



CHAP. xviii.

An Act to enable "The Newport Pagnell Railway Company" to construct a new railway to join "The Bedford and Northampton Railway." [25th May 1871.] A.D. 1871.

WHEREAS by "The Newport Pagnell Railway Extension Act, 1866," the Newport Pagnell Railway Company are authorised to construct two railways, therein referred to as railway No. 3 and railway No. 4, both of which were to terminate by a junction with the authorised Bedford and Northampton Railway: 29 & 30 Vict. c. cccliv.

And whereas, owing to alterations in the said Bedford and Northampton Railway, it is expedient that the said railways 3 and 4 should be abandoned, and that the Company should be empowered instead thereof to make and maintain the railway in respect whereof plans and sections, with a book of reference to the plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which will or may be required for the purposes of the said railway, have been deposited with the clerk of the peace for Bucks, and are herein referred to as the deposited plans, sections, and book of reference:

And whereas by "The Newport Pagnell Railway (Extension to Olney) Act, 1865," the Company were authorised to raise additional capital by the creation of new ordinary and new preference shares to the extent of eighty thousand pounds by shares and twenty-six thousand pounds by borrowing: 28 & 29 Vict. c. lvi.

And whereas of the said share capital fifty-eight thousand and three hundred pounds, and no more, was issued as preference capital:

And whereas a bond has been entered into under the 18th section of the Act of 1866 for securing the completion of the railways by that Act authorised:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament:

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A.D. 1871. — May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited for any purpose as "The Newport Pagnell Railway (Further Powers) Act, 1871."

Provisions of general Acts herein named incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

Power to make railway and works. 4. Subject to the provisions of this Act and of the Acts and parts of Acts incorporated herewith, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections, the railway, with all proper sidings, stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for the purpose. The railway herein-before referred to and authorised by this Act is,—

A railway about one mile and four chains in length, wholly situate in the parish of Olney in the county of Bucks, to commence by a junction with the railway No. 1 authorised by the before-mentioned Act of 1866, and to terminate by a junction with the Bedford and Northampton Railway:

And the railway shall with respect to tolls and charges, and subject to the provisions of "The Newport Pagnell Railway (Extension of Time and Finance) Act, 1870," for all other purposes whatsoever be part of the undertaking of the Company.

5. The Company may apply to the purposes of this Act any of the moneys which they have still power to raise under "The Newport Pagnell Railway (Extension) Act, 1865," and the Company may, by and with the consent of all the holders of the preference capital issued under the before-mentioned Act of 1865, attach to the capital to be raised for the purposes of this Act a preference and priority as to dividend over the capital already issued under the said Act of 1865, and the capital to be raised under this Act shall, notwithstanding anything contained in "The Newport Pagnell Railway (Extension of Time and Finance) Act, 1870," be deemed part of the original capital of the Company: Provided always, that new certificates shall be issued in respect of all preference capital created under the before-mentioned Act of 1865 over which a preference and priority as to dividend shall under this enactment be attached, and the fact that such preference and priority exists shall be clearly stated on the said new certificates.

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Application
of moneys.

6. 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.

Powers for
compulsory
purchases
limited.

7. The railway shall be completed within four years from the passing of this Act, and upon the expiration of that period the powers by this Act granted to the Company for making the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Time for
completion
of railway.

8. The Company may and shall abandon the construction of the before-mentioned railway (No. 3), and the before-mentioned railway (No. 4).

Company to
abandon cer-
tain railways.

9. The abandonment by the Company under the authority of this Act of the before-mentioned railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," 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 of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," 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

Compensa-
tion for
damage to
land by
entry, &c.
for purposes
of railways
abandoned.

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Compensation to be made in respect of railways abandoned.

10. 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 any portion of the railways authorised to be abandoned by this Act, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Mode of effecting communication with Bedford and Northampton Railway.

11. The junction between the railway hereby authorised and the Bedford and Northampton Railway shall not be made at the point where, according to the plans deposited as in this Act mentioned, such railway appears to communicate therewith, but such junction shall be made at a point two chains to the westward, and that no other point, without the consent in writing of the Bedford and Northampton Railway Company, under their common seal, first had and obtained, and all communications between the railway hereby authorised and the Bedford and Northampton Railway shall be effected in a substantial manner by means of connexion rails and points of the construction and laid in the manner which the engineer for the time being of the Bedford and Northampton Railway Company may from time to time require, and in accordance with a plan to be approved by him, and shall be executed to his satisfaction in all respects; and in case of any difference arising as to the mode of effecting such communication the same shall be determined at the cost of the Company by a referee to be appointed by the Board of Trade on the application of either company. If for the purpose of constructing the junction hereby authorised it should become necessary to alter the level of the approach road to the Olney station of the Bedford and Northampton Railway at its junction with the turnpike road, numbered in the deposited plans of the Company 100, in the parish of Olney, the Company shall not so alter the same as to make the gradient thereof of a steeper inclination than one in thirty.

Company not to take land of Bedford

12. The Company shall not take or use for the purposes of the railway hereby authorised any more land of the Bedford and

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Northampton Railway than that which is necessary for the purpose of effecting the junction hereby authorised. A.D. 1871.

13. The Company shall not, out of any money which they are by any Act authorised to raise for the purposes of such Act, 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 authorising the Company to construct any railway, or to execute any other work or undertaking. and Northampton Company. Deposits for future Bills not to be paid out of Company's capital.

14. Nothing herein contained shall be deemed or construed to exempt the railways of the Company or the Company from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company. Railways not exempt from provisions of present and future general Acts.

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

