ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cvii.

An Act to empower the *London and North-western* Railway Company to make a Railway from the *London and North-western* Railway near *Bletchley* to *Newport Pagnell, Olney,* and *Wellingborough.*

[2d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate the* London and 9 & 10 Vict.
Birmingham, Grand Junction, *and* Manchester and Bir- c. 204.
mingham *Railway Companies,* whereby the said Companies were united into one, under the Name of the *London and North-western* Railway Company, and the said Railways and all Branches thereof respectively were vested in the said united Company, under the Name of the *London and North-western* Railway: And whereas it would be attended with much local and public Advantage if a Railway were made from and out of the said *London and North-western* Railway near the *Bletchley* Station thereon, by *Newport Pagnell* and *Olney,* to join the Line of the *Northampton and Peterborough* Branch of the said *London and North-western* Railway near the *Wellingborough* Station on the said Branch in the County of *Northampton:* And whereas the said *London and North-western*

Railway Company are willing to execute the said intended Railway, if authorized by Parliament so to do: 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 the present Parliament assembled, and by the Authority of the same, That the "Railways Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable and are not modified by this Act or inconsistent with the Provisions thereof, be held to apply to the Railway and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

Provisions of recited Act extended to this Act.

II. And be it enacted, That all the Provisions of the said recited Act relating to the *London and North-western* Railway Company, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the said "Lands Clauses Consolidation Act, 1845," and the said "Railways Clauses Consolidation Act, 1845," shall extend to this Act and to the Railway and Works hereby authorized as fully and effectually as if the said Provisions were re-enacted, in this Act in reference to such Railway and Works, and the said Act and this Act shall be construed and read together as forming one Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and all legal Instruments and Pleadings, it shall be sufficient to use the Expression "*London and North-western* Railway, *Newport Pagnell, Olney, and Wellingborough* Branch, Act, 1847."

Power to raise Money on Credit of Undertaking.

IV. And whereas the estimated Expence of the Works by this Act authorized is Five hundred thousand Pounds; be it therefore enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, on the Credit of their Undertaking and the Revenue arising thereon, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds.

Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

V. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of any Monies hereby authorized to be raised by them and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the Capital of the Company in Shares or Stock, nor shall it be lawful for the said Company to borrow on Mortgage the said Sum unless and until the whole of the Capital of the said Company in

Shares

Shares or Stock shall have been subscribed for, and One Half thereof actually paid up.

Interest not to be paid on Calls paid up.

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

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

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

Railway to be made according to deposited Plans.

VIII. And whereas Maps or Plans and Sections showing the Line and Levels of the said Railway by this Act authorized to be made, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railway, have been deposited with the Clerks of the Peace of the Counties of *Buckingham* and *Northampton*; be it enacted, That, subject to the Powers of Deviation contained in the said "Railways Clauses Consolidation Act," the said Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Company may deviate through the Estate of the late Doctor Busby with Consent of Trustees.

IX. And whereas the said Railway is intended to be carried for a considerable Distance through the Estate vested in the Trustees of the late Dr. *Busby* in the Parish of *Willen* in the County of *Buckingham*, and some Deviations in the Line of the said Railway through the same Estate beyond the Limits described in the Maps or Plans deposited with the several Clerks of the Peace, as herein-before mentioned, may be desired by the said Trustees; be it enacted, That it shall be lawful for the said Company in making the Railway through the Estate of the said Trustees in the Parish of *Willen* aforesaid, with the Consent of the said Trustees, their Heirs or Assigns, to deviate from the Line as laid down in the said Maps or Plans beyond the Limits of Deviation described in such Plans.

X. And

Line of Railway.

X. And be it enacted, That the said proposed Railway shall commence from and out of the *London and North-western* Railway in the Hamlet or Chapelry of *Fenny Stratford* in the Parish of *Bletchley* in the County of *Buckingham* near the Point where the *Bedford and London and Birmingham* Railway diverges from the said *London and North-western* Railway, and shall terminate by a Junction with the Line of the *Northampton and Peterborough* Branch of the said *London and North-western* Railway in the Parish of *Irchester* in the County of *Northampton* near the West Side of the *Wellingborough* Station of such Branch Railway.

Certain Roads may be crossed on a Level.

XI. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained in reference to the crossing of Roads on a Level, it shall be lawful for the said Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across the several Highways numbered on the Plans deposited as herein-before mentioned on the Level thereof, as follow; (that is to say,)

In the Parish of *Woughton on the Green*, the Road N° 8.
In the Parish of *Little Woolstone*, the Road N° 12.
In the Parish of *Wellen*, the Road N° 8.
In the Parish of *Newport Pagnell*, Hamlet of *Caldecot*, the Road N° 14.
In the Parish of *Newport Pagnell*, the Roads N^os 31. and 63.
In the Parish of *Lathbury*, the Road N° 4.
In the Parish of *Emberton*, the Road N° 12.
In the Parish of *Olney*, Hamlet of *Warrington*, the Road N° 14.
In the Parish of *Bozeat*, the Road N° 13.

Company to erect a Station or Lodge at the Points of crossing, and to be subject to Regulations of the Commissioners of Railways.

XII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Nothing to prejudice the Rights of the Grand Junction Canal Company.

XIII. And whereas the said Railway is intended to be carried over the *Grand Junction* Canal in the Parish of *Great Woolstone* in the County of *Buckingham*, and it is expedient to provide against any Injury or Obstruction being occasioned by means of the said Railway to the said Canal or to the free Navigation thereof; be it therefore enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities

Authorities vested in the Company of Proprietors of the said *Grand Junction* Canal, or authorize or empower the said Railway Company to alter the Line or Level of the said Canal or Towing Path thereto, or any Part thereof, or to obstruct the Navigation of the said Canal, or any Part thereof, or to divert any of the Waters therein, or which supply the said Canal, or to injure any of the Works of the said Canal; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway delineated in the Map or Plan of the said Railway deposited with the Clerk of the Peace for the County of *Buckingham*, by which Deviation any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works belonging to the said *Grand Junction* Canal Company, or any Part thereof respectively, shall be taken, used, or damaged, without the Consent of the said *Grand Junction* Canal Company in Writing under their Common Seal first had and obtained.

Company to erect a Bridge over the Grand Junction Canal, in manner herein specified.

XIV. And be it enacted, That in carrying the said Railway over the said *Grand Junction* Canal the said Railway Company shall and they are hereby required, at their own Expence and to the Satisfaction of the Engineer for the Time being of the said Canal Company, to make and at all Times for ever thereafter to maintain and keep in perfect Repair a good and substantial Bridge over the said Canal, and the Towing Path thereto, with proper Approaches to such Bridge; and the Soffit of such Bridge shall be at least Ten Feet above the Top-water Level of the said Canal, at the Centre of the Waterway, and no Part of the Arch over the Towing Path shall be less than Eight Feet above the said Top-water Level of the said Canal; and such Bridge shall be of such Width and Curve as shall leave a clear, uniform, and uninterrupted Opening of not less than Twenty-one Feet for the Waterway, (in the Middle or deep Part of the said Canal, or in such Places as should be directed by the Engineer or Surveyor for the Time being of the said Canal Company,) and Nine Feet for the Towing Path under such Bridge; and the said Railway Company shall and they are hereby required, during the Progress of constructing such Bridge over the said *Grand Junction* Canal, and of the necessary Repairs or Renewal thereof, from Time to Time and at all Times to leave an open and uninterrupted navigable Waterway in the said Canal of not less than Sixteen Feet in Width, during the Time of constructing and putting in the Foundation Walls of the Abutments of the said Bridge (or Renewal or Repairs thereof), and of the new Towing Path along the same up to One Foot above the Top-water Level of the said Canal, and which Time for constructing the said Waterway shall not exceed Thirty Days, nor shall less than Twenty-one Feet for the said Waterway and Nine Feet for the said Towing Path be left during the Remainder of the Period of constructing, repairing, or renewing such Bridge; and that the present Towing Path shall remain undisturbed until the new Towing Path Wall shall be erected, and the Ground made good and properly gravelled, and open for the free Passage of Horses under such Bridge.

In case of Obstruction to the Grand

XV. And be it enacted, That if by reason of any Accident, or in the Execution of any of the Works by this Act authorized to be made, or

Junction Canal by Works of Railway Company, they shall make good the Damage.

or by reason of the bad State of Repair of any such Works, or of the said Bridge over the said *Grand Junction* Canal, or of any of the Slopes, Banks, or Walls of the said Railway near the said Canal, it shall happen that the Main Line of the said Canal, or the Towing Path thereof, shall be so obstructed that Boats or other Vessels navigating or using the said Canal shall be impeded in their Passage, or shall not be able to pass along the same, or in case the navigable Waterway and Towing Path herein-before required to be preserved during the Progress of the Work shall at any Time be contracted to a less Width than herein is prescribed, then and in such case the said Railway Company shall pay to the said *Grand Junction* Canal Company, as or by way of ascertained Damages, the Sum of Ten Pounds for every Hour during which any such Impediment shall continue: Provided always, that if such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of any of the Servants or Persons employed by the said Railway Company, the said Railway Company shall pay to the said *Grand Junction* Canal Company the Sum of Thirty Pounds for every Hour during which the Obstruction shall continue, as or by way of ascertained Damages, and in default of Payment of the said Sum or Sums, as the Case may be, on Demand made on the Secretary or any of the Directors of the said Railway Company, the said *Grand Junction* Canal Company may sue for and recover the same, together with full Costs of Suit, against the said Railway Company by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster;* and in case the Bridge to be erected for the said Railway over the said *Grand Junction* Canal, or the Towing Path Walls under the said Bridge, or the several Approaches, Side Slopes, or Banks of the said Railway next to the said Canal, or any of them, or any Part thereof, shall not be kept in good Repair, it shall be lawful for the said *Grand Junction* Canal Company to do the needful Repair, and to recover the Amount of the Expences from the said Railway Company by Action of Debt or on the Case with full Costs of Suit in any of Her Majesty's Courts of Record at *Westminster:* Provided also, that nothing herein contained shall extend to prevent the said *Grand Junction* Canal Company from recovering against the said Railway Company any special Damage that may be sustained by them on account of the Acts or Defaults of the said Railway Company in respect of which the said Penalties are imposed beyond the Amount of such Penalty or Penalties, and they are hereby authorized to sue for and recover such Special Damages accordingly; but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the said Railway Company, and any Action for Special Damage shall be brought as above mentioned, then the said Penalty or Penalties so paid shall be deemed and considered as Payments on account of such Special Damage, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the said Railway Company, and the same shall be deducted from the Amount of Damages to be recovered by the *Grand Junction* Canal Company; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Railway Company, and no Action shall be main-

maintainable by the said *Grand Junction* Canal Company against the said Railway Company for the Recovery of any Penalty or Penalties after any Judgment shall have been obtained by them for any special Damage in respect of the Act or Acts for which such Penalty or Penalties would have been recoverable.

Lands for extraordinary Purposes.

XVI. And be it enacted, That it shall be lawful for the said Company, in addition to the Lands which they are at present authorized to purchase, and in addition also to the Lands which they are hereinbefore authorized to purchase, for the Construction of the Railway by this Act authorized, to purchase any Lands adjoining or near to the said Railway, not exceeding in the whole Thirty Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act."

Period for Compulsory purchase of Lands limited.

XVII. And be it enacted, That the Powers of the said 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.

Period for Completion of Works.

XVIII. And be it enacted, That the said Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the said Railway shall cease to be exercised, except as to so much of the said Railways respectively as shall then be completed.

Railway to form Part of the Undertaking of the London and North-western Railway Company.

XIX. And be it enacted, That when the said Railway, or any Part thereof respectively, shall be completed, the same shall form Part of the Undertaking of the *London and North-western* Railway Company, and shall be subject to all the Provisions in the said recited Act relating to the *London and North-western* Railway contained with reference to the Maintenance, Use, or Protection of the said *London and North-western* Railway, or otherwise, save in so far as the said Provisions may be modified by this Act.

Tolls.

XX. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Use of the Railway hereby authorized to be made, and in respect of the Use of Carriages and Engines used thereon, and for the Conveyance of Passengers, Goods, and Cattle thereon, any Tolls or Charges not exceeding the Tolls and Charges which they are authorized to demand and receive for similar Purposes in respect of the Use of the said *London and North-western* Railway by virtue of the first-recited Act.

Expences of Act.

XXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to every other Payment whatsoever.

XXII. And

Railway to be subject Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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

Railways to be subject to Provisions of any future general Act.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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