



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cliv.

An Act for making a Railway from the *Great Western* Railway at *Cheltenham* to join the *Oxford and Rugby* Railway near *Oxford*, with a Branch therefrom ; and for other Purposes.

[9th July 1847.]

WHEREAS the making of a Railway from the *Great Western* Railway, or the *Cheltenham* Branch thereof, at *Cheltenham* in the County of *Gloucester*, to join the Line of the *Oxford and Rugby* Railway near *Oxford*, with a Branch therefrom to join the *Witney* Branch of the *Oxford, Worcester, and Wolverhampton* Railway, would be of great public Advantage : And whereas the Persons herein-after named, with others, are willing, at their own Expence, to carry such Undertaking into execution ; but the same 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

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8 & 9 Vict.
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to this Act.

the same, That the several Acts, (that is to say,) "The Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such of the Provisions thereof (if any) as may be modified by or inconsistent with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Cheltenham and Oxford* Railway Act, 1847."

Subscribers
incorporated.

III. And be it enacted, That the Honourable *Ralph Heneage Dutton, James Agg Gardner, William Nash Skillicorne, Thomas Pilkington, Lewis Griffiths*, 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 Branch Railway herein-after described, with all proper Works and Conveniences belonging thereto, according to the Provisions of this Act and the Acts incorporated herewith, and for other Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Cheltenham and Oxford* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. And be it enacted, That, subject to the Powers of converting Loans into Capital, the Capital of the Company shall be One million Pounds.

Shares.

V. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Fifty thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Fifteen Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

Interest not
to be paid
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 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.

VIII. 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 Com-
pany's
Capital.

IX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Three hundred and thirty-three thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One million Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Borrowing.

X. And whereas the Formation of the said Railway would be beneficial to the Interests of the *Great Western* Railway Company, and the said last-mentioned Company has agreed, by and with the Authority of General Meetings of the Proprietors in the same Company, to subscribe towards the Formation of the said Railway, if authorized by Parliament so to do; be it therefore enacted, That the said last-mentioned Company may and they are hereby empowered to subscribe towards and become Shareholders in the Undertaking hereby authorized to the Extent agreed or which may be agreed to be subscribed by them respectively as aforesaid, not exceeding the Amount of the Capital hereby authorized to be raised.

Powers to
the Great
Western
Railway
Company to
subscribe.

XI. And be it enacted, That for such Purpose it shall be lawful for the said last-mentioned Company to raise the Sum so agreed or resolved to be contributed or advanced by them as aforesaid, or any Part thereof, by the Creation of new Shares in their Undertaking, of such Amount and upon such Terms and Conditions as may be agreed on and determined by a Majority of the Shareholders present at any General Meeting of the said Company specially convened for the Purpose; or it shall be lawful for the said last-mentioned Company, if they so think fit, to guarantee Interest out of their Corporate Funds or annual Revenues after a Rate not exceeding Five Pounds *per Centum per Annum* on the Shares for which they are hereby empowered to subscribe as aforesaid, for such Periods and upon such Conditions as to the Redemption of such Shares as the respective Holders for the Time being of such Shares, or Parties in whose Hands the same may be placed as Security, and the said last-mentioned Company, may mutually agree on.

Powers for
subscribing
Company to
raise
Capital.

XII. And

How sub-
scribing
Company
is to vote.

XII. And be it enacted, That it shall be lawful for the said *Great Western Railway Company* to nominate and appoint any Person (whether such Person be a Shareholder or not), under the Common Seal of such Company, to vote on their Behalf at any Meeting of the Company hereby incorporated; and such Person so appointed shall have the same Right of voting at such Meeting as though the Shares of the Company were held by him and in his Name.

Interest not
to be paid
on Calls
paid up.

XIII. And be it enacted, That it shall not be lawful for the said *Great Western Railway 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 several Acts relating to the said Company, or any of them, in that Behalf contained.

Number of
Directors.

XIV. And be it enacted, That the Number of Directors shall be Twelve, of whom, subject to the Provisions herein-after contained, Six shall be appointed by the Directors for the Time being of the *Great Western Railway Company* out of their own Body, and, subject as herein-after provided, the Remainder by the Shareholders in the Company hereby incorporated, exclusive of the said *Great Western Railway Company*; and that the Qualification of each Director, except such as shall be appointed by or on behalf of the said last-mentioned Company, shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Election of
Directors at
First Ordinary Meeting.

XV. And be it enacted, That the Directors appointed by this Act, not being Directors nominated by the *Great Western Railway Company*, shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent
Election of
Directors.

XVI. And be it enacted, That (notwithstanding any thing to the contrary in the said Companies Clauses Consolidation Act contained) at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall only elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Mode in the said Companies Clauses Consolidation Act 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

others are elected in their Stead, in manner provided by the said Companies Clauses Consolidation Act.

XVII. And be it enacted, That the Chairman and Deputy Chairman of the Directors shall be elected at the first Meeting for such Purpose by and from among the Six Directors to be appointed by the Shareholders in the Company hereby incorporated, and at any subsequent Meeting for such Purpose the Chairman and Deputy Chairman may be elected by and from among the Directors generally. Chairman.

XVIII. And be it enacted, That the Provisions of the said "Companies Clauses Consolidation Act, 1845," with regard to the Election and Rotation of Directors, shall not be applicable to the Election and Rotation of the Directors to be appointed by the *Great Western Railway Company*, but shall apply to the Election and Rotation of the Directors to be chosen by the Shareholders in the Company hereby incorporated; and the Directors of the said Company to be appointed by the said *Great Western Railway Company* shall be so appointed in manner herein-after mentioned; (that is to say,) that at or before the first Ordinary Meeting of the Company next after the passing of this Act the Directors for the Time being of the said *Great Western Railway Company*, for and on behalf of that Company, shall nominate, under the Common Seal of the same Company, Six of their Body to be Directors of the Company hereby incorporated, from and after the said Ordinary Meeting; and the Directors so appointed shall accordingly be Directors of the said Company hereby incorporated, and shall respectively remain in Office until they shall respectively die or resign, or become disqualified by ceasing to be Directors of the said *Great Western Railway Company*, or until they be removed by Vote of the Directors of such Company, or in consequence of such Company forfeiting the Right of Nomination of Directors according to the Provisions herein-after contained. Provisions of 8 & 9 Vict. c. 16. not to apply to Directors appointed by Great Western Railway Company.

XIX. And be it enacted, That it shall be lawful for the Directors of the said *Great Western Railway Company*, as and when any Vacancy shall occur in the Number of Directors appointed by them as aforesaid, to nominate, under the Common Seal of such Companies, at some Meeting of the Directors of the Company hereby incorporated, any other Member of their Body in the Room of the Director occasioning such Vacancy. How Vacancies are to be filled up.

XX. And be it enacted, That so long as the said *Great Western Railway Company* shall remain Subscribers towards the said Undertaking to the Extent of Five hundred thousand Pounds, or shall guarantee Interest thereon, the Number of Directors to be appointed by the said Company in respect of such their Subscription or Guarantee shall in no Case be reduced, without the Consent of the said Company; but in the event of the said Company reducing their said Amount of Contribution below the said Sum of Five hundred thousand Pounds, then and in such Case the Number of Directors which such Company shall have the Right to appoint shall be reduced in such Manner as that such Company shall forfeit the Right of appointing One Director in respect of any Sum less than Eighty thousand Power to increase or reduce Number of Directors.

thousand Pounds, and another Director in respect of every entire Sum of Eighty thousand Pounds of the Capital Stock of the Company for which such Company shall have subscribed, or on which they shall have guaranteed Interest as aforesaid, which such Company shall sell and transfer, or in respect of which they shall discontinue such Guarantee; and that when such Company shall cease to hold Eighty thousand Pounds in the Capital Stock in the Company hereby incorporated their Right to appoint any such Director as aforesaid shall wholly cease, but such Company shall thenceforth be entitled to vote as general Shareholders of the Company hereby incorporated in the general Appointment of Directors thereof: Provided always, that in case at the second or any subsequent Nomination of Directors after the passing of this Act the Shares held by the Shareholders of the Company hereby incorporated, as distinguished from the said *Great Western Railway Company*, shall be less than Eight thousand, then the said *Great Western Railway Company* shall be entitled to appoint Eight out of the Twelve Directors hereby required to be appointed as aforesaid, and thereupon such Two of the Directors appointed by the general Body of Shareholders as shall be determined upon by Ballot among the said Directors shall retire, and cease to be Directors of the Company hereby incorporated.

Removal of Directors appointed by *Great Western Railway Company* on Forfeiture of their Right to appoint.

XXI. And be it enacted, That in the event of the said *Great Western Railway Company* forfeiting the Right to appoint any Director or Directors as aforesaid, such Company shall forthwith remove, by Instrument under the Common Seal of such Company, from Office, the Director who at the Time of the Forfeiture of such Right may be a Director appointed by such Company, or so many of the Directors appointed by such Company as may be necessary for reducing the Number of the Directors whom such Company may have the Right to appoint to the requisite Number; and in default of their so doing within Seven Days after the Forfeiture of such Right the Directors appointed by the Shareholders in the Company hereby incorporated may, by Resolution, remove any Director or any Number of the Directors appointed by such Company so forfeiting such Right, as may be necessary, in accordance with the Provisions herein-before mentioned; and if the said *Great Western Railway Company* shall forfeit such Right as aforesaid at any Time thereafter, or under any Circumstances, it shall not be lawful for such Company to resume the same without the Consent of the Company hereby incorporated.

First Directors.

XXII. And be it enacted, That the Honourable *Ralph Heneage Dutton, James Agg Gardiner, Thomas Pilkington, Edward Lloyd, Lewis Griffiths, William Nash Skillicorne, Charles Russell, Frederick Pratt Barlow, Robert Frederick Gower, Henry Simmonds, William Tothill, and Charles James Sadler*, shall be the first Directors of the Company.

Quorum.

XXIII. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees.

XXIV. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than

than Three nor more than Ten, and the Quorum of such Committees shall be Three.

XXV. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be One or more of the Newspapers circulating in the County of *Gloucester*, and One or more of the Newspapers circulating in the County of *Oxford*.

Newspapers for Insertion of Advertisements.

XXVI. And whereas Plans and Sections of the Railway and Branch Railway, showing the respective Lines 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 of the Counties of *Gloucester*, *Berks*, and *Oxford*; be it enacted, That, subject to the Powers of Deviation and the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the said Company to make and maintain the said Railway, Branch Railway, and Works in the Line 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 to enter upon, take, and use such of the said Lands as may be necessary for such Purpose.

Power to make Railways according to deposited Plans.

XXVII. And be it enacted, That the Railway shall commence by a Junction with the *Great Western* Railway, or the *Cheltenham* Branch thereof, in the Hamlet of *Alstone* and Parish of *Cheltenham* in the County of *Gloucester*, and shall terminate by a Junction with the Line of the *Oxford and Rugby* Railway in the Parish of *Saint Giles* in the County of *Oxford*; and the said Branch Railway which shall diverge from the said intended Railway in the Parish of *Witney* and County of *Oxford* shall terminate by a Junction with the Line of the *Oxford, Worcester, and Wolverhampton* Railway in the Parish of *Coggs* otherwise *High Coggs* in the said County of *Oxford*.

Line of Railway.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated, in making, constructing, or maintaining the said Railway, to take or enter upon the Lands or Grounds belonging to the *Oxford and Rugby*, and *Oxford, Worcester, and Wolverhampton* Railway Companies, or either of them, or to alter, vary, or interfere with the Line of the said *Oxford and Rugby*, and *Oxford, Worcester, and Wolverhampton* Railways, or either of them, or any of the Works thereof respectively, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *Oxford and Rugby*, and *Oxford, Worcester, and Wolverhampton* Railway Companies respectively, in every Instance for that Purpose first had and obtained.

For protecting the Oxford and Rugby, and Oxford, Worcester, and Wolverhampton Railways.

XXIX. And be it enacted, That in carrying the several Roads numbered as herein-after mentioned on the Plans deposited as aforesaid over, under, or across the Railway it shall be lawful for the Company

Regulating Inclinations of Approaches to certain Bridges.

Company to make the Inclinations of the said Roads such as or not steeper than those herein-after mentioned ; (that is to say,)

Number on Plan.	Parish.	Description in Reference.	Proposed Inclination.
83	Cheltenham - -	Public Street in Cheltenham, New Street.	1 in 25 and 1 in 50.
29	Whittington - -	Public Road -	1 in 20 and 1 in 30.
18	Hampnett - -	Public Road -	Level and 1 in 10.
104 } 1 }	Hampnett and North Leach	Turnpike Road -	1 in 20.
40	Brize Norton - -	Public Road -	1 in 30 on North Side and 1 in 27 on South Side.
22	Coggs otherwise High Coggs	Public Road -	1 in 27 on South Side and 1 in 20 on North Side.

As to the Mode of crossing Roads in Cheltenham District.

1 & 2 W. 4. c. 16.

XXX. And whereas it is intended that the said Railway shall pass certain of the Turnpike Roads within the District called the *Cheltenham* District of Turnpike Roads, and described and comprised in an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually repairing and improving several Roads leading into and from the Town of Cheltenham in the County of Gloucester, and for making new Branches of Roads to communicate therewith*, at the Places and in manner herein-after mentioned; that is to say, that the Road called *Hewlett's Road*, leading from the Northern End of *Hewlett's Street* in *Cheltenham* aforesaid to *Hewletts* at a Place near *Jersey Place* in *Cheltenham* aforesaid, and also the Road called the *London Road*, leading from the Eastern End of the *High Street* in *Cheltenham* aforesaid to *Shipton Lane* at a Place in the Parish of *Whittington* near *Sandywell*, shall be respectively carried across the said Railway by Bridges, and that the said Railway shall be carried over the said *London Road* at a Place near the Village and in the Parish of *Dowdeswell* by a Bridge; be it enacted, That the Surface of the said Roads and of the Footpaths on each Side of the same Roads respectively where the Railway shall pass under the same shall continue or be made and be of the respective Levels following; (that is to say,) the Surface of the said Road and Footpaths respectively leading from *Hewletts Street* aforesaid to *Hewletts* shall continue and be of its present Level, and shall not be raised or altered, and that the Surface of the said Road and Footpaths respectively leading from the said *High Street* of *Cheltenham* to *Shipton Lane*, where the said Railway shall pass under the same, shall be raised not more than Seven Feet above its present Level at the Crown or highest Point of the Bridge where such Railway shall pass under such last-mentioned Road and Footpaths, and that the clear Space or Width between the Parapet Walls of the Bridge for carrying the said *Hewletts Road* and Footpaths over the said Railway, and between the close Wooden Palings on each Side of the Road adjoining or leading to such Bridge, at both Ends thereof, as herein-after provided, shall not be less than Thirty-nine Feet, and that the clear Space or Width between the Parapet Walls of the Bridge for carrying the said *London Road*

Road

Road and Footpaths over the said Railway, and between the Fences on the Sides of the Approaches to such last-mentioned Bridge, shall not be less than Forty Feet, and that the Line of such last-mentioned Road and Footpath in each Direction from the Crown or highest Point of such last-mentioned Bridge shall be formed and continued with an even Inclination or Descent of not more than One Foot in Forty Feet until the altered Surface shall fall into and unite with the present Surface of the said Road and Footpath, and that in both of the Cases last aforesaid the Carriage Roads and the Footpaths on the Sides thereof respectively shall be restored and effectually and substantially made, stoned, and completed over the whole of the said Bridges, and in the Case of the said Bridge for carrying the said *London Road* and Footpath over the said Railway along the whole Length of the Approaches to such Bridge of the same Width as the present Carriage Roads and the Footpaths on the Sides thereof respectively now are, and that such respective Footpaths shall be gravelled, and that sufficient and substantial Parapet Walls and Fences respectively, as herein-after mentioned, not less than Six Feet in Height above the Surface of the said Carriage Roads and Footpaths, shall be made and for ever after maintained on each Side of the said Bridges by which such respective Roads and Footpaths shall be carried over the said Railway, and also on each Side of the Approaches to the Bridge for carrying the said *London Road* and Footpath over the said Railway, to the Extent and in manner following; (that is to say,) as to the said Bridge for carrying the said *Hewletts Road* and Footpaths over the said Railway Parapet Walls on each Side of such Bridge and close Wood Palings to the Distance of Thirty Feet from either End of the said Parapet Walls respectively on each Side of the said Road, and as to the said Bridge for carrying the said *London Road* and Footpath over the said Railway Parapet Walls on each Side of the said Bridge and close Wooden Palings to the Distance of Sixty Feet from either End of the said Parapet Walls respectively on each Side of the respective Approaches to such Bridge, and good and substantial Post and Rail Fencing from either End of the respective Parapet Walls of the said last-mentioned Bridge to the Point where the Ascent from the present Surface of the Road and Footpath shall commence.

XXXI. And be it enacted, That the Bridge to be erected for the Purpose of carrying the said Railway over the said Road called the *London Road*, near the Village of *Dowdeswell*, shall be erected with an Arch of such Width as to leave thereunder a clear Roadway or Space of not less than Forty Feet, and that the clear Height of the Arch from the Surface of the said Road shall not be less than Twenty-five Feet, and that a Parapet Wall shall be erected on the Top of such Bridge on either Side thereof Six Feet high at the least above the Level of the Rails, and also a Continuation of such Parapet Wall (or substantial close Wood Palings connected therewith) of the same Height above the Level of the Rails on each Side of the Railway, and from either End of such respective Parapet Wall for a Distance of Sixty Feet, so as effectually to screen the said Road from the Trains passing along such Railway; and that the Level of the said Road and Footpath on the Side thereof where the Railway shall

Regulating
Construction
of Bridge
over London
Road at
Dowdeswell.

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be carried over the same shall not be lowered or altered, and the present Width of such Road and Footpath respectively shall not be reduced or lessened, and that such Road and Footpath respectively shall as soon as may be well and substantially restored and made good, in case the same shall be damaged by the said Company in the Erection of such Bridge, Walls, and Fences, or otherwise.

Plans to be approved by Trustees.

XXXII. And be it enacted, That the Bridges over and under the said Turnpike Roads and Footpaths in the said *Cheltenham* District which shall be constructed under the Authority of this Act shall be constructed according to the Plans and Designs which have been submitted by the said Trustees of the said Roads to the said Company, and have been approved by the Engineer of the latter, and are deposited with the said Trustees; and that the said Bridges, Parapet Walls, and Fences, Retaining Walls, Approaches, or raised Roads, and other Works connected therewith, shall be made and completed, and the same respectively (excepting the Surface of the Roads and Footpaths over and under the said Bridges and Approaches) shall for ever after be maintained, at the Expence of the said Company; and that as to the Surface of the said Roads and Footpaths the said Company shall keep the same in repair for One Year next after the same shall have been made, stoned, and completed.

Culverts to be constructed.

XXXIII. And be it enacted, That the said Company shall make and for ever maintain, at their own Expence, all such Tunnels, Culverts, Drains, and Passages over or under or by the Side of the said Railway, and under or by the Sides of the said Roads, as will be sufficient at all Times effectually to convey the Water from the said Roads and Footpaths lying near to or affected by the said Railway, and such last-mentioned Works shall be made from Time to Time as the Works of the Railway shall proceed.

As to crossing certain Streets in Cheltenham.

XXXIV. And whereas it is intended that the said Railway shall cross in Cuttings the several Streets, Roads, Lanes, Passages, Footways, and Places in the Town of *Cheltenham* herein-after mentioned; (that is to say,) *Hewlett Road or Street, Sherbourne Place, Gloucester Place, Winchcombe Street, Portland Street, North Place, Oxford Passage, Henrietta Street, Saint George Street, Saint Paul's Street South, High Street, Devonshire Street, and New Street*, all which said Streets, Lanes, Passages, and Places are, with respect to the Repairs, Regulations, and Management thereof, under the Authority and Jurisdiction of the Commissioners appointed and acting under the Powers of an Act of Parliament passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better paving, lighting, cleansing, watching, and improving the Town of Cheltenham in the County of Gloucester, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein*; be it enacted, That the Roadway of the said several Streets, Lanes, Passages, and Places, and the Footways or Pavements on each Side of the same, shall be respectively carried over the said Railway by proper and sufficient Bridges, and shall be continued and maintained of the same Width as the same now are respectively; and the Surface of each of the said Streets, Lanes, Passages,

1 & 2 G. 4. c. 121.

Passages, and Places, including both the Roadways and the Footways or Pavements on each Side of the same respectively, at the Points at which the said Railway shall cross the same respectively, shall not be raised above the Levels herein-after specified with respect to each of the same respectively at the Crown or highest Point of the Bridges by which the same shall be carried over the said Railway respectively; (that is to say,) the Surface of the said Street called *Henrietta Street* shall not be raised more than Four Feet, the Surface of the said Street called *High Street* not more than One Foot, the Surface of the said Street called *Devonshire Street* not more than Four Feet, the Surface of the said Street called *New Street* not more than Six Feet, and the Surface of all and every the Bridges by which the remaining Streets, Lanes, and Places in the said Town of *Cheltenham* so to be crossed by the said Railway as aforesaid shall be carried over the said Railway as aforesaid shall be even, and on a Level with the adjoining Surface of the same Streets, Lanes, and Places respectively, and that in each of the Cases aforesaid the Lines of the said Streets, Lanes, Passages, and Places respectively the Surface of which may be so respectively raised as aforesaid (except with reference to the said Streets respectively called *Devonshire Street* and *New Street*), in each Direction, from the Crown or highest Point of the several Bridges by which the same shall be carried over the said Railway, shall be formed and constructed with an even Inclination or Descent of not more than One Foot in Fifty Feet until the altered Surface shall fall into and unite with the present Surface of the said Streets, Lanes, Passages, or Places and Footways respectively; provided that with reference to the said Streets respectively called *Devonshire Street* and *New Street* an Inclination or Descent of One in Thirty to the Bridges by which the same shall be carried over the said Railway shall be deemed and taken as sufficient; provided that in each of the Cases aforesaid in which the said Railway is intended to cross the said Streets, Lanes, Passages, or Places, the Carriage Roads, and also the Footways or Pavements on the Sides of the said Streets, Lanes, Passages, or Places respectively, shall be well, effectually, and substantially restored and relaid over and upon the whole of the said Bridges and the Approaches thereto respectively, and shall be of the same Width as and be made uniform in all respects with the present Carriage Roads and Footways or Pavements of the said Streets, Lanes, Passages, or Places respectively, and that all and every such Roadways and Footways or Pavements shall, within Six Months after the same shall have been first taken up, removed, or interfered with for the Purposes of the said Railway, be completely and effectually restored and relaid under the Superintendence and to the Satisfaction of the said Commissioners.

XXXV. And be it enacted, That the said Company shall cause to be constructed and shall for ever afterwards maintain sufficient and substantial Parapet Walls not less than Six Feet in Height on both Sides of the several Bridges by which the said Streets, Lanes, Passages, or Places and Footways respectively shall be carried over the said Railway, and also on both Sides of the Approaches of every such Bridge the Parapet Wall of which shall not be built up to and adjoin the Houses or Fences of the Streets, Lanes, Passages, or Places

Dimensions
of Bridges.

Places so to be carried over the said Railway, such Parapet Wall to be erected in such Manner as that the View or Sight of the Trains, Engines, or Carriages passing along the said Railway may be effectually excluded from the Passengers and Horses passing on or over the said Bridges or the Approaches thereto, or the said Footways, Streets, Lanes, Passages, and Places respectively, or in lieu of such Parapet Walls the Bridges by which the said Footways, Streets, Lanes, Passages, and Places respectively shall be carried over the said Railway shall be so widened and extended at either Extremity thereof as to allow of Houses or Shops being built thereon, such Parapet Walls, or Houses or Shops, as the Case may be, being so built as to range in Line and form an even Front with the adjoining Houses or Shops of the said Streets, Lanes, Passages, or Places respectively; provided that any Parapet Walls to be built on either Side of any Bridges by which the said Streets, Lanes, Passages, and Places shall be carried over the said Railway shall be built of *Painswick* Stone, and shall be built in an ornamental Manner, to the reasonable Satisfaction of the said Commissioners; provided that nothing herein contained shall compel the said Company to build Walls on the Sides of the Approaches of the Bridges carrying the said Streets respectively called *Devonshire Street* and *New Street* over the said Railway, but the Approaches to such last-mentioned Bridges shall be fenced with close Wooden Railings Six Feet high, and to the Satisfaction of the said Commissioners.

Company to
construct
Bridges, &c.

XXXVI. And be it enacted, That the Bridges by which the said Streets, Lanes, Passages, or Places and Footways in the said Town of *Cheltenham* shall be respectively carried over the said Railway, and which shall be constructed under the Authority of this Act, shall be constructed according to the Plans and Designs which shall have been prepared by the Engineer of the said Company, and subject to the reasonable Satisfaction of the Engineer of the said Commissioners, and which Plans shall have been deposited with the said Commissioners; and that the said Bridges, Parapet Walls, Roads, Footways, Pavements, and other Works connected therewith shall be made and completed, and the same respectively (except the Surface of the Roads and Footpaths and Pavements over the said Bridges respectively, and Approaches thereto,) shall for ever after be maintained by and at the Expence of the said Company; and that the Surface of the said Roads, Footpaths, and Pavements over the said Bridges and the Approaches thereto, as well as every other Part of the said Streets, Lanes, Passages, and Places crossed by the said Railroad within the Distance of a Mile and a Half from the Parish Church of *Cheltenham*, being the Limits of the Town of *Cheltenham*, shall be and remain under the Management, Jurisdiction, and Control of the said Commissioners.

Works to be
executed
according to
certain
Plans and
Specifica-
tions.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall prevent the said Company from executing the several Works for the Purpose of carrying the said Streets, Roads, Lanes, Passages, Footways, and Places under the Care and Management of the said last-mentioned Commissioners across the said Railway, according to such Plans, Designs, and Specifications as may be or may have

have been agreed upon between the said Commissioners and the said Company, so as that equal Accommodation be afforded to the Public as herein-before provided.

XXXVIII. And be it enacted, That the said Company shall make and for ever maintain, at their own Expence, all such necessary Culverts, Drains, and Passages over or under or by the Sides of the said Railway, and under or by the Sides of the said Streets, Lanes, Passages, or Places and Footways respectively in the Town of *Cheltenham* aforesaid, as shall be sufficient at all Times effectually to convey the Water from the said Streets, Lanes, Passages, or Places and Footways respectively lying near to or affected by the said Railway, and such Works shall be made from Time to Time as the Works of the Railway shall proceed.

Company to
make Cul-
verts.

XXXIX. And whereas the Line of the said Railway will cross a certain Passage called *Rose and Crown Yard* in the Town of *Cheltenham*, and it is expedient that the Line of the said Passage should be diverted; be it therefore enacted, That it shall be lawful for the said Company to divert the said Passage from a certain Point thereon adjoining to the Property numbered 424 in the Parish of *Cheltenham* so as to connect the same with a certain other Passage called *Oxford Passage* or *Counsellor's Alley*, and to carry the same, together with the said *Oxford Passage* or *Counsellor's Alley*, over the Railway in such Form and in such Manner as may be approved of by the said Commissioners.

As to Diver-
sion of Rose
and Crown
Yard, Chel-
tenham.

XL. And whereas the said Commissioners have, under the Power of the said recited Act of Parliament, dug or sunk divers Wells, and erected Pumps thereon, for the Purpose of watering the Streets of the Town of *Cheltenham*, and which are respectively known as the *White Hart Pump*, the *Portland Street Pump*, *Gyde's Terrace Pump*, *Nelson Pump*, *Westal Pump*, *Wellington Pump*, *Commercial Road Pump*, and the *Sandford Pump*, and they were about, in the early Part of this present Year, to sink Six other Wells for the like Purpose, in the following Places; (that is to say,) in *Imperial Square*, in *Old Well Land*, at the Top of *Hewlett Street*, near *North Lodge*, near the *Elms*, and on the South Side of the New Burial Ground; be it therefore enacted, That if any of the Works of the said Company shall draw off the Water from the public Wells already sunk or dug, or so to be sunk or dug, in the Town of *Cheltenham* aforesaid, vested in the said Commissioners or any of them, or diminish the Supply of Water from any such existing or proposed Wells, in such Case the said Company shall at their own Expence forthwith deepen such Wells, and lengthen the Pipes by means of which such Water shall or might be supplied, or in case that be found insufficient shall by some other sufficient Means, to be approved of by the said Commissioners, provide such Commissioners for ever thereafter with as much Water as the Wells so affected now do or would supply, and in as full, beneficial, and convenient a Manner as the same is now or would be supplied; and in case any of the Works of the said Company shall obstruct, injure, or interfere with any public Sewer or Sewers in the said Town vested in the said Commissioners, the said Company

Company to
maintain the
existing Sup-
ply of Water.

[Local.]

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shall,

shall, by making a new Sewer or Sewers, or by some other sufficient Means, to be approved of by the said Commissioners, at the Expence of the said Company, as effectually carry off the Soil and Water now carried off by the Sewer or Sewers so to be affected by the said Works as the same were theretofore carried off by such last-mentioned Sewer or Sewers.

Arbitration
in Cases of
Dispute.

XLI. And be it enacted, That if any Dispute shall arise between the said Company and the said Commissioners touching any Matter by this Act authorized or required to be done or performed, such Dispute shall be settled by Arbitration in the Manner provided for by the Lands Clauses Consolidation Act.

Certain Part
of the Rail-
way passing
through
Cheltenham
to be covered
over.

XLII. And be it enacted, That, subject to the Provisions in the Railways Clauses Consolidation Act, 1845, contained, so much of the said Line of Railway as shall be situate between a Point at the Distance of Forty Feet on the East Side of *Winchcombe Street* and the West Side of *North Place* in the said Town of *Cheltenham* shall be well and effectually arched over or covered in with substantial Brick or Stone Work of the Thickness of Eighteen Inches at the least.

As to cross-
ing of River
Isis.

XLIII. And be it enacted, That the said Railway shall be carried across the River *Isis* at *Godstow Nunnery* by a Bridge to be constructed according to such Plans as have already been or shall hereafter be approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

As to Con-
struction of
Bridge
across the
Isis.

XLIV. And be it enacted, That the said Railway shall cross the River *Isis* below the *Cassington Lock* by a Bridge, which shall not be skewed more than Ten Degrees from the Square, with Openings between the Piers of not less than Fifty Feet each.

Remedy in
case Bridge
across the
Isis not
properly
constructed.

XLV. And be it enacted, That if the said Company shall construct any other Sort of Bridge, either at *Godstow Nunnery* or below *Cassington Lock*, it shall be lawful for the Lord High Admiral and also for the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, and restore the Site or Sites thereof to its or their former Condition, and that the Costs of such Removal and Restoration or Removals and Restorations shall be a Debt due by the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

In case
Bridges or
Railway
abandoned.

XLVI. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof

thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

XLVII. And be it enacted, That during the Construction of the said Bridges and Works connected therewith the said Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Bridges the said Company shall cause to be hung out or exhibited, upon or near to the Centre of each of the said Bridges, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Lights to be exhibited during Construction of Bridge.

XLVIII. And be it enacted, That wherever in the Construction of or for the Purpose of repairing the Works by this Act authorized it may be necessary to interfere with or to alter the Position of any Mains or Pipes at present laid down for the Supply of *Cheltenham* with Water, Forty-eight Hours previous Notice shall be given by the said Railway Company to the *Cheltenham* Waterworks Company of their Intention so to interfere with or alter the Position of such Mains or Pipes; and the said Pipes shall be relaid, and the Works necessary for the Purpose shall be conducted, to the Satisfaction of the Engineer for the Time being to the said Waterworks Company, and so as not to occasion any Interruption to or Diminution in the Supply of Water to the Inhabitants of *Cheltenham*; and it shall be lawful for the said Waterworks Company or their Engineer, or other authorized Officers and Servants, at all reasonable Times after the Construction of the said Railway, to enter upon the same, upon giving Notice of their Intention so to do to the said Railway Company, and to examine, under the Superintendence of the Engineer of the said Railway Company, any of the Pipes of the Waterworks Company, and to repair the same, if necessary, without making any Compensation to the said Railway Company in respect thereof, doing as little Damage as may be in conducting their Operations, and occasioning no Interruption thereby to the Traffic on the said Railway.

For Protection of Cheltenham Waterworks Company.

XLIX. And be it enacted, That nothing herein or in the recited Acts incorporated herewith contained shall authorize or empower the Railway Company to take up, break into, or otherwise interfere with any of the Sewers or Drains made or maintained by the *Cheltenham* Sewers Company under the Powers of an Act passed on the Twentieth Day of *April* One thousand eight hundred and thirty-three, intituled *An Act for the better Sewerage, cleansing, and draining of the Town of Cheltenham in the County of*

For Protection of the Cheltenham Sewers Company.

of Gloucester, or to alter or divert the Course of Water thereinto, therein, or therefrom, except upon the Terms of reconstructing such Sewers or Drains, or substituting therefor, in the Lands to be required or Streets or Places taken by the Railway Company under this Act, new Lines of Sewers or Drains, as effectual for the Sewage of the said Town as the existing Sewers or Drains are or may be rendered, and in such Manner and upon such Conditions as may have been or shall be expressly declared and provided by Agreement in Writing signed by Three of the Committee of Management of the said Sewers Company for the Time being; and all Works prescribed to be done by any such Agreement shall be performed to the full Satisfaction of the said Sewers Company, and the Railway Company shall not afterwards extend or alter the same, without obtaining previously to such Extension or Alteration the like Agreement on the Part of the said Sewers Company, nor without subsequently performing the same to their Satisfaction; and all reconstructed or substituted Sewers which shall be made pursuant to any such Agreement are hereby vested in the said Sewers Company, who shall have the entire Management and Control thereof, and for the Purpose of maintaining and repairing the same shall have Power to enter on any Land of the Railway Company wherever any such Sewers or Drain may run, and to break open and excavate the Soil thereof, doing as little Damage as may be to the Railway Company; and all Rights, Powers, and Authorities vested in the said *Cheltenham* Sewers Company by the said Sewers Act shall apply to such new or altered Works, and shall in all respects continue in full Force and Effect, any thing in this Act contained to the contrary notwithstanding: Provided always, that the Railway Company shall indemnify the said Sewers Company from all Actions, Suits, Proceedings, Losses, Damages, and Expences which may be brought, sued, or prosecuted against the said Sewers Company, or be paid by them, for or by reason of Injury, Damage, Nuisance, Deprivation of Water, Obstruction, Drainage, or otherwise occasioned by, consequent on, or resulting from any such Reconstruction or Alteration of the Sewers or Drains of the said Sewers Company as aforesaid.

Construction
of Railway
not to
diminish
Supply of
Water.

L. And whereas Apprehensions are entertained that the Construction of the said Railway through the Town of *Cheltenham* may diminish the Supply of Water to the Inhabitants of the said Town; be it therefore enacted, That, prior to the Commencement of the Works by this Act authorized in the Town of *Cheltenham*, some competent Person or Persons shall be appointed by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues to ascertain the State of Supply of Water to the several Wells in the Town of *Cheltenham* which may be affected by the Construction of such Works, and such Person or Persons so to be appointed shall and they are hereby authorized and required to ascertain such State of Supply accordingly within Three Months from their Appointment, and shall deposit with the Clerk of the Peace for the Time being of the said County a Report as to the State and Condition of such Supply to the said Wells, in order to afford Facilities for ascertaining, as well during as after the Construction of the said Railway, the Effect which the Works thereof may have had upon such Supply: Provided always, that

that if any Person or Persons shall refuse to allow or to afford all reasonable Facilities to the Person or Persons to be so appointed as aforesaid to inspect, at all reasonable Times, the Wells belonging to them respectively, and the State and Condition of the Supply of Water thereto for the Purpose aforesaid, such Person or Persons, or any other Person or Persons owning or occupying such Wells, shall not be entitled to claim any Compensation in respect of any Diminution of the Supply of Water thereto by reason of the Construction of the said Railway; provided also, that all the Costs and Expences attending such Appointment and Inquiry, and incident thereto, shall be paid by the Company.

LI. And be it enacted, That if at any Time during the Construction of the said Railway through the Town of *Cheltenham* it shall be found that the Water supplying any Well is diminished in Quantity, the said Company shall and they are hereby required to adopt, at their own Expence, all such Measures (whether by deepening the said Well or otherwise) as may be necessary for restoring the ordinary Supply of Water to the said Well, or for otherwise affording to the Persons deriving their Supply of Water from such Well an adequate Supply of Water of as good Quality from other Sources, or in default thereof the said Company shall forfeit and pay to the several Persons whose Supply of Water may have been diminished such Sum of Money by way of Penalty as may be awarded by the Judge for the Time being of the County Court at *Cheltenham*, who shall have Power and is hereby authorized and required to award such Penalty accordingly, and all Fees charged by or payable to the said Judge on occasion of the said Inquiry shall be paid by the said Company: Provided always, that due Notice shall be given to the said Company whenever the Supply of Water to any Well is diminished or supposed to be diminished by reason of the Works of the said Railway, and all due Facilities afforded to the said Company for restoring such Supply, by deepening the said Wells or otherwise; and the said Company shall only be liable to the Payment of such Compensation as aforesaid after the Receipt of such Notice, and so long as they fail to restore such Supply as to furnish an adequate Supply from the Sources with such reasonable Facilities as aforesaid afforded them for the Purpose.

Supply of
Water to be
maintained.

LII. And be it enacted, That within Twelve Months after the Completion of the said Railway through the Town of *Cheltenham* the Person or Persons who may have been appointed to inquire into the State and Condition of the Supply of Water to the said Wells shall again inquire and ascertain how far and to what Extent such Supply has been effected by the Works of the said Company, and shall make his Award as to the Amount of Compensation (if any) which the said Company shall make for any Diminution in the Quantity of Water to the said Wells which may have been occasioned by such Works, and such Compensation shall be paid by the said Company accordingly: Provided always, that if the Person or Persons who may have been appointed to conduct the Inquiry into the State and Condition of Supply of Water to the said Wells before the Construction of the said Works shall be unable or unwilling to act in the Inquiry as to the State and Condition thereof after the Construction of the said Works,

Award to be
made within
Twelve
Months.

such last-mentioned Inquiry shall be conducted by some other Person or Persons to be appointed by the said Commissioners of Her Majesty's Woods and Forests.

Defining
Gauge of
Railway.

LIII. And whereas the said Railways hereby authorized to be made are intended to join the *Great Western* Railway, already constructed on the Broad of Gauge of Seven Feet, and also the Line of the *Oxford, Worcester, and Wolverhampton* Railway, authorized to be constructed on the same Gauge: And whereas, in conformity with the Provisions of an Act passed in the last Session of Parliament for regulating the Gauge of Railways, it is expedient especially to define the Gauge upon which the said Railways are to be constructed; be it therefore enacted, That the Railways hereby authorized shall be constructed upon a Gauge of Seven Feet, so as to admit of the same being worked continuously with the said *Great Western*, and *Oxford, Worcester, and Wolverhampton* Railways respectively.

As to laying
down addi-
tional inter-
mediate
Rails for the
narrow
Gauge.

LIV. Provided always, and be it enacted, That if at any Time hereafter a Line of Railway to be constructed on the narrow Gauge from some Point on the *London and North-western* Railway between *London* and *Chiddington* to join the Line of Railway by this Act authorized at or near *Oxford*, and also a Line or Lines of Railway to be constructed on the narrow Gauge from the *South Wales* or *Herefordshire* Districts to join the existing narrow Gauge Line or Lines at *Cheltenham* or *Gloucester*, shall have been sanctioned by Parliament, then and in such Case, if the Government Commissioners of Railways for the Time being, upon Request from the Company or Companies to whom such new Line or Lines of Railway shall belong, shall certify that they are of opinion that sufficient Experience has been afforded of the safe and convenient Use of Lines constructed with Broad Gauge and with intermediate Rails for the Narrow Gauge, and that it would be for the public Convenience that such additional Rails adapted to the Narrow Gauge should be laid down upon the Line of Railway by this Act authorized, then and in such Case the Company hereby incorporated, or other the Owners or Lessees for the Time being of the Railway by this Act authorized, shall and they are hereby required, on Demand made by the said Railway Commissioners under their Hands and Seals to that Effect, to lay and maintain on the said Railway additional Lines of Rails on the Narrow Gauge: Provided always, that the Expence of laying such additional Lines of Rails shall be settled by the Commissioners of Railways, and shall be paid by such Parties as the said Commissioners shall determine.

Lands for ex-
traordinary
Purposes.

LV. And be it enacted, That it shall be lawful for the said Company to purchase for extraordinary Purposes any Quantity of Land not exceeding Fifty Acres.

Limiting
Time for
compulsory
Purchase of
Lands.

LVI. 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.

LVII. And

LVII. And be it enacted, That the Railway and Branch Railway shall be completed within Seven 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway and Branch Railway as shall then be completed.

Period for
Completion
of Works.

LVIII. And whereas the Line of the said intended Railway will pass over the *Port* or *Town Meadow* of the City of *Oxford*, which is the exclusive Property of the Freemen of the said City, being Part of the Rights reserved to them by the Municipal Corporations Regulation Act, Fifth and Sixth *William* the Fourth, Chapter Seventy-six, subject to certain Rights of Common thereon: And whereas at a Common Hall of the said Freemen held on the Thirteenth Day of *April* One thousand eight hundred and forty-seven, and to which Common Hall the Freemen of the said City were duly summoned according to Custom, it was resolved that the Purchase Money of such Part of *Port Meadow* as should be required by the proposed *Cheltenham and Oxford* Railway be invested in the Funds in the Name of the Mayor, Aldermen, and Citizens of *Oxford*, as Part of the Charitable Funds of the said City, and that the annual Proceeds be yearly distributed in Bread for the same Objects as the *Lenborough* Charity belonging to the said City; be it therefore enacted, That in case the said intended Line of Railway shall pass over the said *Port Meadow*, and any Part of the same shall be taken and purchased by the Company for the Purposes of the Undertaking, notwithstanding any thing contained in the Railways Clauses Consolidation Act, 1845, the Purchase Money or Compensation to be paid in respect of the Rights and Interests of the said Freemen of the said City of *Oxford* in the said *Port Meadow* shall be paid to the Treasurer of the said City of *Oxford*, whose Receipt for the same shall be a sufficient Discharge to the Company, and such Purchase Money shall be invested, in the Name of the Mayor, Aldermen, and Citizens of *Oxford* in the Purchase of Three *per Cent.* Consolidated Bank Annuities, or otherwise, under the Direction of the Council of the said City, in Government or Real Securities, or in the Purchase of Land; and that the Mayor, Aldermen, and Citizens of *Oxford* shall stand seised and possessed of such Investment, in trust to distribute the yearly Proceeds thereof in Bread, at such Times of the Year as they shall think fit, among the poor Freemen of the City of *Oxford*, and the Widows and Children of deceased Freemen, in the same Manner as a certain Charity called "The *Lenborough* Charity of the Foundation of *Charles Harris*" is now administered.

Provision in
the Event of
Line passing
over *Port
Meadow,
Oxford.*

LIX. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway and Branch Railway, not exceeding the following; (that is to say,)

Tolls.

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fire-clay, Cinders, Slag, and Stone, *per Ton per Mile* One Halfpenny; and

Tonnage on
Articles of
Merchan-
dize.

and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing :

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, *per Ton per Mile* not exceeding One Penny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, Clay (except Fire-clay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, *per Ton per Mile* Two-pence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per Ton per Mile* not exceeding Three-pence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

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 not belonging to the Company, *per Mile* not exceeding Five-pence ; and a Sum of Two-pence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for
Passengers
and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows :

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Two-pence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Bull, Cow, or Neat Cattle, conveyed in or upon any such Carriage, *per Mile* not exceeding Three-pence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny :

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing.

Tolls for
propelling
Power.

LX. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken, unless the said Passengers, Animals, or Goods are sent by a Special Train, in

which Case the Company shall be entitled to charge any reasonable Sum, in their Discretion, beyond the Tolls and Charges herein limited.

LXI. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles :

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile :

For a Fraction of a Ton the Company may demand Toll 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 :

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.

LXII. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit : Provided always, that Parcels 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 such Term shall apply only to single Parcels in separate Packages, and to Parcels not being aggregate Quantities of the same Description of Articles sent in the same Package :

For the Carriage of any One Boiler, Cylinder, Bob, 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 such Sum as they think fit, not exceeding Sixpence *per Ton per Mile* :

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.

LXIII. And be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Maximum Charges for Passengers.

[*Local.*]

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Carriages,

Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, the Sum of Two-pence Halfpenny *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Three Farthings *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per Mile*.

Maximum
Charges for
Cattle and
Goods.

LXIV. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggon or Trucks, and locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services are performed by the Company), shall not exceed the following Sums :

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Five-pence *per Mile* :

For Cattle, the Sum of One Penny Three Farthings *per Head per Mile* :

For every Calf or Pig, One Halfpenny *per Mile* :

For Sheep and small Animals, One Halfpenny each *per Mile* :

For every Carriage, the Sum of Sixpence *per Mile* :

For Coals, Coke, and other Articles herein-before classed therewith, the Sum of One Penny Farthing *per Ton per Mile* :

For Dung, and other Articles herein-before classed therewith, the Sum of Two-pence *per Ton per Mile* :

For Sugar, and other Articles herein-before classed therewith, the Sum of Three-pence *per Ton per Mile* :

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Four-pence *per Ton per Mile*.

Foregoing
Charges not
to apply to
Special
Trains.

LXV. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company.

Increased
Charges may
be taken by
Agreement.

LXVI. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Passengers
Luggage.

LXVII. And be it enacted, That every Passenger travelling upon the Railway may take with him at his own Risk his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class

class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any extra Charge being made for the Carriage thereof.

LXVIII. And be it enacted, That on the Completion of the Works of the Railway the Company hereby incorporated shall and they are hereby empowered and required to grant to the *Great Western Railway Company*, and the *Great Western Railway Company* shall and they are hereby empowered and required to accept, a Lease in perpetuity of the Railway hereby authorized to be made, at a Rent which shall be equal to Interest at Four *per Centum per Annum* on the Outlay required for the Construction of the Railway (such Outlay to include the Cost of obtaining this Act, Interest at Four Pounds *per Centum per Annum* on the Deposit and Calls from the Time of Payment to the Commencement of the said Rent, and all other the Expences of carrying the proposed Undertaking into effect), and a further yearly Rent, Year by Year, equal to Half the net Gains and Profits during such Year, irrespective of any previous Deficiency, to arise from the Railway and Works so to be leased, after Payment of such first-mentioned yearly Rent, and of all Expences consequent on the working of the Railway.

Railway to be leased to the Great Western Railway Company.

LXIX. And be it enacted, That on the Completion of the Works and the opening of the Railway the *Great Western Railway Company*, and their Directors, Officers, Agents, and Servants, shall have, use, and exercise all such Powers and Privileges in relation to the Railway as are hereby granted to the Company hereby incorporated, and their Directors, Officers, Agents, and Servants, and as if the Name of the *Great Western Railway Company* had been inserted herein in lieu of the Name of the Company hereby incorporated.

Powers of this Act to be used by Great Western Railway Company.

LXX. And be it enacted, That the *Great Western Railway Company* shall provide all Engines, Carriages, and other locomotive Establishment necessary to work the Railway hereby authorized, and for that Purpose may raise such further Sum of Money, not exceeding One hundred and fifty thousand Pounds, as may be necessary for the Purpose, either wholly or partially by creating new Shares or Stock, in such Manner and on such Conditions as they shall think fit, or partially by borrowing the same at Interest on Mortgages to be granted for that Purpose by the *Great Western Railway Company*; provided that in such last-mentioned Event the Amount so to be borrowed shall not exceed in Amount One Third of the Sum which they may raise by the Creation of Shares or Stock under the Provisions lastly herein-before contained; and in estimating the net Profits of the Undertaking hereby authorized, as herein-before provided, the same Company shall be allowed Interest at Five *per Centum per Annum* on the Amount expended for the last-mentioned Purpose, with an additional Two and a Half *per Centum per Annum* for Depreciation of Stock, and if such Allowance should be insufficient then such further Sum as shall appear to be necessary for that Purpose.

Great Western Railway Company to provide locomotive Stock.

LXXI. And

Company to
be respon-
sible for
Execution
of the Act.

LXXI. And be it enacted, That the *Great Western* Railway Company shall be answerable, in exoneration of the Company hereby incorporated, for all Loss or Damage which may in any way arise from the Execution or Omission by them of any of the Powers or Obligations by this Act conferred or imposed.

Power of
Sale to the
Great West-
ern Railway
Company.

LXXII. And be it enacted, That it shall be lawful for the Company hereby incorporated, at any Time hereafter, with the Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some Ordinary or Extraordinary Meeting of the said Company (Notice to that Effect having been given in the Advertisement calling such Meeting), to sell to the *Great Western* Railway Company the Railway by this Act authorized to be made, on such Terms and Conditions as may be agreed upon for that Purpose; and it shall be lawful for the *Great Western* Railway Company, at any Time hereafter, with the like Authority of Three Fifths of the Proprietors therein who may be present, either personally or by Proxy, at some General or Special Meeting of the Company (Notice to that Effect having been given in the Advertisement calling such Meeting), to purchase the Railway hereby authorized to be made, upon such Terms and Conditions as may be agreed upon for that Purpose; and the *Great Western* Railway Company are hereby authorized to raise, in such Manner as they may deem fit, any further Sum of Money which may be necessary for the Purposes aforesaid, not exceeding in Amount the Sum of One Million Pounds, but so nevertheless that the Amount which may be borrowed by the said Company for the Purposes aforesaid shall not exceed in Amount One Third of the Sum which they may raise by the Creation of Shares or Stock; and upon the Completion of such Purchase, and upon the Execution of a Deed of Conveyance under the Corporate Seal of the Company, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, the Railway hereby authorized to be made shall vest in and belong to the *Great Western* Railway Company, who shall thenceforth have, use, and exercise all the Powers, Privileges, and Authorities and be liable and subject to all the Regulations and Restrictions by this Act conferred and imposed on the Company hereby incorporated, as fully and effectually, to all Intents and Purposes, as if the Name of the *Great Western* Railway Company had been inserted herein instead of the Name of the Company hereby incorporated.

Providing
the same
Tolls as on
the Great
Western
Railway.

LXXIII. And whereas a Bill is now pending in Parliament providing for the Revision of the Tolls and Charges leviabie in respect of the Use of the *Great Western* Railway; be it enacted, That if such Bill shall pass into a Law in the present Session of Parliament, and if the Railway by this Act authorized shall be purchased or leased by the *Great Western* Railway Company, under the Powers of this or any other Act, it shall not be lawful for the *Great Western* Railway Company to demand and receive, in respect of any Traffic to or from any Part of the *Great Western* Railway between *Paddington* and *Didcot*, passing over the Railway by this Act authorized or any Part of the Railway by this Act authorized to be made,

made, any Rates, Tolls, and Charges exceeding the Rates, Tolls, and Charges which they may be authorized to demand and receive under and by virtue of the Provisions of the said last-mentioned Bill, if the same shall pass into a Law, for the Use of the *Great Western Railway*.

LXXIV. And be it enacted, That it shall be lawful for the Company hereby incorporated and for the said *Great Western Railway Company* to make and enter into such Contracts or Agreements for effecting the Purposes aforesaid, or for otherwise working or using the said Railway or any Part thereof, or for the Maintenance and Repair thereof or any Part thereof, as the said Companies may respectively deem advisable, and subject to such Terms and Conditions as may be mutually agreed on between them.

Power to enter into Contracts with the *Great Western Railway Company*.

LXXV. And be it enacted, That it shall not be lawful for any of the Directors acting under this Act who may have been appointed by or on behalf of the *Great Western Railway Company* as Subscribers to the Undertaking by this Act authorized, nor for any Person nominated or appointed by such Companies to vote on their Behalf at any Meeting of the Company, to vote as the Nominee of such Company in any Question relating to the Sale of the said Railway or any Part thereof to such Company; and that every Dispute which under this Act is to be settled by Arbitration shall be settled according to the Mode prescribed by the aforesaid Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

Limiting Right of voting by Directors appointed by *Great Western Railway Company*.

LXXVI. Provided always, and be it enacted, That it shall not be lawful for the said *Cheltenham and Oxford Railway Company*, by virtue of the Power herein-before contained, to sell, demise, or lease, nor for the said *Great Western Railway Company* to purchase, or to enter into or accept a Lease of the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

LXXVII. 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

Railways to be subject to the 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.

[*Local.*]

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last

last Session of Parliament, intituled *An Act for constituting Commissioners of Railways*; and another Act was also passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized to be made or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

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

LXXVIII. And be it enacted, That 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 this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.