CHAPTER lxxvi.

An Act to extend the time for completing the main line of the Stratford-upon-Avon Towcester and Midland Junction Railway; to abandon certain branch railways; and for other purposes. [9th July 1889.]

A.D. 1889.

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 (who under their subsequently acquired name of the Stratford-upon-Avon Towcester and Midland Junction Railway Company are referred to in this Act as "the Company") were incorporated and empowered to make and maintain certain railways in the counties of Northampton and Buckingham:

And whereas by the Stratford-upon-Avon Towcester and Midland Junction Railway Act 1882 (herein-after called "the Act of 1882") the name of the Company was changed to the Stratford-upon-Avon Towcester and Midland Junction Railway Company and the time for the compulsory purchase of land and the construction of the railways (other than Railway Number 1) authorised by the Act of 1879 was extended and the capital of the Company was reduced:

And whereas by the Stratford-upon-Avon Towcester and Midland Junction Railway Act 1885 (herein-after called "the Act of 1885") the Company were authorised to divert a portion of their railway:

And whereas by the Stratford-upon-Avon Towcester and Midland Junction Railway Act 1887 (herein-after called "the Act of 1887") the time limited by the Act of 1879 as extended by the Act of 1882 for the construction and completion of the railway authorised by the first-mentioned Act and the time limited by the Act of 1885 for the construction and completion of the deviation railway thereby authorised was extended and enlarged to the 15th day of August 1889:

And whereas the works for the construction of the Company's railway from Towcester to Olney are now approaching completion

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but the powers of purchasing land for certain branch railways authorised by the Act of 1879 and therein called Railway Number 3 Railway Number 7 and Railway Number 8 have been allowed to expire:

And whereas it is expedient that Railway Number 3 Railway Number 7 and Railway Number 8 respectively described in the Act of 1879 should be abandoned and so much of the deposit fund mentioned in that Act as is applicable to those railways should be released and repaid:

And whereas it is expedient that the time for completing the Company's railways other than the railways abandoned by this Act and for effecting other purposes of the Stratford-upon-Avon Towcester and Midland Junction Railway Act 1883 (herein-after called "the Act of 1883") and the Act of 1887 should be further extended:

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 for all purposes as the Stratford-upon-Avon Towcester and Midland Junction Railway Act 1889.

Incorporation of general Acts.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is (subject to the provisions of this Act) incorporated with and forms part of this Act.

Interpretation.

3. Terms and expressions to which by the Act in part incorporated herewith meanings are attached have in this Act the same respective meanings and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act 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 completion of railway.

4. The time limited by the Act of 1879 as extended by the Act of 1882 and the Act of 1887 for the construction and completion of the railways authorised by the first-mentioned Act (other than the railways by this Act directed to be abandoned) and the time limited by the Act of 1885 as extended by the Act of 1887 for the construction and completion of the deviation railway authorised by the Act of 1885 is hereby extended and enlarged until the expiration of one year from the fifteenth day of August one thousand eight

hundred and eighty-nine and section 37 of the Act of 1879 shall be read and construed as if the extended period granted by this Act for the completion of the railway had been the period limited by that Act.

Extended time to be deemed time referred to in former Act.

5. The extended time granted by this Act for constructing and completing the railway and for carrying out the provisions of section 6 of the Act of 1883 and section 7 of the Act of 1887 and the other purposes of the recited Acts shall be substituted for and be deemed to be the extended time granted by the Acts of 1882 and 1887 respectively and section 6 of the Act of 1883 and section 7 of the Act of 1887 shall respectively be read and construed accordingly.

Company to abandon certain railways authorised by Act of 1879.

6. The Company shall abandon the construction of Railway Number 3 Railway Number 7 and Railway Number 8 described in and authorised by the Act of 1879 and the railways authorised by that Act and the Act of 1885 other than those abandoned shall for all purposes be deemed to be the railway of the Company to be completed within the meaning of the recited Acts and section 6 of the Act of 1883 and section 7 of the Act of 1887 shall be read and construed accordingly.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

7. The abandonment by the Company under the authority of this Act of any portion of any railway or work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1879 or any subsequent Act of the Company.

Compensation to be made in respect of railways abandoned.

8. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of any railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them

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respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of portion of deposit under Act of 1879.

9. Subject to the provisions of section 37 of the Act of 1879 relating to compensation to landowners and other persons injured and for protection of creditors the High Court of Justice in England may and shall at any time after the passing of this Act on application by the depositors referred to in section 36 of the Act of 1879 order that a sum of eight hundred and fifty-four pounds Two pounds and three-quarters per centum Consolidated Bank Annuities (being the proportion of the deposit fund referred to in section 36 of the Act of 1879 applicable to the railways abandoned by this Act) or the stocks funds or securities in which the same may have been invested and the interest or dividends thereon be transferred and paid to the depositors or as they may direct and upon such order being made the said sum and the interest or dividends thereon shall be transferred and paid accordingly.

Provision as to general Railway Acts.

10. Nothing in this Act contained shall exempt the Company or their railway 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 of fares and charges or of the rates for small parcels authorised to be taken on the railway of the Company.

Expenses of Act.

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.

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