



CHAPTER cci.

An Act for incorporating the Towcester and Buckingham Railway Company and authorising the construction of various railways and works in the counties of Buckingham and Northampton and for other purposes.

A.D. 1889.

[26th August 1889.]

WHEREAS the construction of the railways in the counties of Northampton and Buckingham herein-after described from the Banbury and Buckingham branch of the London and North-western Railway near Buckingham Station to the Northampton and Banbury Junction Railway would be of public and local advantage :

And whereas the several persons herein-after named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the Company and the Northampton and Banbury Junction Railway Company be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and books 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 required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Buckingham and Northampton and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and

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A.D. 1889. — with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

Short title. 1. This Act may be cited as the *Towcester and Buckingham Railway Act 1889.*

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

Company incorporated. 4. The Right Honourable Henry Verney Baron Willoughby de Broke the Right Honourable Sir Harry Verney Baronet Sir Thomas George Fermor Hesketh Baronet Sir Edmund Giles Loder Baronet Alfred Erasmus Dryden Ernest Cassel Thomas Hillas Crampton Thomas Jarvis Coombs William Dundas Gardiner and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the *Towcester and Buckingham Railway Company*" and by that name shall be a body corporate with perpetual succession

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and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. A.D. 1889.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings bridges viaducts rails roads buildings yards approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act will be situate in the counties of Buckingham and Northampton and are:—

Power to
make rail-
ways.

(1.) A railway (referred to on the deposited plans as Railway No. 2) 9 miles 5 furlongs and 1 chain or thereabouts in length commencing in the parish of Radclive otherwise Radclive-cum-Chackmore in the county of Buckingham on the south bank of the River Ouse and terminating in the parish of Towcester in the county of Northampton on the north side of the road leading from Towcester to Brackley and Buckingham:

(2.) A railway (referred to on the deposited plans as Railway No. 3) 2 furlongs and 3 chains or thereabouts in length (wholly in the said parish of Radclive otherwise Radclive-cum-Chackmore) commencing at the commencement of Railway No. 2 by this Act authorised and terminating by a junction with the Banbury and Buckingham branch of the London and North-western Railway:

(3.) A railway (referred to on the deposited plans as Railway No. 5) 2 furlongs and 8 chains or thereabouts in length (wholly in the said parish of Towcester) commencing by a junction with Railway No. 2 by this Act authorised at or near its termination as above described and terminating by a junction with the Northampton and Banbury Junction Railway.

6. For the protection of the Northampton and Banbury Junction Railway Company the following provisions shall have effect (that is to say):—

For protec-
tion of
Northamp-
ton and
Banbury
Junction
Railway
Company.

(A.) In constructing the junction by this Act authorised with the railway of the Northampton and Banbury Junction Railway Company the Company shall conform to the provisions of sections 9 10 11 and 12 of the Railways Clauses Act 1863 and shall deliver to the Northampton and Banbury Junction Railway Company a plan showing the mode in which the junction is proposed to be constructed within the limits of deviation shown on the deposited plans and in the event of the Northampton

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and Banbury Junction Railway Company failing to approve such plan within one month from the delivery thereof to them it shall be considered that a difference has arisen and such difference shall be determined by an engineer to be appointed on the request of either the Company or the Northampton and Banbury Junction Railway Company by the President for the time being of the Institution of Civil Engineers :

- (B.) The Company shall not at any time during the period of ten years from the opening of their railway for public traffic for any purpose whatsoever erect or construct or permit to be erected or constructed any station on their railway nearer to the existing Towcester station of the Northampton and Banbury Junction Railway Company than the road leading from Silverstone to Whittlebury shown upon the Ordnance map and deposited plans.

For the protection of the London and North-western Railway Company.

7. The following provisions for the protection of the London and North-western Railway Company (in this section referred to as "the North-western Company") shall apply and have effect:—

- (1.) The junction of Railway No. 3 with the Banbury and Buckingham branch of the North-western Company shall be constructed as a double line junction only at such a point within the limits of deviation as shall be previously reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North-western Company (herein-after referred to as "the said principal engineer") and the Company shall construct the said Railway No. 3 so far as the same shall be upon the lands and property of the North-western Company in such a position and according to such plans as shall be previously reasonably approved by the said principal engineer :
- (2.) Any alterations and additions to the railways sidings signals and works of the North-western Company which may be rendered necessary owing to the construction of the said junction or the exercise of the running powers by this Act conferred on the Company over the said branch railway shall be executed by the Company in all respects to the reasonable satisfaction of the said principal engineer and according to such plans as shall be previously reasonably approved by him and at the sole cost charge and expense of the Company Provided always that if the North-western Company so elect they may construct the said alterations and additions at the expense of the Company the reasonable amount of such expenditure to be repaid to the North-western Company by the Company :

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- (3.) The Company shall not without in every case obtaining the previous consent of the North-western Company in writing under their common seal take use enter upon or interfere with any of the land railway works or property of the North-western Company except only such part or parts of their said lands as shall be necessary for the Company to take use enter upon or interfere with for the purpose of constructing the said Railway No. 3 and effecting the junction of that railway with the said branch and the Company shall not purchase or take any land or property of the North-western Company but may purchase and take and the North-western Company may and shall sell and grant accordingly an easement or right of using the same for the purposes aforesaid :
- (4.) The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe use of the said branch railway of the North-western Company or any traffic thereon :
- (5.) The Company shall bear and on demand pay to the North-western Company the expense of the employment by the North-western Company during the execution of the works affecting the said branch railway of the North-western Company of a sufficient number of inspectors and watchmen to be appointed by the North-western Company for watching their railway and the works connected therewith with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors with reference thereto or otherwise :
- (6.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any of those works or any act or omission of the Company or of their contractors or otherwise the railway of the North-western Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the North-western Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption or interference shall be occasioned to the traffic of the North-western Company by reason of the execution of any such works or any such proceeding failure act or omission as aforesaid the Company shall pay to the North-

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western Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference such costs and expenses and compensation to be recoverable with full costs by the North-western Company from the Company in any court of competent jurisdiction :

(7.) The Company and the North-western Company may agree in writing for any variation or alteration in the works by this section provided for or in the manner in which the same shall be executed :

(8.) Any dispute or difference arising under this section shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

Capital.

8. The capital of the Company shall be one hundred and eighty thousand pounds in eighteen thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call 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 the calls made in any year upon any share.

Receipt in case of persons not sui juris.

11. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

12. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole of the amount

payable thereon) and the residue to the credit of the preferred half share. A.D. 1889.

13. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. Dividends on half shares.

14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company. Dividends on preferred shares to be paid out of the profits of the year only.

15. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. Half shares to be registered and certificates issued.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated on certificates.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the Forfeiture of preferred shares.

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Preferred shares not to be cancelled or surrendered.

18. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

19. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

20. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole sixty thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and eighty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the person or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

21. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

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22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without regard to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

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Debenture
stock.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application
of moneys.

24. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

First or-
dinary
meeting.

25. The number of directors shall be seven but the Company may from time to time reduce and again increase the number of directors but so that the number shall be never less than four nor more than nine.

Number of
directors.

26. The qualification of a director shall be the possession in his own right of not less than forty shares.

Qualifica-
tion of
directors.

27. The quorum of a meeting of directors shall be three.

Quorum.

28. Sir Thomas George Fermor Hesketh Baronet Thomas Hillas Crampton Thomas Jarvis Coombs William Dundas Gardiner and three other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several

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persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

29. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding ten acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Widths of certain roadways.

31. The Company may make the roadway over the bridges by which the following roads will be carried over the Railway No. 2 by this Act authorised of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
36	Silverstone	Public	25 feet.
30 ₃	Towcester	Public	25 feet.

Height and span of bridges.

32. The Company may make the arches of the bridges for carrying the Railway No. 2 by this Act authorised over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on deposited Plan.	Parish.	Description of Road.	Height.	Span.
44	Radclive-cum-Chackmore	Public	16 feet	25 feet.
1	Towcester	Public	16 feet	25 feet.

33. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Power to
take ease-
ments &c.
by agree-
ment.

34.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in 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 the Company—

Restrictions
on displacing
persons of
labouring
class.

(A.) 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.) 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 residing in the houses in respect of which the scheme is made are displaced :

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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 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 :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this

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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. 1889.

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 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 the Local Government 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 purpose of this section the expression "labouring class" means and includes mechanics artisans 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.

35. 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 twelve thousand four hundred and seventy-one pounds Two and three-quarters per Centum Consolidated Stock being equal to five per centum upon the amount of the estimate in respect of the railways proposed to be authorised Deposit money not to be repaid except so far as railway is opened.

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by the Bill for this Act as originally introduced into Parliament has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act. And whereas such railways included certain railways which were struck out of the Bill during its progress through Parliament and the estimate for the railways authorised by this Act amounts to one hundred and fifty-one thousand four hundred and three pounds nine shillings and fourpence. Be it enacted that notwithstanding anything contained in the said Act out of the said sum so transferred as aforesaid in respect of the application for this Act a sum of seven thousand seven hundred and fifty-one pounds which last-mentioned sum is in this Act referred to as the deposit fund shall not be 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 persons 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 railway open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be 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.

36. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it 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 railway or any

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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 portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the 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 retransferred 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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37. On the application of the depositors at any time after the passing of this Act the Court may and shall order that the sum of four thousand seven hundred and twenty pounds Consolidated Stock being the balance over and above the deposit fund of the said sum of twelve thousand four hundred and seventy-one pounds Two and three-quarters per Centum Consolidated Stock transferred as aforesaid into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act and interest and dividends thereon shall be paid to the depositors or to any other person or persons whom they may appoint in that behalf.

Release of
balance of
deposit fund.

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

Period for
completion
of works.

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Tolls :

39. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

For passen-
gers :

In respect of passengers and animals conveyed on the railways :—

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 :

For animals :

Class 4. For every horse mule or ass or beast of draught or burden conveyed in or upon any carriage per mile twopence :

Class 5. For every ox cow bull or head of 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 :

For goods :

In respect of goods conveyed on the railways—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fire-clay) chalk dung compost and all sorts of common 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 wrought iron and iron castings not manufactured into utensils or other articles of merchandise guano and artificial manures undressed stones for building pitching and paving bricks tiles common slates fire-clay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny :

Class 9. For all sugar grain corn flour potatoes hides (dried and 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. 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 :

In respect of carriages conveyed on the railways—

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 belonging to the Company if having more than two wheels per mile fourpence and if 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. A.D. 1889.

40. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods articles matters or things persons or animals comprised in any 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.

41. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken. Tolls for propelling power.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :— Regulations as to tolls.

For all passengers animals or goods conveyed on the railways for a less distance than three miles the Company may demand tolls and charges as for three miles : Short distances.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every Fractional parts of a mile.

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A.D. 1889. fraction of a mile beyond an integral number of miles shall be deemed a mile :

Fractional parts of a ton. For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

General weight. With respect to all articles except stone and timber the weight shall be determined according to the Imperial avoirdupois weight :

Weight of stone and timber. 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 in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight. **43.** With respect to small parcels and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railways—

For any parcel not exceeding seven pounds in weight three-pence :

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 one hundred pounds in weight one shilling and sixpence and for every additional one hundred pounds beyond one hundred pounds up to five hundred pounds ninepence :

For any parcel exceeding in weight five hundred pounds such sum as the Company think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single articles in separate packages.

For the carriage of any single article 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 :

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For the carriage of any single article the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit. A.D. 1889.

44. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive-power and every other expense incidental to such conveyance shall not exceed the following (that is to say):— Maximum rates for passengers.

For every passenger conveyed in a first class carriage the sum of threepence per mile :

For every passenger conveyed in a second class carriage the sum of twopence per mile :

For every passenger conveyed in a third class carriage the sum of one penny per mile.

45. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say):— Maximum rates for animals and goods.

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 farthing 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.

46. 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 Tolls for separate waggons.

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Passengers luggage.

47. Every passenger travelling upon the railways 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.

Terminal station.

48. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

49. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges by agreement.

50. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals and goods (other than small parcels) by passenger trains.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of rates.

51. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied. Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Running powers over Northampton and Banbury and other railways.

52.—(1.) The Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description :—

(A.) So much of the Northampton and Banbury Junction Railway as is situate between the junction therewith of Railway No. 5

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authorised by this Act and their Blisworth Station including that station : A.D. 1889.

(B.) The railways of the East and West Junction Railway Company :

And all other stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected with the said railways portion of railway and stations and as regards traffic so conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said railways portion of railway and stations as are now authorised to be taken upon and in respect of such railways portion of railway and stations respectively.

(2.) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company for and in respect of the use of the said railways portion of railway and stations and other works and conveniences shall be such as are from time to time agreed upon between them and the company or companies owning the said respective railways portion of railway stations works and conveniences or failing such agreement as may from time to time be determined by the Railway and Canal Commission on the application of any of the companies interested and the costs of the arbitration shall be in the discretion of the said Commission whose decision shall be final and binding on all parties.

(3.) The Company in running over and using the said railways portion of railway stations and conveniences of or connected therewith in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on or in respect of the said railways portion of railway stations and conveniences so used so far as such regulations and byelaws shall be applicable to the Company in the exercise of the said powers.

53.—(1.) The Northampton and Banbury Junction Railway Company and the East and West Junction Railway Company (in this section called “the two companies”) or either of them may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the railways by this Act authorised and all stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected

Running powers to Northampton and Banbury and other railway companies.

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with the said railways and stations and as regards traffic so conveyed by them the two companies or either of them may demand and take the same tolls and charges upon and in respect of the said railways and stations as are by this Act authorised to be taken upon and in respect thereof respectively.

(2.) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the two companies or either of them for and in respect of the use of the said railways and stations and other works and conveniences shall be such as are from time to time agreed upon between them or either of them and the Company or failing such agreement as may from time to time be determined by the Railway and Canal Commission on the application of any of the companies interested and the costs of the arbitration shall be in the discretion of the said Commission whose decision shall be final and binding on all parties.

(3.) The two companies or either of them in running over and using the railways by this Act authorised and the stations and conveniences of or connected therewith in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on or in respect of the said railways stations and conveniences so far as such regulations and byelaws shall be applicable to the company exercising the said powers.

Running
powers over
London
and North-
western
Railway.

54. The Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much of the Banbury and Buckingham branch of the London and North-western Railway as is situate between the junction therewith of Railway No. 3 and the passenger and goods stations of the London and North-western Railway Company at Buckingham including those stations together with all platforms points signals water booking and other offices sidings junctions machinery works and conveniences of or connected with the said portion of railway and stations and as regards traffic so conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and stations as are for the time being authorised to be taken upon and in respect thereof The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company for and in respect of the use of the said portion of railway and stations and other works and conveniences shall be such as are from time to time agreed upon between them

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and the London and North-western Railway Company or failing such agreement as may be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859. A.D. 1889.

55. The London and North-western Railway Company shall from time to time afford all proper and sufficient facilities for the convenient working reception accommodation forwarding interchange and delivery with all reasonable despatch of all passenger and other traffic of whatever description passing or intended to pass to from or over the railway of the Company from to over or beyond the Aylesbury and Buckingham Railway and shall from time to time duly receive and transmit on their railways and deliver accordingly all such traffic in all respects on an equality with their own proper traffic. London and North-western Railway Company to afford facilities.

The traffic facilities to be so afforded shall include through rates and fares and through booking and invoicing and so far as may be reasonably required the transmission of through carriages waggons and trucks the efficient working of trains at convenient times and as far as reasonable in due connexion and such other arrangements and facilities in respect of the said traffic as may be agreed upon or as failing agreement shall be determined by arbitration in manner provided by the Regulation of Railways Act 1873 and the terms and conditions pecuniary and otherwise on which the said traffic facilities shall be respectively afforded and the amount and apportionment of the through rates and fares and any question as to the necessity for through carriages waggons or trucks shall failing agreement be from time to time determined by arbitration in manner provided as aforesaid.

56. The Company on the one hand and the Northampton and Banbury Junction Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say) :— Power to enter into traffic arrangements.

The working use management and maintenance by the contracting companies or either of them of their respective railways and works or any part or parts thereof respectively :

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or either of them :

The supply and maintenance under any agreement for the railways of the said companies or either of them being worked and

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used by the other of them of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of traffic :

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the railways and works of the contracting companies or either of them or any part thereof :

The employment of officers and servants :

The appointment of joint committees for carrying into effect every or any such agreement as aforesaid.

Tolls on traffic conveyed partly on the railways and partly on other railways.

57. During the exercise of any running powers by this Act given or the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of either of the aforesaid companies or any part thereof by the other company the railways of the respective companies shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of one of such companies and partly on the railways of the other or others of such companies for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or a fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of one of such companies and partly on the railways of the other or others of such companies.

Power to pay interest out of capital during construction.

58. Notwithstanding anything in this Act or any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that

two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

- (B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C.) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D.) Notice that the Company has power so to pay interest out of the capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

59. 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 to any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

60. Nothing in this Act contained shall exempt the Company or the railways 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

Provision as to general Railway Acts.

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A.D. 1889. — 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 by this Act.

Costs of
Act.

61. 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.

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