



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. cc.*

An Act for making a Railway from the *Great Western Railway*, near *Harbury*, to the *London and North-western Railway*, near *Birdingbury*, in the County of *Warwick*. [14th July 1864.]

**W**HEREAS the making of a Railway from the *Great Western Railway*, near *Harbury*, to the *London and North-western Railway*, near *Birdingbury*, in the County of *Warwick* will be of public and local Advantage: And whereas a Plan and Section of the said Railway, showing the Lines and Levels thereof, with a Book of Reference to the Plan containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands through which the said Railway will pass, have been deposited with the Clerk of the Peace for the County of *Warwick*: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry the said Undertaking into execution: And whereas it is expedient that the Company hereby incorporated and the *Great Western Railway Company* should be empowered to enter into such Arrangements as are herein-after mentioned with respect to the Railway authorized to be constructed: And whereas the Objects aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty

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that

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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,)

8 & 9 Vict.  
cc. 16. 18. &  
20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. & 118.  
incorporated.

1. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Act, 1863," (save so far as any of the Sections and Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with and form Part of this Act.

Short Title.

2. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*The Southam Railway Act, 1864.*"

Interpretation of Terms.

3. Where in this Act the Words "the Company" occur, the same means the Company incorporated by this Act, and where the Word "Undertaking" occurs, the same includes the Railways, Stations, Works, and Conveniences connected therewith by this Act authorized to be made.

Same Meanings to Words in this Act as in incorporated Acts.

4. The several Words and Expressions to which by the Acts incorporated herewith Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or the incorporated Acts, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Subscribers incorporated.

5. *Robert Poole, William John Addison, and William Oldham,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Undertaking hereby authorized, and such Company shall be incorporated by the Name of "*The Southam Railway Company,*" and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking within the Restrictions herein and in the incorporated Acts contained.

6. The



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6. The Capital of the Company shall be Seventy thousand Pounds, and shall be divided into Seven thousand Shares of Ten Pounds each; and Twenty Pounds *per Centum* shall be paid on account of each separate Share on the Issue thereof, and before any Share shall vest in the Taker of the same. Capital.

7. Two Pounds *per Share* shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share. Calls.

8. The Company may borrow for the Purposes of constructing the Railway hereby authorized on Mortgage any Sums not exceeding in the whole the Sum of Twenty-three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Seventy thousand Pounds shall have been subscribed for *bonâ fide*, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and that all the Shares are issued, and that Twenty Pounds *per Centum* has been paid on account of each separate Share on or before the Issue and Acceptance thereof, and that each Share is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable. Power to borrow on Mortgage.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, due on such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Interest or Principal Monies then due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Two thousand Pounds in the whole. Arrears may be enforced by the Appointment of a Receiver.

10. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act. Application of Capital.

11. The Company shall not, 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, pay Interest or Dividend to any Shareholders on the Amount of Calls made in respect of the Shares held Interest not to be paid on Calls paid up.

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held by them in the Capital of the Company: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

**12.** It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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.

First and other Meetings.

**13.** The First Ordinary Meeting of the Company shall be held within Six Calendar Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *April* and *October* in every Year.

Number and Qualification of Directors.

**14.** The Number of Directors shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Undertaking.

Power to increase the Number of Directors.

**15.** It shall be lawful for the Company from Time to Time to increase the Number of Directors, provided that the Number be not more than Five.

First Directors to continue in Office until First Meeting after passing of Act.

**16.** The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

**17.** *Robert*



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17. *Robert Poole, William John Addison, and William Oldham* shall be the First Directors of the Company. First Directors.

18. The Quorum of a Meeting of Directors shall be Two whilst the Number of Directors is Three, and Three when the Number of the Directors shall be more than Three. Quorum.

19. The Quorum of any Committee of Directors shall be Two. Quorum of Committees.

20. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the County of *Warwick*. Newspaper for Advertisements.

21. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company from Time to Time may make the several Works by this Act authorized in the Lines and according to the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands delineated on those Plans and described in the deposited Books of Reference. Power to make Works authorized by Act.

22. The several Works by this Act authorized comprise the following Railways and Works, with all proper Stations, Sidings, Bridges, Roads, Approaches, or Communications, and other incidental Works and Conveniences; (that is to say,) Works authorized.

1. A Railway commencing in the Parish of *Bishops Itchington* in the County of *Warwick* by a Junction with the *Great Western* Railway, at or near the Mile Post thereon, denoting Ninety-eight and a Quarter Miles from *London*, and terminating in the Parish of *Southam* in the County of *Warwick* in a Field adjoining the *Finford Bridge and Banbury* Turnpike Road, known as *Far Moor Meadow*, belonging to *John Smith* in the Occupation of *James Whitehead*:

2. A Railway commencing by a Junction with the before-mentioned intended Railway at the before-described Termination thereof in the said Parish of *Southam*, and terminating by a Junction with the *London and North-western* Railway in the Parish of *Birdingbury* in the County of *Warwick* at a Point about Thirty Chains North-east of the Bridge carrying that Railway over the public Highway leading from *Marton* to *Birdingbury*.

23. The Railway may, as the Company think fit, be made and maintained with Rails of the Broad Gauge or of the Narrow Gauge, or of both Gauges. Gauge of Railway.

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Company to construct Station at Birdingbury.

24. The Company shall construct and open simultaneously with the opening of the Railway for Traffic and for ever maintain a convenient Passenger and Goods Station, with Approaches thereto, at the Road leading from *Moreton* to *Birdingbury*, or as near thereto as practicable, and shall efficiently work the said Station.

Not to injure the Warwick and Napton Canal.

25. Subject to the Provisions in this and the incorporated Acts contained, the Company are by this Act authorized to construct the Railway over the Canal and Towing-path belonging to the Company of Proprietors of the *Warwick and Napton* Canal Navigation, who are herein-after denominated "The Canal Company;" but nothing in this Act contained shall empower the Company to alter the Line or Level of the Canal or Towing-path, or to take away any Water from the Canal, or to divert any Brooks, Streams, Feeders, or Watercourses which now are or heretofore have been used for its Supply, or to injure any of the Works belonging thereto, or in any other respect to prejudice or interfere with the Property, Rights, or Interests of the Canal Company.

To erect a Bridge over the Canal.

26. For the Purpose of carrying the Railway over the Canal the Company, at their own Expense, shall and they are hereby required to make and for ever maintain and keep in thorough Repair a good and substantial Bridge, the Span of which between the Abutments shall be at least Thirty Feet in the Clear; no Part of the Soffit of the Arch of such Bridge shall come within less than Ten Feet of the Top Water Level of the Canal.

Not to obstruct the Canal during the Works.

27. During the Erection of such Bridge, and at all future Times during any Repairs thereof, no Obstruction shall be occasioned to Boats or Vessels navigating the Canal, or to Animals used in towing or drawing the same; but at all Times during such Erection or Repairs a Waterway of not less than Sixteen Feet in Width, a Towing-path of not less than Five Feet in Width, and a clear Height of not less than Nine Feet from the Top-water Level, shall be left for the Navigation of the Canal; and such Bridge shall be constructed, as regards its Position, Form, and Dimensions, to the reasonable Satisfaction of the Engineers for the Time being of the said Company and Canal Companies respectively, or in the event of any Disagreement between the said Engineers, then to the Satisfaction of an Engineer to be appointed by the Board of Trade.

Company to pay for all Damage to be done to the Canal in making the Railway or using the same.

28. In case at any Time during the making of the Railway and Works, or the constructing of any such Bridge as aforesaid, or in the Use thereof at any Time after the Railway and Works shall be completed, any Injury shall be done or occasioned thereby to the Canal, or to any of the Locks, Side Ponds, Towing-paths, Bridges, Banks, Feeders,



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Feeders, or any other of the Works of or belonging thereto respectively, then and in every such Case it shall be lawful for the Canal Company to take and use the necessary Ways and Means for repairing such Injury ; and all Costs, Charges, and Expenses incurred or occasioned by such Repairs, together with all Damages whatsoever which shall be sustained by reason of such Injury aforesaid, or by reason of any Loss of Water out of or from the Canal in consequence of the making of the Railway and Works or any of them, or the constructing of any such Bridge or Bridges as aforesaid, shall from Time to Time be paid and defrayed by the Company to the Canal Company, and in default of Payment thereof on Demand made upon the Treasurer or any Officer of the Company, the Canal Company may sue for and recover the same, together with Costs of Suit, by Action or other Proceeding in any Court of competent Jurisdiction.

29. If by reason or in execution of any of the Works by this Act authorized or required to be made, or by reason of the bad State of Repair thereof, or if by any Act or Omission of the Company or any of their Agents or Servants, the Canal or its Towing-path shall be so obstructed that Boats, Barges, or other Vessels cannot freely pass or shall be impeded in their Passage along the same, the Company shall pay to the Canal Company, as or by way of ascertained Damages, the Sum of Ten Pounds for each and every Hour during which any such Obstruction shall continue.

Damages for obstructing Canal.

30. And whereas the Queen's most Excellent Majesty in right of Her Crown is seised of or entitled to the Advowson and Right of Patronage and Presentation of the Rectory of *Southam* in the County of *Warwick*, and certain Parts of the Glebe belonging to the said Rectory are intended to be purchased or taken by the Company for the Purpose of making the Railway : Be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, and they and he are and is hereby authorized and empowered, with the Consent of the Rector for the Time being of the said Living, to contract and agree with the Company for the absolute Sale in Fee Simple of the whole or any Part of such Portion of the Glebe Lands of the said Rectory of *Southam* as the Company are by this Act authorized to purchase or take at or for such Price or Consideration in Money, and upon such Terms and Conditions as shall be settled and agreed upon between the said Commissioners for the Time being, or One of them, with such Consent as aforesaid, and the Company, and upon Payment of such Price or Consideration by any Deed or Writing under the Hands and Seals of the said Commissioners for the Time being, or either of them, and of the said Rector for the Time being

Commissioners of Woods, with Consent of Rector, may convey Part of the Southam Glebe.

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(in which Deed or Writing the full and true Consideration shall be expressed and set forth, and such Deed shall be duly stamped with the full and proper Stamp Duty in respect of such Consideration,) to convey such Part of the said Glebe Lands as shall be so purchased, and the Fee Simple and Inheritance thereof, to the Company for the Purposes of this Act, which said Deed or Writing being inrolled in the Office of Land Revenue, Records, and Inrolments, and registered in the Registry of the Diocese in which the said Rectory is situate, shall be effectual to vest in the Company the Lands therein or thereby expressed to be conveyed, any Act or Law to the contrary notwithstanding; and in case the said Rector shall not give his Consent to any such Sale as aforesaid within One Calendar Month after the same has been applied for by One of the Commissioners of Woods, Forests, and Land Revenues, then the Compensation shall be settled in the Manner provided in "The Lands Clauses Consolidation Act, 1845;" and the Purchase or Consideration Money expressed in such Conveyance, or the Compensation to be so ascertained as aforesaid, shall be invested by and at the Expense of the Company in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Three and a Half *per Centum* Annuities, or Two and a Half *per Centum* Annuities in the Name or Names of the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy; and until such Annuities shall be sold for the Purposes therein-after mentioned, the said Governors shall and they are hereby required from Time to Time to pay the Dividends, Interest, or annual Proceeds thereof to the Rector for the Time being of the said Rectory, according to the Rules, Orders, and Regulations of the said Governors in that Behalf with respect to the general Funds at their Disposal.

Power to Commissioners of Woods to make an Exchange with Company.

31. It shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and they and he are and is hereby authorized and empowered, if they or he shall think fit, with the Consent of the Rector for the Time being of the said Living, to exchange the whole or any Part of such Portion of the said Glebe Lands as the Company are by this Act authorized to purchase or take, which may not have been sold to them under the Provisions of this Act, for other Lands, Tenements, or Hereditaments belonging to or to be conveyed by the Direction of the Company, and it shall be lawful for the said Commissioners or either of them, together with the said Rector, to concur in carrying such Exchange into effect under the Powers now or hereafter to be vested in the Inclosure Commissioners for *England* and *Wales*, or in such other Mode as may be deemed expedient: Provided that the Lands, Tenements, or Hereditaments to be given in exchange by the Company or by their Direction shall be conveyed or assured to the Rector of

the



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the said Rectory for the Time being and his Successors, and upon the said Lands, Tenements, or Hereditaments being so conveyed or assured to the said Rector and his Successors the same shall be annexed to and form Part of the Glebe of the said Rectory, and the Rents, Issues, and Profits thereof shall thenceforth be received by the Rector of the said Rectory for the Time being.

**32.** It shall be lawful for the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request in Writing of the Rector for the Time being of the said Living, and to whom any such Dividends shall be payable, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of other Lands convenient to be held as Part and Parcel of the said Living; and the said Governors shall cause such Lands, when so purchased, to be well and effectually conveyed to and vested in the Rector for the Time being of the said Living and his Successors, to be held by him and them as Part and Parcel of the said Living for ever.

Power to invest Purchase Money of Southam Glebe in other Lands.

**33.** Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

**34.** Nothing in this Act or any Act incorporated herewith shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *London and North-western Railway Company* otherwise than is herein expressly provided.

Saving Rights of the London and North-western Railway Company.

**35.** The Quantity of Land to be purchased by Agreement by the Company for the extraordinary Purposes mentioned in the said Railways Clauses Consolidation Act shall not exceed Two Acres.

Lands for extraordinary Purposes.

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Powers for compulsory Purchases limited.

**36.** The Powers of the Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

**37.** If the Railway be not completed within Four Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railway as shall then be completed.

Tolls.

**38.** The Companies may demand and take for the Use of the Railway any Tolls not exceeding the following ; (that is to say,)

Tolls for Passengers and Animals.

With respect to the Conveyance of Passengers :

Class 1. For every Person conveyed in a First-class Carriage, *per* Mile Twopence :

Class 2. For every Person conveyed in a Second-class Carriage, *per* Mile One Penny Halfpenny :

Class 3. For every Person conveyed in a Third-class Carriage, *per* Mile One Penny :

With respect to the Conveyance of Animals :

Class 4. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile Twopence :

Class 5. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage, *per* Mile One Penny Halfpenny :

Class 6. For every Calf, Pig, Sheep, or Lamb, or other small Animal conveyed in or upon any Carriage, *per* Mile One Halfpenny :

With respect to the Conveyance of Goods :

Class 7. For all Coals, Coke, Culm, Slack, Cannel, Cinders, Lime, Limestone, Sand, Clay (except Fireclay), Chalk, Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of Highways, Clay, Ironstone, and Iron Ore, *per* Ton *per* Mile One Penny :

Class 8. For all Pig Iron, Bar Iron, and all other similar Descriptions of Iron and Iron Castings, not manufactured into Utensils or other Articles of Merchandise, undressed Stones for building, pitching, and paving, Bricks, Tiles, common Slates, Fireclay, Charcoal, Bats, Copper, Tin, Lead, and other Ores, *per* Ton *per* Mile One Penny Halfpenny :

Class 9. For all Sugar, Grain, Corn, Flour, Potatoes, Guano, and Artificial Manures, Hides dried or salted, Dyewoods, Timber, Staves, and Deals, Metals (except Iron), tinned Plates, Nails, Anvils, Vices, Hoop Iron, Sheet Iron, and Chains, *per* Ton *per* Mile Twopence :

Class 10.



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Class 10. For Lace, Furs, Silk, Drapery, Millinery, China, Glass, Cotton, Wool, manufactured Goods, Drugs, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence :

With respect to the Conveyance of Carriages :

Class 11. For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, if having more than Two Wheels, *per Mile* Fourpence ; and if having only Two Wheels, *per Mile* Threepence ; and for every additional Quarter of a Ton up to Four Tons which any such Carriage weighs, One Penny *per Mile* in addition if such Carriage have more than Two Wheels, and Three Farthings *per Mile* in addition if the same have only Two Wheels.

39. For Carriages, Trucks, and Platforms supplied by the Company, the Company may (in addition to the other Tolls by this Act authorized) demand or take for or in respect of Goods, Articles, Matters or Things, Persons or Animals, comprised in either of the Classes herein-before specified, any Tolls not exceeding the Tolls next herein-after mentioned in connexion with the Class in which such Goods, Articles, Matters or Things, Persons or Animals, are respectively comprised ; (to wit,)

Tolls for Carriages, &c.

For Class 1, for each Person, *per Mile* One Penny :

For Class 2, for each Person, *per Mile* Three Farthings :

For Class 3, for each Person, *per Mile* One Halfpenny :

For Class 4, for each Animal, *per Mile* One Penny :

For Class 5, for each Animal, *per Mile* One Penny :

For Class 6, for each Animal, *per Mile* One Halfpenny :

For Class 7, *per Ton per Mile* One Halfpenny :

For Class 8, *per Ton per Mile* One Halfpenny :

For Class 9, *per Ton per Mile* Three Farthings :

For Class 10, *per Ton per Mile* One Penny :

For Class 11, for each Carriage, *per Mile* Twopence.

40. With respect to Locomotive Engines and other moving Power supplied by the Company, the Company may demand and take, in addition to the other Tolls by this Act authorized, any Tolls not exceeding One Penny *per Mile* for each Passenger or Animal or for each Ton of Goods or other Articles.

Tolls for propelling Power.

41. The maximum Rate of Charges to be made by the Company for the Conveyance of Passengers, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other

Maximum Charges for Passengers.

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other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per Mile*.

Maximum  
Charges for  
Goods and  
Animals.

**42.** The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railway, and Waggon or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services, or any of them, are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

Class 4. For each Animal, Fourpence *per Mile* :

Class 5. For each Animal, Twopence *per Mile* :

Class 6. For every Calf or Pig, One Penny *per Mile*; and for every other small Animal, Three Farthings *per Mile* :

Class 7. One Penny Halfpenny *per Ton per Mile* :

Class 8. Twopence *per Ton per Mile* :

Class 9. Threepence *per Ton per Mile* :

Class 10. Fourpence *per Ton per Mile* :

Class 11. For every Carriage, if having more than Two Wheels, and not weighing more than One Ton and a Half, Fivepence, and One Penny Halfpenny for every additional Quarter of a Ton; and if having only Two Wheels, Fourpence *per Mile*, and One Penny for every additional Quarter of a Ton.

Terminal  
Station.

**43.** No Station is to be considered a Terminal Station in regard to Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic or are not directed to be delivered thereat to the Consignee.

Tolls for  
separate  
Weights.

**44.** Provided also, That when a separate Waggon or Truck shall be retained by One Person for the Conveyance only of Cattle or Sheep belonging to him or under his Charge, the aggregate of the Tolls to be paid for such Waggon or Truck capable of containing Six Oxen or Twenty-five Sheep shall not exceed Ninepence *per Mile*.

Regulations  
as to Tolls.

**45.** The following Regulations are applicable to the fixing of the Tolls; (that is to say,)

For



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For Passengers, Animals, or Things conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls, Fares, and Rates as for Four Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls, Fares, and Rates for Passengers as for One Mile, and for Animals and Things according to the Number of Quarters of a Mile, in the Fraction of a Quarter of a Mile being reckoned as a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Tolls and Rates according to the Numbers of Quarters of a Ton in the Fraction ; and if there be a Fraction of a Quarter of a Ton, the Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity.

46. With respect to small Packages and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Company may demand and take the Rates following; (that is to say,)

Rate for  
small Parcels  
and single  
Articles of  
great  
Weight.

For any Parcel not exceeding Seven Pounds in Weight, Threepence:

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fivepence :

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sevenpence :

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence :

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum they think fit :

Provided that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term applies only to single Parcels in separate Packages :

For the Carriage of any single Thing, the Weight of which, including the Carriage, exceeds Four Tons, but does not exceed Eight Tons, the Company may demand and take any Sum not exceeding Sixpence a Ton a Mile :

For the Carriage of any single Thing, the Weight of which, with the Carriage, exceeds Eight Tons, the Company may demand and take any Sum they think fit.



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Passengers  
Luggage.

47. Every Passenger travelling by the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Restrictions  
as to Charges  
not to apply  
to Special  
Trains.

48. The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that is required to run on the Railway, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Things on the Railway.

Company  
may take  
increased  
Charges by  
Agreement.

49. Nothing in this Act contained shall prevent the Company from taking any increased Charges over and above the Charges by this Act limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of the Goods, either with respect to the Conveyance thereof, except small Parcels, by Passenger Trains, or by reason of any special Service performed by the Company in relation thereto.

Deposit in  
Court of  
Chancery to  
be forfeited  
to Crown on  
a certain  
Event.

50. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Four thousand eight hundred Pounds, being Eight *per Centum* upon Sixty thousand Pounds, the Amount of the estimated Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery pursuant to the same Act: Be it enacted, That, notwithstanding anything contained in the last-recited Act, the said Sum of Four thousand eight hundred Pounds, so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on 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 Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said

Railway



*The Southam Railway Act, 1864.*

Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Four thousand eight hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs and Successors, of the said Sum of Four thousand eight hundred Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest and Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

51. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions 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

Railway not exempt from Provisions of present and future General Acts.

Revision

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*The Southam Railway Act, 1864.*

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Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Expenses of  
Act.

**52.** All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, and of the Application to Parliament in the last Session thereof, shall be paid by the Company.

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