CHAP. xlvii.

An Act for making a Railway from Stony Stratford in the county of Buckingham to the Wolverton station of the London and North-western Railway Company; and for other purposes. [24th June 1869.]

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WHEREAS the making of a railway from Stony Stratford in the county of Buckingham to the Wolverton station of the London and North-western Railway would be of great public and local advantage:

And whereas the several persons herein-after named, with others, are willing, at their own expense, to construct the proposed railway, if authorized by Parliament so to do; and it is expedient that they should be incorporated into a company for the purposes of this Act:

And whereas plans and sections showing the situation, lines, and levels of the proposed railway, and the lands proposed to be taken for the purposes thereof, and a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands respectively, have been deposited with the clerk of the peace for the county of Buckingham, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that such arrangements with the London and North-western Railway Company should be authorized as are herein-after expressed:

And whereas the purposes aforesaid 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 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:

1. This Act may be cited for any purpose as "The Stony Stratford Railway Act, 1869." Short title.

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8 & 9 Vict. cc. 16., 18., and 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I., relating to cancellation and surrender of shares, of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I., relating to construction of a railway, of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith 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" and "the undertaking" mean respectively the railway and undertaking by this Act authorized; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Incorporation of company.

4. William Boyes, George Brooks Wilkinson, William Sharp, John Reeve, Thomas Freshwater, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be 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 incorporated by the name of "The Stony Stratford Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans, and described in the deposited book of reference, as may be required for that purpose.

The railway herein-before referred to and authorized by this Act is—

A railway, one mile seven furlongs and seven chains or thereabouts in length, situate wholly in the parish of Wolverton, in

the county of Buckingham, commencing in a field on the eastern side of the highway leading from Stony Stratford in the county of Buckingham to Hockliffe in the county of Bedford, adjoining to the premises called the Watling Works, and terminating at or near the London and North-western Railway at or near the Wolverton station thereof.

Capital.

6. The capital of the company shall be seven thousand five hundred pounds, in seven hundred and fifty shares of ten pounds each.

Shares not to issue until one fifth part paid up.

7. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of call, and two months at the least shall be the interval between successive calls.

Power to borrow on mortgage.

9. The company may from time to time borrow on mortgage any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of seven thousand five hundred pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of such capital has been subscribed for, 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 subscribers or their assigns, and that such subscribers or their 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.

Arrears may be enforced by appointment of a receiver.

10. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Debenture stock.

11. The company may create and issue debenture stock.

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Application of monies.

12. All monies raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

14. The number of the directors shall be five, but the company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

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

Quorum.

16. The quorum of a meeting of directors shall be three, unless the number of directors shall be reduced to three, and then the quorum shall be two.

First directors.

Election of directors.

17. William Boyes, George Brooks Wilkinson, William Sharp, John Reeve, and Thomas Freshwater 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 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 being, if qualified, eligible for re-election; and at the first ordinary meeting to be held every year after the first ordinary meeting the shareholders present, in person or by proxy, shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed or disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

18. The quantity of land to be taken by the company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre.

Powers for compulsory purchases limited.

19. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Gauge of railway.

20. The railway by this Act authorized may be made and maintained on the gauge of three feet.

Power to vary gauge.

21. The company may, at any time after the construction and opening for public traffic of the railway by this Act authorized,

vary the gauge thereof by substituting the gauge of four feet eight inches and half an inch for the gauge which may have been fixed pursuant to the last clause herein-before contained.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

22. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the 9th and 10th years of Her present Majesty, cap. 20, a sum of three hundred and fifty-eight pounds four shillings and eightpence reduced annuities, equal in value to the sum of three hundred and thirty-four pounds one shilling, being five per centum upon the amount of the estimate in respect of the railway authorized by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of three hundred and fifty-eight pounds four shillings and eightpence reduced annuities, so deposited as aforesaid in respect of the application for this Act, shall not be paid or 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, unless the said company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorized to be made, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said company have paid up one half of the amount of the capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the said company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

23. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of

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taking property conferred upon the company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before 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 person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivor or survivors of them.

Period for completion of works.

24. The railway shall be completed within five years from the passing of this Act; and if the railway shall not be completed within the period, then on the expiration thereof the powers by this Act granted to the company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls for passengers and animals.

25. The company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway, or any part thereof, as follows:

For every person conveyed in or upon any carriage, any sum not exceeding fourpence; and if conveyed in or upon any carriage belonging to the company, an additional sum not exceeding twopence:

For every horse, mule, or other beast of draught or burden, a sum not exceeding sixpence; and if conveyed in or upon any carriage belonging to the company, an additional sum not exceeding twopence:

For every ox, cow, bull, or head of neat cattle, a sum not exceeding fivepence per head; and if conveyed in carriages belonging to the company, an additional sum not exceeding twopence:

For every calf, pig, sheep, lamb, and other small animal, a sum not exceeding threepence each; and if conveyed in carriages belonging to the company, an additional sum not exceeding one penny.

Tolls for goods.

In respect of goods conveyed on the railway,—

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton not exceeding threepence; and if conveyed in carriages belonging to the company, an additional sum per ton not exceeding twopence:

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton not exceeding threepence; and if conveyed in carriages belonging to the company, an additional sum per ton not exceeding twopence:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, chains, and iron hurdles, and for light iron castings, per ton not exceeding fourpence; and if conveyed in carriages belonging to the company, an additional sum per ton not exceeding twopence:

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton not exceeding sixpence; and if conveyed in carriages belonging to the company, an additional sum per ton not exceeding twopence:

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, a sum not exceeding one shilling, and the sum of threepence for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

26. The toll which the company may demand for the use of engines or other power for propelling carriages on the railway shall not exceed one third of the sum herein-before allowed for the use of the railway for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorized to be taken.

Regulations as to tolls.

27. The following provision and regulations shall be applicable to the fixing of all tolls and charges payable under this Act; (that is to say,)

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:

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With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

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 on in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

28. With respect to small parcels not exceeding five hundred pounds in weight, 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 railway, as follows:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds in weight, but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds in weight, but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds in weight, but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds, but not exceeding five hundred pounds in weight, the company may demand any sum which they may think fit.

Provided that articles sent in large aggregate quantities, although made up of 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 parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, the company may demand any sum not exceeding two shillings per ton:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the company may demand such sum as they think fit.

Maximum rates for passengers.

29. The maximum rate of charge to be made by the company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums; that is to say,

For every passenger conveyed in a first-class carriage, the sum of sixpence:

For every passenger conveyed in a second-class carriage, the sum of fourpence :

For every passenger conveyed in a third-class carriage, the sum of threepence.

Maximum rates for animals and goods.

30. 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 railway, including the tolls for the use of the railway, 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 goods at any terminal station in receipt 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,)

For every horse, mule, or other beast of draught or burden, the sum of eightpence :

For cattle, the sum of sixpence per head :

For calves, pigs, sheep, and small animals, the sum of fourpence per head :

For all coal, coke, or other articles herein-before classed therewith, the sum of threepence per ton :

For all iron, and other articles herein-before classed therewith, the sum of sixpence per ton :

For all sugar, grain, and other articles herein-before classed therewith, the sum of eightpence per ton :

For all cotton, and other articles herein-before classed therewith, the sum of tenpence per ton :

And 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, the sum of one shilling, and the sum of threepence for every additional quarter of a ton, or fraction of a quarter of a ton, which any such carriage may weigh.

Passengers luggage.

31. Every passenger travelling upon the railway 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.

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

Restrictions as to charges not to apply to special trains.

33. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, 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 railway.

Company may take increased charges by agreement.

34. 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 or goods (other than small parcels) by passenger trains.

Agreements for facilitating traffic between the company and the London and North-western Railway Company.

35. The company on the one part, and the London and North-western Railway Company on the other part, may from time to time enter into and carry into effect contracts or agreements with respect to the following purposes, or any of them, and any incidental matters; (that is to say,)

The interchange, accommodation, transmission, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies:

The fixing or ascertaining and settling the tolls, rates, and charges to be levied or charged for such traffic, and the division thereof between the said two companies.

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

36. Unless with the consent of the London and North-western Railway Company in writing under their common seal, the company shall not take or otherwise interfere with the hereditaments numbered respectively 19, 20, 21, and 22 in the parish of Wolverton on the deposited plans of the said railway, being the property of the said London and North-western Railway Company, or any works of that company.

Interest not to be paid on calls paid up.

37. The company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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."

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

38. The company shall not, out of any money by this Act authorized 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 of any application to Parliament for the purpose of obtaining an Act authorizing the company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

39. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorized to be made from the provisions 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 or alteration, under the authority of Parliament, of the maximum rates and charges, or of the rates for small parcels, authorized by this Act.

Expenses of Act.

40. All the 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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