



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxxxix.

An Act for enabling the *London and North-western Railway Company* to make a Railway from *Birmingham* to *Lichfield*; and for amending the former Acts relating to the said Company.

[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*, under which Act the *London and North-western Railway Company* were incorporated: And whereas another Act was passed in the last Session of Parliament, called "*The Birmingham, Lichfield, and Manchester Railway Act, 1846*," under which a Company was incorporated, and Power was given to such Company to make a Railway from *Aston* near *Birmingham* to *Lichfield*: And whereas under the Provisions contained in the last-mentioned Act the Undertaking thereby authorized has been sold and transferred to the said *London and North-western Railway Company*: And whereas it is expedient, and would be more beneficial to the Public, that the Line of Railway authorized by the said "*Birmingham, Lichfield, and Manchester Railway Act, 1846*," should be

9 & 10 Vict.
c. 204.

9 & 10 Vict.
c. 232.

[Local.]

20 Z

abandoned,

8 & 9 Vict.
c. 18.

8 & 9 Vict.
c. 20.

8 & 9 Vict.
cc. 18. and
20. ex-
tended to
this Act.

abandoned, and that in lieu thereof the *London and North-western Railway Company* should be authorized to make the Line of Railway from *Aston* by *Sutton Coldfield* to *Lichfield*, herein-after mentioned: And whereas an Act was passed in the Session of Parliament One thousand eight hundred and forty-five, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, which Act is called "The Lands Clauses Consolidation Act, 1845:" And whereas another Act was passed in the same Session, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, which Act is called "The Railway Clauses Consolidation Act, 1845:" And whereas it is also expedient that some of the Powers and Provisions of the said first-recited Act should be altered or amended, and further Powers granted to the said *London and North-western Railway Company*; but the several 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, That the Provisions of the said Lands Clauses Consolidation Act, 1845, and the said Railway 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.

Provisions of
9 & 10 Vict.
c. 204.
extended to
this Act.

II. And be it enacted, That all the Powers and Provisions contained in the said first-recited Act relating the *London and North-western Railway*, so far as the same are applicable, and except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for, and except such of them as are inconsistent with the Provisions of this Act, shall, where applicable to the Objects and Purposes of this Act, extend and be construed to extend thereto, and to the Railway and Works hereby authorized to be made, and to the several Matters and Things hereby authorized to be done, as fully and effectually as though the same Powers and Provisions were repeated and re-enacted in this Act, and had formed Part thereof, with reference to the said Railway, and Works, Matters, and Things to be made and done hereunder.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Documents of every Description, it shall be sufficient to use the Expression "The *Birmingham and Lichfield Railway Act, 1847.*"

Powers
given under
9 & 10 Vict.
c. 232.
to cease.

IV. And be it enacted, That it shall be lawful for the said *London and North-western Railway Company* and they are hereby empowered to abandon the Line of Railway authorized by the *Birmingham, Lichfield, and Manchester Railway Act, 1846*; and all the Powers, Authorities, Privileges, and Directions which by the said last-mentioned Act are given for making the Railway thereby authorized shall

shall from and immediately after the making of the Railway hereinafter mentioned cease and determine.

V. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively are intended to pass, have been deposited with the Clerks of the Peace for the Counties respectively within which the same will be made; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, and subject also to the Powers of Deviation contained in the said Railways Clauses Consolidation Act, it shall be lawful for the said Company to make and maintain the said Railway and Works 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 Purpose.

Power to make Railways according to deposited Plans.

VI. And be it enacted, That the Railway to be made under the Authority of this Act shall be the following; (that is to say,) a Railway or Railways commencing by a Junction with that Part of the *London and North-western Railway* heretofore called the *Grand Junction Railway* near *Nechells Green* in the Parish of *Aston nigh Birmingham* in the County of *Warwick*, and terminating at or near *Saint John Street* in the Parish of *Saint Michael Lichfield* in the City and County of the City of *Lichfield*, and passing from, in, through, or into the Parishes, Townships, and extra-parochial or other Places following, or some of them; that is to say, *Birmingham, Aston, Aston juxta Birmingham, Aston Manor, Witton* otherwise *Wilton, Upper Witton, Lower Witton, Neachells* otherwise *Nechells, Duddeston* and *Nechells, Duddeston* otherwise *Dudston, Deritend* and *Bordesley, Deritend Bordesley, Saltley* and *Washwood, Washwood Heath, Saltley, Little Bromwich, Castle Bromwich, Small Heath, Ward End, Erdington, Gravelly Hill, Park Hall, Oscot New College, Water Orton* otherwise *Water Overton, Pipe Hays, Berwood, Sutton Coldfield, Great Sutton, Little Sutton, Sutton Park, the Coldfield Pens Hill, Doe Bank, Coopers Wood, Warmley, Wylde Green, Maney, Langley Hill, and Four Oaks*, all in the County of *Warwick*; *Handsworth, Perry Barr, Birch Fields, Aldridge, Thorne Hill, Queaslet* or *Queeslet, Hardwick, Oscott, Great Bar, Little Aston, Mill Green, the Bosses, Lower Stonnall, Upper Stonnall* otherwise *Over Stonnall, Stonnall, Lynn, Hilton, Shenstone Lodge, Shenstone Park, Shenstone Hall, Knowle Hill, Shenstone, Bury Hill, Bull Moor Lane, Chesterfield, Ogle Hay, Weeford, Swinfen, Packington, Swinfen* and *Packington, Saint Michael Wall, Wall Butts* otherwise *Wall Budds, Burntwood Edial* and *Woodhouses Burntwood, Edial Woodhouses, Hammerwich, Pipe-cum-Membris, Pipa Parva, Pipa Magna, Pipe Place, Pipe Hill, Freeford, Fulfen, Streethay, St. Chad* otherwise *Stowe, Curborough, Elmhurst, Curborough* and *Elmhurst, the Close Lichfield, and West Bromwich*, all in the County of *Stafford*; and *Lichfield Saint Michael, Pipe Hill, Pipe cum Membris, Freeford, Fulfen, Saint Mary, Saint Chad Stowe, Saint Chad* otherwise *Stowe, Curborough, Elmhurst, Curborough* and *Elmhurst, the Close*

Line of Railways.

Close

Close Lichfield, and the Friery, all within the City and County of the City of Lichfield.

Certain Properties not to be taken.

VII. And be it enacted, That nothing in this Act contained shall authorize the said Company to take or use for the Purposes of this Act any Part of certain Properties numbered respectively 2*a* and 3*a* in the Parish of *Saint Michael Lichfield* in the Book of Reference deposited as herein-before mentioned, and not correspondingly numbered on the Plans deposited therewith, nor any Part of certain Properties numbered respectively 2*a* and 3*a* on the said Plans, and not correspondingly described in the said Book of Reference, without the Consent of the Owners, Lessees, and Occupiers for the Time being of such respective Properties.

Land for extraordinary Purposes.

VIII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres, in addition to the Lands which they are authorized to take for such Purposes under the Authority of the said recited Acts or any of them.

Compulsory Purchase of Lands limited.

IX. And be it enacted, That 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.

Period for the Completion of Railways.

X. And be it enacted, That the said Railway and Works hereby authorized 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 former Acts granted to the said Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Certain Roads may be crossed on the Surface.

XI. And be it enacted, That it shall be lawful for the Company to carry the Railway across the Surface of the following Roads numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,)

In the Parish of *Shenstone*, the Roads numbered 110 and 157.

Company to erect a Station or Lodge at Points of crossing, and to abide by Rules, &c. of Commissioners of Railways.

XII. 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

shall continue after such Penalty of Twenty Pounds shall have been incurred.

XIII. And be it enacted, That it shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after mentioned on the Plans of the Railway deposited as aforesaid with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Inclination
of certain
Roads.

In the Case of the Road numbered 141 *a* in the Parish of *Aston*,
not steeper than One in Fifteen :

In the Case of the Road numbered 158 in the said Parish of *Aston*,
not steeper than One in Seventeen :

In the Case of the Road numbered 159 in the said Parish of *Aston*,
not steeper than One in Eighteen.

XIV. And be it enacted, That the Expence of any Communication with the *South Staffordshire* Railway, of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Communications, and of regulating and adjusting the same, shall be borne and paid by the *London and North-western* Railway Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained, under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *South Staffordshire* Railway Company, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or hinder the *South Staffordshire* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same, save only so far as shall be necessary for the Purpose of effecting the Junctions hereby authorized in manner aforesaid, and not otherwise.

Communi-
cation with
the *South*
Staffordshire
Railway to
be main-
tained at the
Expence of
the *London*
and *North-*
western
Company.

XV. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the Company or for any other Person, either in the Execution of this Act or under colour thereof, in making the Railway, to deviate in or through the Lands of the said *South Staffordshire* Railway Company from the Line as laid down on the Plans deposited as aforesaid, or either permanently or temporarily to enter upon, take, or use any of the Land or Property of the *South Staffordshire* Railway Company, or in any Manner to alter or interfere with the *South Staffordshire* Railway, or any of the Works appertaining thereto, save only so far as is by this Act expressly and specifically authorized, or as shall be necessary for effecting the aforesaid Junctions, and not otherwise.

Property of
the *South*
Staffordshire
Railway
Company
not to be
taken.

XVI. And be it enacted, That after Shares for the whole of the Capital in Shares by the recited Acts authorized to be raised shall have been subscribed for or taken up, and One Half thereof shall have been paid up, it shall be lawful for the said Company to raise for the Purposes of this Act the Sum of Three hundred and fifty thousand Pounds.

Capital.

[*Local.*]

21 *A*

XVII. And

Provisions of
8 & 9 Vict.
c. 16. as to
borrowed
Money to
apply to this
Act.

XVII. 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 the 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, for the Purposes of this Act, 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 then Capital of the Company in Shares and Stock.

Interest not
to be paid on
Calls paid up.

XVIII. 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 by Calls in 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 Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XIX. 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.

Company to
make a
Bridge or
Viaduct over
the Bir-
mingham
Canal in a
prescribed
Manner.

XX. And whereas the said Railway hereby authorized to be constructed is intended to be carried by means of a Bridge or Viaduct over the Canal of the Company of Proprietors of the *Birmingham Canal Navigations* (which Company is herein-after referred to as the *Birmingham Canal Company*) at a Point in the Parish of *Aston* in the County of *Warwick*, and at another Point near to *Thatcher's Barn* in the Parish of *Saint Michael Lichfield* in the County of the City of *Lichfield*; be it therefore enacted, That the said Railway Company shall and they are hereby required, at their own Expence, to build in a proper Manner, and to the reasonable Satisfaction of the Engineer for the Time being of the said *Birmingham Canal Company*, a good and substantial Bridge or Viaduct over the said Canal and the Towing Paths and other Works thereof at each of the aforesaid Points where the said Railway is intended to be carried over the same Canal as shown upon the said Plans so deposited as aforesaid, or within such limited Deviation therefrom as herein-after authorized, and the clear
Opening

Opening or Span of the Arch of each such Bridge or Viaduct between the Walls or Abutments thereof shall be of such Width on the Square as shall be equal to and sufficient to clear and leave unobstructed at the Point of crossing the whole navigable Waterway of the Canal, and a Space of not less than Eight Feet wide on each Side thereof for a Towing Path, and each such Bridge or Viaduct shall have close Fences, not less than Six Feet high, above the Level of the Rails, and the Spring of the Arch or Soffit of the Girders shall at each of the aforesaid Points of crossing over the said Canal commence at a Point not being less than Eight Feet above the present Surface of the Towing Path of the said Canal, and the under Side of the Middle of the Arch shall not be less than Ten Feet above the Top-water Level of the said Canal.

XXI. And be it enacted, That the said Railway Company shall at all Times for ever after the said Bridges and Viaducts shall have been completed keep the same, and every future Bridge or Viaduct to be erected or made in lieu thereof, and which shall be at the same Places, in the like Direction, and of the like Dimensions, Capacity, and Materials as are herein-before mentioned, together with all Works belonging to or connected therewith respectively, in good and complete Repair; and in case of any Want of Repair to such Bridges or Viaducts, or any Work belonging thereto or connected therewith, and whether such Want of Repair shall arise from the sinking of any such Bridge or Viaduct, or any Part thereof, or from any other Cause whatsoever not arising from the Act or Default of the said *Birmingham Canal Company*, and Notice thereof being given by the said *Birmingham Canal Company* to the said Railway Company or their Clerk, then, if the said Railway Company shall not within the Space of Ten Days after such Notice commence the Repairs, or, as the Case may require, the raising or rebuilding or reconstructing of the said Bridge or Viaduct which shall be out of Repair, imperfect, or inadequate as aforesaid, or such Part or Parts thereof as it shall for the Time being be requisite to repair, raise, or rebuild or reconstruct, and proceed therein with all reasonable Expedition until such repairing, raising, or rebuilding or Reconstruction shall be wholly completed, it shall be lawful for the said *Birmingham Canal Company* to make all such Repairs to any such Bridge or Viaduct, and raise or rebuild or reconstruct the same, or such Part thereof as shall be necessary, in such Manner as they may think proper; and all the Expences thereof shall be repaid by the said Railway Company to the said *Birmingham Canal Company*, upon Demand; and in default of such Payment any Two of Her Majesty's Justices of the Peace for the County of *Stafford* shall and they are hereby required, on Application by the said *Birmingham Canal Company* or their Clerk, or any other Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences, which Amount shall be settled and allowed by such Justices, to be levied by Distress and Sale of the Goods and Chattels of the said Railway Company, and to be paid to the said *Birmingham Canal Company*, their Agents or Clerk, rendering the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to the said Railway Company; or otherwise the said *Birmingham Canal*

Company to
keep Bridge
in repair.

Canal Company may sue and recover such Expences as aforesaid against the said Railway Company, by Action of Debt or on the Case, in any of the Superior Courts: Provided always, that during the Progress of reconstructing any such Bridge or Viaduct, and at all future Times during any Repairs, raising, or rebuilding or Reconstruction thereof, the Engineer for the Time being of the said *Birmingham* Canal Company, with the requisite Assistants and Workmen, shall have free Access to such Bridge or Viaduct, and full Permission to inspect the Workmanship and Materials thereof.

Company not to alter the Course or obstruct the Navigation of the *Birmingham* Canal.

XXII. And be it enacted, That it shall not be lawful for the said Railway Company, or any Person in execution of this Act, to alter the Course of the said Canals or any of them vested in the said *Birmingham* Canal Company, or to contract the Width of the same or of the Towing Paths thereof, or of any Space reserved or intended as a Towing Path thereof, or to obstruct the Course or Supply of the Water in or to the said Canals or any of them, or in any Manner to impede the Navigation thereof or Access thereto, or to injure any of the Banks or other Works thereof; and that it shall not be lawful for the said Railway Company, (except for the Purpose of crossing the said Canals,) to take or interfere with the said Canals, or any of the Property of the said *Birmingham* Canal Company, or make any lateral Deviation from the Course or Direction of the said Railway hereby authorized to be made as delineated on the said Map or Plan so deposited as aforesaid, by which Deviation any of the Wharfs, Warehouses, Buildings, Locks, Side Ponds, Towing Paths, Bridges, or Feeders of the said *Birmingham* Canal Company shall be taken, used, or damaged, without the Consent of the same Company under their Common Seal first had and obtained.

In case of Obstruction to Canal, Railway Company to pay the Damage.

XXIII. And be it enacted, That if by or by reason or in execution of any of the Works by this Act authorized, or by reason of the Mode of Construction, or of the bad State of Repair of any such Bridge or Viaduct as aforesaid, or of any of the Slopes, Banks, or Works of the said Railway near the said Canal, or of any other Works by this Act authorized to be constructed, or by any Act or Omission of the said Railway Company or any of their Agents or Servants, it shall happen that any of the said Canals or the Towing Paths, any or either of them, or the Works connected therewith, shall be so injured or obstructed that Boats or other Vessels using the same, with their usual and accustomed Loads, shall be impeded in their Passage along the said Canals, or shall not be able to pass freely along the same, then and in any such Case the said Railway Company shall pay to the said *Birmingham* Canal Company, as by way of ascertained Damages, the Sum of One hundred Pounds for every Twenty-four Hours during which any such Impediment or Obstruction shall continue, and so in proportion for any less Period than Twenty-four Hours; and in default of Payment of any such Sum, on Demand made on the said Railway Company, the *Birmingham* Canal Company may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of the Superior Courts: Provided always, that nothing herein contained shall extend to prevent the said *Birmingham* Canal Company,

pany, or any other Company or Person, from recovering against the said Railway Company any special, further, or other Damage that may be sustained by them, on account of any Act or Default of the said Railway Company in respect of which the said Sum in the Nature of liquidated Damages is hereby imposed or made payable, beyond the Amount thereof, and they are hereby authorized to sue for and recover such special, further, and other Damages accordingly.

XXIV. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Railway Company to take away, obstruct, or lessen any Springs, Brooks, Streams, Feeders, Drains, Waters, or Watercourses which now or heretofore have been taken for the Use of the *Birmingham* Canal Navigations, or which the said *Birmingham* Canal Company are by Law authorized and empowered to take for the Use of the said Canal, or to take away or obstruct or in any Manner impede the free Use of any Communication already made between the Water of the said Canal and any Steam Engine, or to take away or prejudice the Right of any Person to make such Communication, pursuant to the Provisions of the Acts of Parliament for regulating or otherwise relating to the said *Birmingham* Canal Navigations or any of them.

Nothing to empower Railway Company to take the Springs, &c., of the Birmingham Canal.

XXV. And whereas under and by virtue of the Acts relating to the Canals belonging to the said *Birmingham* Canal Company, or some of them, certain Powers are reserved to the Owners of Mines, Works, and Lands adjoining to the said Canals or some of them, or for the said Company, at the Request of such Owners, to form Cuts, Canals, Railways, or Roads not exceeding a certain Length therein specified, in order to communicate with the said Canals: And whereas the Railway by this Act authorized may intervene between the said Canals, and some of the Mines, Works, or Lands of Persons to whom such Powers are reserved as aforesaid, and additional Expence would be occasioned by the Construction of Bridges, Viaducts, Cuts, Canals, Railways, or Roads over, under, or across the said Railway; be it therefore enacted, That in the event of any such Persons being desirous to make or to procure to be made any such Cuts, Canals, Railways, or Roads as aforesaid, to communicate with the said Canals or any of them, the said Railway Company shall afford all requisite and proper Facilities for the Formation thereof where necessary, either over, under, or across or by the Side of the said Railway; and if any Difference shall arise between the said Railway Company and any Person so desirous to make or procure to be made any such Cut, Canal, Railway, or Road as aforesaid, or between the said Railway Company and the said Canal Company, either as to the Mode of crossing the same over, under, across, or by the Side of the said Railway, or as to the Place where the same should be so carried, or as to the Facilities to be afforded by the said Railway Company for the Purposes thereof, or as to the Proportion of the Cost, if any, of making and maintaining the same, to be borne by the said Railway Company, or as to the Use thereof at any Time thereafter by the Owners, Lessees, or other Persons in the Occupation thereof, such Difference shall be settled by Arbitration.

Company not to obstruct the Formation of Branches communicating with the Birmingham Canal.

Communi-
cation be-
tween Canal
and Steam
Engines not
to be ob-
structed.

XXVI. And whereas the said Railway may also intervene between the said Canals or some of them and Lands on which Steam Engines may hereafter be erected, between which and the said Canal Communication for the Passage or Supply of Water may require to be made; be it therefore enacted, That if any such Communications are hereafter so required to be made the said Railway Company shall afford all requisite Facilities for the Purposes thereof, by constructing, at the Expence of the Party applying for the same, or permitting to be constructed, through, under, or over the said Railway, such Culverts, Arches, Pipes, Tunnels, or other Works as may be necessary; and in the event of any Difference arising between the said Railway Company and the said Canal Company, or any other Person, as to the Nature and Amount of the Facilities so to be afforded by them, such Difference shall in like Manner be settled by Arbitration.

Company
not to inter-
fere with the
Powers of the
Birmingham
Canal Com-
pany.

XXVII. Provided also, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, or alter or to take away any of the Rights, Privileges, Powers, or Authorities vested in the said *Birmingham* Canal Company in and by all or any of the several Acts of Parliament now in force relating to the said Canals, except as is expressly enacted by this present Act.

Expences of
Act.

XXVIII. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid by the said Company or the Directors thereof out of the first Monies which shall come to their Hands after the passing thereof.

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

XXIX. 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 another Act was passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said last Session of Parliament, 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 the said 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.

Railways to
be subject
to Provisions
of future
general
Acts.

XXX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways 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 the present

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 authorized by the said recited Acts or this Act.

XXXI. And be it enacted, That this Act shall be a Public Act, Public Act. and shall be judicially taken notice of as such.

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