CHAPTER ccix.

An Act to confer further powers on the Easton Neston Mineral and Towcester Roade and Olney Junction Railway Company, to change the name of the Company, and for other purposes. [10th August 1882.]

A.D. 1882.

WHEREAS, by the Easton Neston Mineral and Towcester Roade and Olney Junction Railway Act, 1879, (herein-after called "the Act of 1879,") the Easton Neston Mineral and Towcester Roade and Olney Junction Railway Company (herein-after called "the Company,") were incorporated and authorised to make and maintain certain railways in the counties of Northampton and Buckingham, and to raise two hundred and twenty thousand pounds by shares, and seventy thousand three hundred pounds by mortgage:

42 & 43 Vict. c. ccxxiii.

And whereas by the Act of 1879, section six, it was provided that the Company should not commence the construction of Railway No. 1, described in and authorised by that Act, until after the expiration of eighteen calendar months from the passing of the Act of 1879, without the consent in writing of the Northampton and Banbury Junction Railway Company, (in this Act called "the Northampton Company,") under their common seal, and if within the said period of eighteen calendar months, the Northampton Company, by writing under their common seal, gave notice to the Company that they were willing that a second line of rails should be laid down upon so much of the railway of the Northampton Company as lies between the junction with that railway of the East and West Junction Railway and the intended junction therewith of the Railway No. 2, authorised by the Act of 1879 (which part of the railway of the Northampton Company is in the Act of 1879, and herein-after referred to as "the Towcester Section"), then the Company should not construct the said Railway No. 1 or any part thereof, but the Company and any company or persons working or

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using the railways of the Company might run over and use the Towcester Section, including the additional rails and works thereon or in connexion therewith to be laid down and provided, in accordance with section six of the Act of 1879:

And whereas the Northampton Company, by writing under their common seal, gave notice to the Company on or about the second day of February, one thousand eight hundred and eighty-one, that they were willing that a second line of rails should be laid down upon the Towcester Section of their railway:

And whereas in consequence of such notice the Company are precluded from constructing Railway No. 1, authorised by the Act of 1879, and it is expedient that the time limited by that Act for the compulsory purchase of land, and also for the construction of the railways other than Railway No. 1, authorised by that Act, should be extended:

And whereas it is expedient that the share capital authorised by the Act of 1879 and also the borrowing powers of the Company under the same Act be reduced:

And whereas it is expedient to change the name of the Company and their undertaking:

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 (that is to say):—

Short title.

1. This Act may be cited as the Stratford-upon-Avon, Towcester and Midland Junction Railway Act, 1882.

Incorporation of general Acts.
26 & 27 Vict. c. 92.
26 & 27 Vict. c. 118.

2. Part II. relating to extension of time of the Railways Clauses Act, 1863, and Part IV. relating to change of name of the Companies 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 partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expressions "the railway" or "the railways" mean respectively the railways and works authorised by the Act of 1879 other than the Railway No. 1 authorised by that Act. The expression "superior courts" or "court of competent jurisdiction" or any other like expression in the Acts 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.

Extension of time for compulsory purchase of lands.

4. The powers of the Act of 1879 with respect to the compulsory purchase or taking of lands for the railways are hereby extended and shall continue in force until the expiration of two years from the fifteenth day of August, one thousand eight hundred and eighty-two.

Extension of time for completion of works.

5. The powers of the Company for the construction and completion of the railways shall be extended and enlarged until the expiration of two years from the fifteenth day of August, one thousand eight hundred and eighty-four and section thirty-seven of the Act of 1879 shall be read and construed as if the extended period granted by this Act for the completion of the railways had been the period limited by that Act; but on the expiration of such extended period the powers of the Company in relation to the railways and works shall cease to be exercised except as to so much thereof as shall then be completed: Provided that the Company shall not without the consent of the Northampton Company in writing under their common seal open the portion of their line between Towcester and Roade for public traffic until the remainder of their line between Roade and Olney shall be completed and ready to be open for public traffic.

Reducing capital of Company.

6. On and after the passing of this Act the powers conferred upon the Company by the Act of 1879 with reference to the raising of capital by shares and by borrowing shall be and are hereby limited as follows. The capital which the Company may raise by shares is hereby restricted to the sum of two hundred thousand pounds, and the sum which the Company may from time to time raise by mortgage or debenture stock is hereby restricted to the sum of sixty-six thousand six hundred pounds.

Standing arbitrator substituted for joint committee referred to in Act of 1879.

7. Subsections H to K, inclusive of section 6 of the Act of 1879, and section 7 of the said Act are hereby repealed, and in lieu thereof, the following provisions shall have effect, viz.:—

(*a.*) The terms and conditions (pecuniary or otherwise) and regulations upon and subject to which the Company shall, for the time being, be entitled to exercise their right under section 6 of the Act of 1879, to run over and use the Towcester Section defined by that Act, shall, failing agreement, be determined by the standing arbitrator, to be appointed as herein-after provided, and such arbitrator in prescribing or determining those

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pecuniary terms and conditions for such user, shall have regard to the outlay by the Northampton Company and the Company respectively; in giving effect to the provisions of this section, and in prescribing and determining the terms and conditions (other than pecuniary) aforesaid, regard shall also be had by such arbitrator to the relative importance of the traffic of the two companies passing or estimated to pass over the Towcester Section;

(*b.*) The Towcester Section shall be from time to time, and at all times, maintained by the Northampton Company in good and efficient working order, under the direction and to the satisfaction, in the event of difference between the two companies, of the standing arbitrator, and if that company make default in executing any work, or doing any matter or thing which the standing arbitrator shall direct them to execute or do for the purpose of such maintenance for seven days after notice in writing shall have been given to the Northampton Company by, or on behalf of the Company requiring them to execute or do such work, matter or thing, the Company may forthwith execute, or do the same, and for that purpose may, from time to time, enter upon the railways, lines, works and property of the Northampton Company, and the costs, charges and expenses of executing, or doing the same, shall be repaid by the Northampton Company to the Company, with interest at five per cent. per annum until repayment;

(*c.*) Any difference between the Northampton Company and the Company, with reference to any of the provisions of this section, or any matter or thing arising out of such provisions or otherwise, shall be determined by the arbitration of a standing arbitrator, to be agreed on and appointed in the month of December, in every year, for the ensuing year by the Company and the Northampton Company, or failing agreement between and appointment by the companies, such arbitrator shall be appointed on the application of either company, by the Board of Trade.

Change of name.

8. Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act, 1863, the name of the Company shall from and after the passing of this Act be "The Stratford-upon-Avon, Towcester and Midland Junction Railway Company," and their undertaking shall thenceforth be called the Stratford-upon-Avon, Towcester and Midland Junction Railway.

Classification table of goods to be

9. The book, tables or other document in use for the time being containing the general classification of goods carried by goods or

merchandise train on the railway shall, during all reasonable hours, be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission, and such book, tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

open to inspection, and copies kept for sale.

The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been, or are intended to be carried over the railway render an account to the person so applying, in which the charge made or claimed by the Company for the carriage of such goods shall be divided, and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any), and if any terminal charge is included in such account, the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal charges (if any) to be specified on application.

If the Company fail to comply with the provisions of this section they shall for each offence, and in the case of a continuing offence, for every day during which the offence continues, be liable to a penalty not exceeding five pounds, which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act, 1873.

36 & 37 Vict. c. 48.

10. Nothing in this Act contained shall be deemed or construed to exempt the Company, or the railways of the Company, 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 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 the rates for small parcels authorised to be charged by the Company.

Provision as to general Railway Acts.

11. 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.

Expenses of Act.

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