ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. ccv.

An Act to enable the *London and North-western* Railway Company to make a Railway to connect the *Buckinghamshire* Railway with the *Oxford, Worcester, and Wolverhampton* Railway.

[20th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the* London 9 & 10 Vict.
and Birmingham, Grand Junction, *and* Manchester and Birmingham c. cciv.
Railway Companies, whereby the said Companies were united into One Company under the Name of "The *London and North-western* Railway Company:" And whereas further Powers are conferred upon the said Company by various Acts of Parliament which have been subsequently passed: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Oxford and Bletchley Junction* Rail- 9 & 10 Vict.
way Act, 1846," whereby the *Oxford and Bletchley Junction* Railway c. lxxxii.
Company were incorporated, and another Act, namely, "The *Buck-* 9 & 10 Vict.
inghamshire Railway (*Buckingham and Brackley Junction*) Act, c. ccxxxiii.
1846," was passed in the same Session, and the *Buckingham and Brackley Junction* Railway Company were thereby incorporated: And whereas by an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, 10 & 11 Vict.
and called "The *Buckinghamshire* Railway Act, 1847," the Two c. ccxxxvi.

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last-mentioned Companies were dissolved, and were re-incorporated by the Name of "The *Buckinghamshire* Railway Company," and their respective Undertakings were consolidated under the Name of "The *Buckinghamshire* Railways:" And whereas the *London and North-western* Railway Company are authorized to take on Lease the *Buckinghamshire* Railways, and are in fact now working and using the same: And whereas by "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," a Company was incorporated, and were authorized to make the *Oxford, Worcester, and Wolverhampton* Railway, and by various subsequent Acts the Powers of that Company have been varied and enlarged: And whereas the making of Railways to connect the said *Buckinghamshire* Railway and the *Oxford, Worcester, and Wolverhampton* Railway would be of great public Advantage, and it is expedient that the *London and North-western* Railway Company should be empowered to make the said Railways: 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:

8 & 9 Vict. c. clxxxiv.

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

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

"The Company."

II. Where in this Act the Words "the Company" are used they shall mean the *London and North-western* Railway Company.

Power to make Railways according to deposited Plans.

III. And whereas Plans and Sections of the new Lines of Railway showing their Direction and Levels, and also Books of Reference to the said Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands through which the said Railways are intended to pass, have been deposited with the Clerk of the Peace for the County of *Oxford:* Be it enacted, That, subject to the Provisions in this Act contained, it shall be lawful for the Company to make and maintain the said new Lines of Railway, with all necessary Works and Conveniences connected therewith, in the Lines 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 to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing new Lines of Railway.

IV. The said new Lines of Railway shall be,

First, a Railway commencing by a Junction with the *Buckinghamshire* Railway in the Hamlet of *Water Eaton* in the Parish of *Kidlington*, and terminating in the Parish of *Yarnton* by a Junction with the *Oxford, Worcester, and Wolverhampton* Railway:

Second,

Second, a Railway commencing by a Junction with the *Buckinghamshire* Railway in the Parish of *Woolvercott*, and terminating by a Junction with the said other intended new Line of Railway in the said Hamlet of *Water Eaton*; both of which Railways will be situate wholly in the County of *Oxford*.

A certain Road may be crossed on a Level.

V. It shall be lawful for the Company to construct the Railways hereby authorized across the Road numbered 1 in the Parish of *Woolvercott* on the Level of the said Road.

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

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

Board of Trade may require Bridge instead of level Crossing.

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

Communications with Oxford, Worcester, and Wolverhampton Railway to be made under the Direction of their Engineer.

VIII. All Communications between the Railway hereby authorized to be made and the *Oxford, Worcester, and Wolverhampton* Railway, and all such Openings in the Ledges or Flanches of the said *Oxford, Worcester, and Wolverhampton* Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Oxford, Worcester, and Wolverhampton* Railway Company.

Not to interfere with the Works

IX. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter

of the said Railway, without Consent.

enter upon any of the Lands belonging to the *Oxford, Worcester, and Wolverhampton* Railway Company, or to alter, vary, or interfere with the said *Oxford, Worcester, and Wolverhampton* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *Oxford, Worcester, and Wolverhampton* Railway Company in every Instance for that Purpose first had and obtained.

As to Communication with the Great Western Railway.

X. The Crossing of the *Great Western* Railway by the Line of Railway by this Act authorized to be made, and all the Works connected therewith, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Great Western* Railway Company.

Not to interfere with the said Company without Consent.

XI. Nothing in this Act contained shall extend to authorize or enable the *London and North-western* Railway Company to take or enter upon any of the Lands or Grounds now belonging to the *Great Western* Railway Company, or to alter, vary, or interfere with the said *Great Western* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

Saving the Rights of the said Company.

XII. Provided always, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Great Western* Railway Company.

Not to affect Rights of the Oxford Canal Navigation Company.

XIII. And whereas the said Railway is intended to pass over the *Oxford* Canal Navigation, and it is expedient to make the following Provisions in consequence thereof: Be it therefore enacted, That nothing in this Act contained shall take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the said *Oxford* Canal Navigation, or authorize or empower the said *London and North-western* Railway Company to alter the Line or Level of the said Canal or the Towing-paths thereto, or any Part or Parts thereof respectively, or to obstruct the Navigation of the said Canal or any Part thereof, or to divert from the said Canal any of the Waters therein, or prevent a free Passage to the said Canal of any of the Waters which may be taken for the Use of or which now supply the said Canal, or to injure or alter the said Canal or any of the Works thereof, in any other Manner than is shown or described on or by the Maps or Plans and Sections of the said Railway deposited with the Clerk of the Peace of the County of *Oxford* through which the said Railway is intended to pass; and it shall not be lawful for the said *London and North-western* Railway Company to make any Deviation from the Course

Course or Direction of the said Railway as delineated on the said Maps or Plans of the said Railway so deposited as aforesaid by which Deviation any Part of the said Canal, or any of the Locks, Side Ponds, Towing-paths, Bridges, Banks, Feeders, or other Works of or belonging to the said Canal, or any Part thereof, shall be taken, used, or damaged, without in any of the said respective Cases the Consent of the said Company of Proprietors of the *Oxford* Canal Navigation under their Common Seal first had and obtained (except as herein-after mentioned).

Railway Company to construct and maintain a Bridge over the said Canal.

XIV. For the Purpose of carrying the said Railway across the said Canal in the Parish of *Woolvercott* in the County of *Oxford* the said *London and North-western* Railway Company shall and they are hereby required, at their own Expense, 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 in the Parish of *Woolvercott* aforesaid, with proper Approaches thereto, which said Bridge shall be made either on the Line of Railway delineated on the said Maps or Plans and Sections, or within the Limits of Deviation of the said Line; and it shall be lawful for the said *London and North-western* Railway Company, without such Consent as aforesaid, to take so much of the Ground of the said Canal Company adjoining the said Canal or the Towing-path thereof as shall be requisite for making the said Approaches to the said Bridge.

Navigation not to be obstructed during the Construction of Bridge.

XV. During the Erection of the said Bridge, and at all future Times during any Repairs thereof, no Obstruction shall be occasioned to the Boats or Barges passing along the said Canal, or to the Towing Horses drawing the same, but at all Times during such Erection or Repairs a Waterway of not less than Nine Feet, or Towing-path of not less than Five Feet, and a clear Height of not less than Eight Feet from the Top Water of the said Canal, shall be left for the Navigation of the said Canal; and the said Bridge shall be constructed, as regards its Position, Form, and Dimensions over the said Canal, to the reasonable Satisfaction of the principal Engineer for the Time being of the said Company of Proprietors of the said Canal.

Regulations as to Construction of Bridge.

XVI. The said Bridge shall be made in such Manner that the Span thereof between the Abutments shall not be less than Twenty-six Feet in the clear, so as to include the Canal and Towing Path, allowing Eighteen Feet for the Width of the Canal at Bench Level, and Eight Feet for the Width of the Towing-path, and the Soffit of the Arch over the Centre of the Canal shall not come within less than Ten Feet of the Top-water Level of the Canal, and the Waterwings necessary for contracting the Canal at the said Bridge shall be built of substantial Brick or Stone Work, and extend at least Twenty-five

Feet each Way from the Bridge, and shall be properly guarded with Iron or Wood, in like Manner as has been done in the new Improvements or shortening Lines of the said Canal, with Iron-groove Posts built in as the Work proceeds for Drop-planks, and the Abutments of the said Bridge shall be made parallel with the Line of the said Canal at the Place where the said Bridge shall be erected.

Penalty for obstructing the said Canal Navigation.

XVII. If by reason or in execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works or of the said Bridge or its Appendages, or if by any Act or Omission of the said *London and North-western* Railway Company, or any of their Agents, Servants, or Workmen, the said *Oxford* Canal Navigation or the Towing-path thereof shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same cannot pass, or shall be delayed in the Passage along the same, or in case the Space under the said Bridge shall at any Time be contracted so as to be less in Width or Height than the Width or Height hereinbefore prescribed, then and in either of the said Cases the said *London and North-western* Railway Company shall pay to the said Canal Company, as or by way of ascertained Damages, the Sum of Two hundred Pounds for every Twenty-four Hours during which such Obstruction or Contraction shall continue on the said Canal, and so in proportion for any less Time than Twenty-four Hours; and in default of Payment of the said Sum, or such Proportion thereof as shall become due, on Demand made by the Treasurer or Clerk of the said Canal Company on the Secretary of the said *London and North-western* Railway Company at the principal Office of the said *London and North-western* Railway Company, the said Canal Company may sue for and recover the same, together with full Costs of Suit, against the said *London and North-western* 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 said Bridge over the said Canal or any Part thereof, or the Approaches, Sides, Slopes, or Banks of the said Railway next the said Canal, or any or either of them, or any Part thereof respectively, shall not be kept in good and substantial Repair by the said *London and North-western* Railway Company, and any Agent of the said Canal Company shall give Notice in Writing to the said *London and North-western* Railway Company, or their Secretary, to do the needful Repairs, and the said *London and North-western* Railway Company shall not within the Space of Fourteen Days after the Delivery of such Notice commence such Repairs, and proceed with all reasonable Expedition to the Completion thereof, it shall be lawful for the said Canal Company, from Time to Time, as often as the Case shall happen, to do the needful Repairs, and to recover the Amount of the Expenses from the said *London and North-western* 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*.

XVIII. It

Land for extraordinary Purposes.

XVIII. It shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Five Acres, in addition to the Land which they are already or which by any other Act to be passed in the present Session they may be authorized to take for that Purpose.

Limiting Time for compulsory Purchase of Lands.

XIX. 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 Two Years from the passing of this Act.

Limiting Time for completing the Railways.

XX. The Railways hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways not completed, &c. within a limited Period Dividends to be suspended.

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

Tolls for new Lines of Railway.

XXII. It shall be lawful for the Company to demand and receive for and in respect of the said Railways the same Tolls and Charges as they are for the Time being authorized to demand and receive for and in respect of the *Buckinghamshire* Railways.

Maximum Tolls.

XXIII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Railways hereby authorized shall in no Case exceed the maximum Tolls and Charges authorized to be taken upon the said *Buckinghamshire* Railways.

Power to apply existing Funds of the Company to Construction of Railways.

XXIV. It shall be lawful for the Company to apply towards the Construction and Maintenance of the Railways and Works hereby authorized any of the Monies which the Company now have in their Hands, or which they have Authority to raise, and which may not be required for the Purposes of the Acts authorizing the raising thereof.

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

XXV. It shall not be lawful for the Company, out of any Money by any Act relating to the 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 any

any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

XXVI. 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 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

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

Expenses of Act.

XXVIII. All the Costs, Charges, and Expenses of obtaining this Act or incident thereto shall be paid by the Company.

Short Title.

XXIX. In citing this Act it shall be sufficient to describe it as "The *London and North-western* Railway (*Buckinghamshire* Extension) Act, 1853."

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