ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxxii.

An Act to empower the *London and North-western* Railway Company to make a Railway from the *London and North-western* Railway near *Watford* to *Saint Albans, Luton,* and *Dunstable.*

[9th *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate the* London and Birmingham, Grand Junction, *and* Manchester and Birmingham *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 *Watford* by *St. Albans* and *Luton,* and to join the Line of the *Dunstable and London and Birmingham* Railway in the Parish of *Houghton Regis* and County of *Bedford* near the Town of *Dunstable:* 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

9 & 10 Vict. c. 204.

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, 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 and 20. extended to this Act.

Provisions of recited Act 9 & 10 Vict. c. 204. 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Company, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the said "Lands Clauses Consolidation Act, 1845," and of the said "Railways Clauses Consolidation Act, 1845," as extended to this Act, 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 Acts 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, *St. Albans, Luton, and Dunstable* Branch, Act, 1847."

Power to raise Money on the Credit of the Undertaking.

IV. And whereas the estimated Expence of the Works by this Act authorized is Four hundred and sixty-two 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 Four hundred and sixty-two 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 said Capital of the Company in Shares or Stock, nor shall it be lawful for the said Company to borrow the Sum herein-before authorized unless and until the whole of the Capital of the said Company in Shares and Stock shall have been subscribed for, and One Half thereof actually paid up.

Interest not to be paid

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

to the said Railway Company authorized to be raised by Calls on 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 Acts relating to the said Company in that Behalf contained.

Interest on Calls paid up.

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.

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

VIII. And whereas Maps and 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 for the Counties of *Hertford* and *Bedford*, and of the Liberty of *St. Albans*; 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.

Railway to be made according to deposited Plans.

IX. And be it enacted, That the said proposed Railway shall commence from and out of the *London and North-western* Railway in the Parish of *Watford* in the County of *Hertford*, near the South-east Side of the *Watford* Station thereon, and shall terminate by a Junction with the Line of the *Dunstable and London and Birmingham* Railway as at present authorized to be made in the Parish of *Houghton Regis* in the County of *Bedford*.

Line of Railway.

X. 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; that is to say,

In the Parish of *Watford*, the Road numbered 18:

Certain Roads may be crossed on the Level.

In

In the Parish of *St. Stephen*, the Road numbered 59:
In the Parish of *St. Michael*, the Roads numbered respectively 50, 78:
In the Parish of *Harpenden*, the Road numbered 51:
In the Parish of *Luton*, the Roads numbered respectively 48, 79, 88, 191:
In the Parish of *Houghton Regis*, the Roads numbered respectively 1, 3, 5, 31.

Company to erect a Station or Lodge at Points of crossing and to abide by Regulations of Commissioners of Railways.

XI. 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.

Lands for extraordinary Purposes.

XII. 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 Twenty-five Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act, 1845."

Period for compulsory Purchase of Lands.

XIII. 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.

XIV. 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 Rail-

XV. 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. way Company.

Tolls.

XVI. 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 and 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 said recited Act.

Power to the Great Northern Railway Company to use the Railway hereby authorized;

XVII. And whereas a Bill is now pending in Parliament to enable the *Great Northern* Railway Company to make a Railway from *Saint Albans* to the *Great Northern* Railway at *Hatfield* and thence to the Town of *Hertford*, and it is expedient that Facility should be given for the Conveyance along the Railway hereby authorized between *Saint Albans* and *Luton* of the Traffic to and from the *Great Northern* Railway; be it enacted, That the *Great Northern* Railway Company, and all Parties having a Right to use their Railway through or under them, shall have the Power to use for all Purposes of Traffic, with Engines and Carriages properly constructed, the Railway hereby authorized between the Towns of *Saint Albans* and *Luton*, and for that Purpose to pass with such Engines and Carriages as aforesaid from and to the *Saint Albans* Branch of the *Great Northern* Railway over and along the Railway hereby authorized to the Station to be constructed under the Authority of this Act in the Town of *Luton* aforesaid, they the said *Great Northern* Railway Company and all such Parties as aforesaid paying for the Use of the Railway between the Points aforesaid to the *London and North-western* Railway Company such Toll in respect of such Traffic as shall be determined on previously to such Use by the Chief Engineer of the last-named Company and the Chief Engineer of the *Great Northern* Railway Company, or if they cannot agree upon the same then by an Umpire to be chosen by them, such Toll to be subject to Revision and Alteration, from Time to Time at Intervals of not less than Three Years, upon Request of either of the said Companies.

and to use the Stations.

XVIII. And be it enacted, That the *Great Northern* Railway Company, and all Parties having a Right to use their Railway through or under them, their and every of their Officers and Servants, shall have full and free Liberty, Power, and Authority, to go to, upon, and from, as well the Stations of the *London and North-western* Railway Company at *Saint Albans* and *Luton* as also all intermediate Stations and Places of Stoppage (if any) made or to be made upon the Railway hereby authorized between those Towns and all Roads, Places of Lading, and other Conveniences attached to or used with such Stations and Places of Stoppage, and full and free Liberty, Power, and Authority to use the said Stations and Places of Stoppage, and the said Roads, Places of Lading, Conveniences, and Appurtenances, and for all Purposes of their Traffic, they the said *Great Northern* Railway Company, and all such other Parties as aforesaid, nevertheless paying for the Use of the said Stations, Places of Stop-

page, Approaches, and Conveniences as aforesaid such Sum and Sums of Money as shall from Time to Time be determined upon by the said Engineers or their Umpire, in the same Manner as herein-before provided with reference to the Toll to be paid for the Use of the Railway between the Towns before mentioned.

Conditions to be settled by Arbitration.

XIX. And be it enacted, That the *Great Northern* Railway Company, in working, using, or traversing any Portion of the Railway hereby authorized or the Stations thereof, in accordance with the Provisions lastly herein-before mentioned, shall at all Times observe the Regulations and Bye Laws of the *London and North-western* Railway Company for the Time being in force: Provided always, that in case there shall be any Dispute between the Two Companies respecting any such Regulations and Bye Laws as last aforesaid, or respecting the Mode in which the *Great Northern* Railway Company shall exercise any of the Powers and Privileges herein-before given to them, or respecting the Regulations to be adopted by either of the said Companies for the Convenience and Accommodation of the other, or for the Protection of or relating to their own Traffic, or in regard to any Matter herein-before provided for, or respecting any other Matter or Thing arising out of the Provisions of this Act in relation thereto, the same shall be decided and determined by the Two Engineers as aforesaid or by their Umpire; and the Provisions of the "Companies Clauses Consolidation Act, 1845," shall apply to all Arbitrations between the said Companies.

Expences of Act.

XX. 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.

Railway 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., and 9 & 10 Vict. cc. 57. & 105.

XXI. 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, one thereof intituled *An Act for regulating the Gauge of Railways*, and the other thereof intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect

to the said Railway and Company so far as the same shall be applicable thereto.

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

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts 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 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.

Public Act.

XXIII. 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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