Company shall work, use, and maintain the Branch Railway and Works by this Act authorized to be made, and, subject to the Payments by this Act directed to be made for and in respect of the Capital by this Act authorized to be raised, the Tolls and Charges received upon or for the Use of the Branch Railway shall be carried to the General Funds of the Company.

Company to maintain and work Branch.

XXV. That the Company shall keep separate Accounts of all Sums of Money received from or on account of the Tolls, Fares, or Charges taken by the Company in respect of the Traffic upon and over such Branch Railway or any Part thereof; and the Company shall also keep, for the first Three Years after the opening of the Branch Railway, separate Accounts of Receipts upon their Main Line of Railway from Passengers, Goods, Animals, and Minerals passing thereon to and from the Branch Railway, and One Half of the gross Receipts

Accounts to be kept.

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from Traffic passing upon or over the Branch Railway or any Part thereof, and received by the Company in respect thereof, and One Third Part of such Portion of the said Receipts upon the Main Line of the *Oxford, Worcester, and Wolverhampton* Railway as shall be determined in manner herein-after mentioned to have been earned solely in consequence of the Construction of such Branch Railway, shall be deemed and taken to be the Profits of the Undertaking by this Act authorized, and, subject to the Mortgages thereon, shall be divisible amongst the Shareholders accordingly.

For determining Amount of Receipts earned in consequence of Construction of Branch Railway.

XXVI. That the Proportion of the said Receipts for each of the first Three Years upon the Main Line, which shall have been earned solely in consequence of the Construction of the Branch Railway, shall be ascertained and determined within Three Months after the closing of the Accounts of each Year by the Traffic Manager for the Time being of the *Great Northern* Railway, or in case of his Refusal to act or becoming incapable of acting, then by some Person to be named by the President for the Time being of the Institute of Civil Engineers, and the Company shall furnish to such Traffic Manager or other Person all such Accounts and all such Information as he shall require, and the Sum which he shall so ascertain and determine shall be certified under his Hand, and shall be deemed and taken to be the Portion of the Receipts earned in each Year solely in consequence of the Construction of the Branch Railway, and the Third Part of the Sums so certified as aforesaid as the Portion of the Receipts earned during the said Three Years solely in consequence of the Construction of the Branch Railway shall thenceforth be deemed and taken to be the Receipts earned annually solely in consequence of the Construction of the said Branch; and all the Expenses and Charges of the said Traffic Manager or other Person, and of and attending the Inquiry, shall be borne and paid out of the Funds divisible upon the *Chipping Norton* Branch Shares.

Disputes to be settled by Arbitration.

XXVII. That the Accounts of the Company with respect to the said Branch Railway shall be made up to the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, and if Shareholders holding not less than Five thousand Pounds in the Capital by this Act authorized to be raised shall be dissatisfied with the Balance Sheet of the Directors with respect to such Branch Railway, and shall within Fourteen Days after the Issue of such Balance Sheet by the Directors of the Company signify their Desire in Writing delivered to the Secretary of the Company that the Amount to be paid to the Branch Shareholders be ascertained by Arbitration, then such Amount shall be ascertained by Arbitration in manner prescribed by "The Railways Clauses Consolidation Act, 1845:" Provided always, that no such Arbitration shall be at a less Interval than One Year from the preceding Arbitration, and the Arbitrator shall not have Power to enter into any Accounts except the Accounts for the Year immediately preceding his Appointment.

XXVIII. That

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XXVIII. That the Company shall not be liable to any Execution or other Remedy, or to any Damages, Costs, Losses, Charges, Expenses, Claims, or Demands with respect to any Action, Suit, Indictment, or other Proceeding which may arise relating to the construction of the Branch Railway; but the Branch Railway and Works by this Act authorized, and the Capital and Moneys by this Act authorized to be raised, and the Money to be payable under the Provisions of this Act to the Shareholders in such Capital, shall be exclusively liable to such Executions and other Remedies, and to satisfy such Costs, Losses, Charges, Expenses, Claims, and Demands; and the Undertaking by this Act authorized shall not be subject to or charged with the Debts, Liabilities, or Expenses of the Company in respect of the other Portions of their Undertaking.

Main Line and Branch to be respectively chargeable only with its own Liabilities.

XXIX. That in case the Company shall be desirous, within Five Years after the opening of the Branch Railway, to pay off the *Chipping Norton* Branch Shares out of their General Capital, and shall be authorized so to do, the Holders of such Branch Shares shall and they are hereby required to transfer the same to the Company upon receiving the Sum paid up upon such Shares, together with Interest at the Rate of Five Pounds *per Centum per Annum* upon the Amount so paid from the Time of the Opening of such Branch Railway, deducting from such Interest so to be allowed as aforesaid all Sums which shall have been payable to the Shareholders during the said Period over and above the Sums paid as Interest on the Mortgages on the Branch Railway.

Provision as to paying off Chipping Norton Branch Shares.

XXX. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

XXXI. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

XXXII. And

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*The Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854.*

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Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways and Branch Railways from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Branch Railways, so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future General Acts.

XXXIII. That nothing herein contained shall be deemed or construed to exempt the said Railways by this or the said recited Acts authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts, or of Rates for small Parcels.

Expenses of Act.

XXXIV. That all Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or incident thereto, shall be paid by the Company out of the Money by this Act authorized to be raised for the Purposes of the Branch Railway.

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