



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxxvi.

An Act for making Branch Railways from the *Great Western Railway to Henby and to Radstock*; to widen certain Portions of the *Great Western Railway*; to enable the *Great Western Railway Company* to purchase or amalgamate with the *Birmingham, Wolverhampton, and Dudley Railway*, and to purchase the *Wycombe and Great Western and Uxbridge Railways*; and for other Purposes. [22d July 1847.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making a Railway from Bristol to join the London and Birmingham Railway near London, to be called "The Great Western Railway," with Branches therefrom to the Towns of Bradford and Trowbridge in the County of Wilts*, whereby several Persons were incorporated by the Name and Style of "*The Great Western Railway Company*:" And whereas the Provisions of the said Act were amended and enlarged by several subsequent Acts, passed
[Local.] 35 Y respectively
5 & 6 W. 4. c. 107.

respectively in the Sixth Year of the Reign of His said Majesty, and in the First, the Second, Seventh, and Ninth Years of the Reign of Her present Majesty Queen *Victoria*: And whereas the making of a Railway from the *Twyford* Station on the *Great Western* Railway to the Town of *Henley* in the County of *Oxford*, and also a Railway from the said *Great Western* Railway at or near the *Twiverton* Tunnel in the Parish of *Newton Saint Loe* in the County of *Somerset*, to join the Line of the *Wilts, Somerset, and Weymouth* Railway at or near *Radstock* in the County of *Somerset*, with Branch Railways to connect the same with various Collieries adjacent thereto, would be of great public Advantage: And whereas it is also expedient that certain Portions of the Line of the *Great Western* Railway in the Parish of *Bathampton* in the County of *Somerset* and in the Parish of *Acton* in the County of *Middlesex* should be widened and enlarged, and also that certain Roads now crossed by the *Great Western* Railway on the Level should be carried over the said Railway by means of Bridges: And whereas the *Great Western* Railway Company are willing to execute the said Railways and other Works, and it is expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged, and further Powers granted to the said Company; but the Aid of Parliament is necessary for the Purpose: 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 all the Provisions, Matters, and Things contained in the said several Acts relating to the *Great Western* Railway Company, so far as the same are now unrepealed and in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the Provisions of the Lands Clauses Consolidation Act, 1845, and of the Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto; and the Railways and Works by this Act authorized to be made by the said *Great Western* Railway Company shall, when so made, form a Part of the Undertaking of the *Great Western* Railway.

Provisions of former Acts extended to this Act.

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

II. And be it enacted, That the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," in so far as the same may be applicable, and are not inconsistent with the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Great Western* Railway Amendment and Extensions Act, 1847."

Power to raise additional Capital in the same

IV. And be it enacted, That it shall be lawful for the *Great Western* Railway Company from Time to Time to raise, by creating new Shares or Stock, in addition to the Sums of Money which they are authorized

authorized to raise under and by virtue of the Acts relating to their Undertaking herein-before recited, or any of them, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of Three hundred and eighty thousand Pounds, which Sum may be raised by the said Company in the like Way and with the like Powers and subject to the like Restrictions and Conditions as the Capital authorized to be raised by the said Company under the Powers of the said Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the several Acts relating to the Great Western, the Cheltenham and Great Western Union, and the Oxford Railways; to amalgamate the Two last-mentioned Railways with the Great Western Railway; and to authorize the Formation of certain additional Works at Cheltenham by the Great Western Railway Company.*

Way as under
7 & 8 Vict.
c. 3.

V. And be it enacted, That after the whole of the Sums by this Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof, and of the Amount by the said Act relating to the *Great Western Railway* passed in the Ninth Year of the Reign of Her present Majesty defined as being the Capital of the *Great Western Railway Company*, shall have been paid up, it shall be lawful for the Directors of the said *Great Western Railway Company* to borrow on Mortgage, and if subsequently paid off again to reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of One hundred and twenty-six thousand six hundred and sixty-six Pounds, in addition to the Sums which they are authorized to borrow by the said last-mentioned Act, or which they may be authorized to borrow by any other Act to be passed in the present Session of Parliament, and for securing the Repayment of the Sum so borrowed, with Interest, to mortgage the Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Power to
borrow
Money on
Mortgage.

VI. And be it enacted, That the respective Mortgagees shall be entitled to the same Rights and Privileges, and the said Mortgages shall be subject to the same Restrictions and Conditions, as are provided in the recited Act relating to the *Great Western Railway* passed in the Seventh Year of the Reign of Her present Majesty with respect to the Mortgages thereby authorized to be granted: Provided always, that all Mortgages of the said Undertaking heretofore granted under the Powers of the Acts herein-before recited or any of them shall during the Continuance thereof have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Rights of
Mortgagees.

VII. And be it enacted, That it shall be lawful for the said *Great Western Railway Company*, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by this Act, or any Part thereof, by creating new Shares of the said Company, instead of borrowing the same, or having borrowed the same it shall be lawful for them to continue

Power to
convert Loan
into Capital.

continue at Interest only a Part of the said Sums, if they so think fit, and to raise the Remainder thereof or any Part of the Remainder thereof by creating new Shares of the Company; and all Provisions with regard to the additional Capital by this Act authorized to be raised shall apply in like Manner to the new Shares which may be so created as aforesaid; but no such Augmentation of Capital as last herein-before authorized shall take place without the previous Authority of a General Meeting of the Company called for the Purpose.

As to Votes of Proprietors of new Shares.

VIII. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Interest not to be paid on Calls paid up.

IX. 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 first-recited Act in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

X. 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.

Railways, &c. to be made according to deposited Plans.

XI. And whereas Plans and Sections of the said proposed Railways, and of the intended Enlargement of the *Great Western* Railway, showing the Lines and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Middlesex*, *Wilts*, *Buckingham*, *Berks*, *Oxford*, and *Somerset* respectively; be it enacted, That, subject to the Provisions in this and the said Lands Clauses Consolidation Act and the said Railways Clauses Consolidation Act as extended to this Act contained, it shall be lawful for the said Company to make and maintain the said Railways to *Henley* and to *Radstock* respectively, and, if they think fit, the diverging Lines, or any of them, shown in the Plans, from such last-mentioned Branch Railway to various Collieries lying adjacent thereto, and

and also to widen and enlarge the said *Great Western* Railway within the said several Parishes of *Bathampton* and *Acton*, according to the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined upon the said Actions, and to enter upon, take, and use such of the said Lands as for such Purpose they shall consider necessary.

XII. And whereas one of such diverging Lines, as laid down on the said deposited Plans, terminates in the Parish of *Clutton* in the County of *Somerset* at a certain Colliery called the *Grayfield* Colliery, belonging to or claimed to belong to the Right Honourable *Henry Richard Earl Brooke* and *Earl of Warwick*: And whereas since the Deposit of such Plans it has been agreed between the said Earl and the said Company that the said diverging Line of Railway should (with the Authority of Parliament) be extended so as to communicate with Two other Collieries in the said last-mentioned Parish, whereof the said Earl is or claims to be the Owner: And whereas the making of such Extensions renders necessary an Alteration in the Line and Levels of a certain Part of the said diverging Line to the *Grayfield* Colliery: And whereas a Plan and Section of such Alteration and of the said Extensions, together with a Book of Reference to such Plan, have been deposited with the Clerk of the Peace for the said County of *Somerset*; be it therefore enacted, That, subject to the Provisions in this Act and the said Lands Clauses Consolidation Act and the said Railways Clauses Consolidation Act contained, it shall be lawful for the said Company to alter the Line and Levels of the said diverging Line to the *Grayfield* Colliery in the Manner defined upon the said last-mentioned Plan and Section, and also to extend the said diverging Line of Railway according to the Line and upon the Lands delineated on the said last-mentioned Plan and described in the said Book of Reference, and according to the Levels defined upon the said last-mentioned Section, and to enter upon, take, and use such of the said Lands as may be necessary for the Purpose.

Power to extend the Branch to the *Grayfield* Colliery.

XIII. And be it enacted, That the said intended Railway first above mentioned shall commence by a Junction with the *Great Western* Railway at or near the *Twyford* Station thereof in the Parishes of *Hurst* and *Ruscomb* in the Counties of *Berks* and *Wilts*, or One of them, and shall terminate in the Parishes of *Rotherfield*, *Grays*, and *Henley*, or One of them, in the County of *Oxford*; and the said intended Railway secondly above mentioned shall commence by a Junction with the *Great Western* Railway in the Parish of *Newton Saint Loe* in the County of *Somerset*, and shall terminate by a Junction with the Line of the *Wilts, Somerset, and Weymouth* Railway in the Parish of *Radstock* in the said County of *Somerset*; and the said Branch Railways, if the same shall be constructed, shall be made in the Lines defined on the Plans deposited as aforesaid.

Lines of Railway.

XIV. And be it enacted, That it shall be lawful for the said Company to carry the said Railways or either of them across and on the
 [Local.] 35 Z Level

Certain Roads to be crossed or Level.

Level of the several public Roads numbered on the Plans deposited as aforesaid as follows ; (that is to say,)

On the Branch from *Twyford* to *Henley*, the public Road numbered 1 in the Parish of *Rotherfield Peppard* :

On the Branch from *Newton Saint Loe* to *Radstock*, and the Colliery Lines connected therewith, the Roads numbered respectively 107, 136, 124, 133, and 139 in the Parish of *Timsbury* :

The Road numbered 79 in the Parish of *Midsomer Norton* :

The Road numbered 127^a in the Parish of *Radstock* :

The Roads numbered 55 and 101 in the Parish of *Poulton* :

The Roads numbered 6 and 14 in the Parish of *Farrington Gourney* :

The Road numbered 4 in the Parish of *High Littleton*.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of the Commissioners of Railways.

XV. 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 any of the said 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 continue after such Penalty of Twenty Pounds shall have been incurred.

As to Construction of Viaduct across the Thames.

XVI. And be it enacted, That where the Viaduct shall cross the main Channel of the River *Thames* the Arches or Openings shall be at least Forty Feet Span each, and One of such Arches or Openings shall contain the Towing Path, and in the Construction of the said Arches or Openings there shall be a clear Headway under each of Sixteen Feet above the ordinary Level of the River ; and if any other Viaduct be constructed 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, and restore its Site to its former Condition, at the Cost of the Company, and the Amount of such Cost shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Lights to be exhibited on the Viaduct.

XVII. And be it enacted, That during the Construction of the said Viaduct and Works connected therewith the 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 Viaduct the Company shall cause to be hung out or exhibited upon or near to the Centre of the said Viaduct, every Night from Sunset to Sunrise, a good and sufficient
Light,

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 from Time to Time be altered by the 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.

XVIII. And be it enacted, That if any Bridge or Viaduct 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 shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

If Company abandon the Viaduct or Railway, the Admiralty may remove the same.

XIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Company to purchase or take permanently any of the Lands comprised in the said Books of Reference, and therein described as belonging to the Company of Proprietors of the *Somersetshire* Coal Canal Navigation, without the previous Consent of the said Company of Proprietors; but it shall be lawful for the said Railway Company nevertheless to construct their Railway across or over the said Canal or any of the Tramways connected therewith, by means of Arches or by means of level Crossings, so as the said Company shall not thereby permanently deprive the said Company of Proprietors of the Ownership, Occupation, or Use of the Lands on which such Canal or Tramways rest.

Company not to take certain Property of the Somersetshire Coal Canal Navigation Company, without Consent.

XX. And be it enacted, That in all Cases in which the said Railway hereby authorized to be made is laid down to cross the said Tramroad on a Level the Tram Plates or Rails of the said Tramroad shall not be permanently cut or altered so as in any way to impede or obstruct the free Passage of Waggons and Carriages along the said Tramroad.

Mode of constructing level Crossings of Tramroad.

XXI. And be it enacted, That in all Cases where the said Railway shall cross the said Tramroad by means of Bridges or Arches, such Bridges or Arches shall be constructed with a clear Width of Twelve Feet, and a clear Height of Sixteen Feet from the Tram Plates or Rail of the said Tramroad to the Spring of the Arch of the said Bridges.

As to Construction of Bridges over Tramroads.

XXII. And be it enacted, That if in consequence of any Diversion or otherwise the said Railway shall be carried across the said Canal, at any Part thereof other than the Basin of the said Canal at *Timsbury*, by means of a Bridge, such Bridge, and every other Bridge which shall be

Dimensions of Bridge over Canal.

be carried over the said Canal or any Part thereof by the said Railway Company, shall be constructed with a clear Width of Waterway Four Feet deep for the Canal of at least Fifteen Feet, and a clear Width of Towing Path of Six Feet, being a total Width of Twenty-one Feet in the clear between the Abutments on a Line square with the Channel of the Canal, and that the Soffit of the Arch of the said Bridge shall not be less than Seven Feet above the Level of the present Towing Path, and that there shall be throughout the whole of such Arch or Bridge a clear Headway of not less than Seven Feet, measured from the Level of the said Towing Path.

Dimensions
of temporary
Works.

XXIII. And be it enacted, That the said Railway Company shall and they are hereby required, during the Construction of the said Bridge, and of the necessary Repairs and Renewals thereof, to leave an open and uninterrupted navigable Waterway in the said Navigation of not less than Twelve Feet in Width, and also a clear Height sufficient for laden and unladen Barges to pass along, with a good and sufficient Towing Path so that the Horses shall pass uninterrupted along the same.

Penalty for
obstructing
Navigation.

XXIV. And be it enacted, That if by reason or in execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works, or if by any Act or Omission of the said Railway Company, or any of their Servants, Agents, or Workmen, the said Canal or the Towing Path thereof shall be obstructed so that Boats, Barges, or other Vessels cannot pass along the same, or the said Tramroad shall be so obstructed that Waggons or other Carriages cannot pass along the same, or in case the Space under the Bridges or any of them where the said Railway crosses the said Tramway or Canal shall be at any Time contracted so as to be less in Width or Height than is herein prescribed, then and in any of the said Cases the said Railway Company shall pay to the said *Somersetshire* Coal Canal Company, as or by way of ascertained Damages, the Sum of Two Pounds for every Hour during which the said Obstruction shall continue: Provided always, that if such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Persons in the Employ of the said Railway Company, then and in every such Case the said Railway Company shall pay to the said *Somersetshire* Coal Canal Company the Sum of Five Pounds for every Hour during which such Obstruction shall continue, as or by way of ascertained Damages; and in default of Payment of such respective Sums, or such a Proportion thereof as shall become due, on Demand made of the Secretary or any Officer of the said Railway Company, the said *Somersetshire* Coal 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 Her Majesty's Courts of Record at *Westminster*; and in case any Soil, Dirt, or Rubbish shall in the Construction of any of the Works of the said Railway Company fall into the said Canal or the said Tramway or Works connected therewith, or in case the said Bridges where the said Railway or Branch Railway crosses the said Canal,
Tramway,

Tramway, or Works, or the Approaches, Side Slopes, or Banks of the said Railway next to the said Canal, Tramway, or Works, or any of them, or any Part thereof respectively, shall not be kept in good and substantial Repair, and if the said Railway Company shall not, within Seven Days after Notice in Writing of such Want of Repair given to their Secretary by the Clerk, Agent, or Engineer of the said *Somersetshire* Coal Canal Company, proceed to remove from the said Canal, Tramway, or Works the said Soil, Dirt, or Rubbish, or to make and complete with all reasonable Despatch the Repairs so required, or in case of any pressing Emergency, then it shall be lawful for the said *Somersetshire* Coal Canal Company to remove from the said Canal, Tramway, or Works the said Dirt, Soil, and Rubbish, or to do the needful Repairs, as the Case may be, and to recover the Amount of the Expences from the said Railway Company by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that nothing herein or in the said recited Acts or either of them contained shall extend to prevent the said *Somersetshire* Coal Canal Company from recovering from the said Railway Company any special Damages that may be sustained by them on account of the Acts and Defaults of the said Railway Company, or in respect of which Penalties are by this or the said recited Acts or either of them imposed, beyond the Amount of such Penalty or Penalties, and they are hereby authorized to sue for and recover such special Damages accordingly, but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the said Railway Company to the said *Somersetshire* Coal Canal Company, and any Action for special Damages shall be brought as above mentioned, then the Penalty or Penalties so paid shall be deemed and considered as Payments on account of the said special Damages, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the said Railway Company, and the same shall be deducted from the Amount of Damages to be recovered by the said *Somersetshire* Coal Canal Company; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Railway Company; and no Action shall be maintained by the said *Somersetshire* Coal Canal Company against the said Railway Company for the Recovery of any Penalty or Penalties, after Judgment shall have been obtained by them for any special Damage in respect of the said Act or Acts for which such Penalty or Penalties would then have been recoverable.

XXV. And be it enacted, That it shall be lawful for the Company to purchase or take any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres. Land for extraordinary Purposes.

XXVI. 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 compulsory Purchase of Lands.

[*Local.*]

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XXVII. And

Period for
Completion
of Works.

XXVII. And be it enacted, That the Railways and other Works hereby authorized to be made 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 Acts herein-before referred to granted to the Company for executing the said Railways and other Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways and other Works respectively as shall then be completed.

Gauge of
Railways.

XXVIII. And be it enacted, That the Railways by this Act authorized to be made shall be constructed on the Gauge of Seven Feet.

Certain
Roads to be
carried over
the Great
Western
Railway ac-
cording to
deposited
Plans.

XXIX. And whereas the said *Great Western* Railway at present crosses Three several Roads herein-after mentioned on the Level thereof respectively, that is to say, a Road in the Parish of *Ealing* in the County of *Middlesex* at a Distance of Six Miles and a Half or thereabouts from the *Paddington* Station, another Road in the Parish of *Langley Marsh* otherwise *Langley Marsh* in the County of *Bucks* at the *Langley* Station on the said Railway, and at a Distance of Sixteen Miles or thereabouts from the said *Paddington* Station, and another Road in the Parish of *Basildon* and County of *Berks* at a Distance of Forty-three Miles or thereabouts from the said *Paddington* Station, and it is expedient that the said Roads respectively should be carried over the said Railway by means of Bridges: And whereas Plans and Sections of the proposed Works for effecting such Alterations, with Books of Reference to such Plans, have been deposited with the Clerks of the Peace for the Counties of *Middlesex*, *Bucks*, *Berks*, *Wilts*, *Oxford*, and *Somerset* respectively; be it therefore enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act contained, it shall be lawful for the said Company to carry the said Roads respectively over the said Railway by means of Bridges, with all necessary Approaches to the same respectively, according to the Lines and upon the Lands delineated on the Plans and described in the Books of Reference deposited as aforesaid, and to enter upon and take and use such of the said Lands as for such Purpose they may consider necessary.

Power to
lease the
diverging
Lines of
Railway
from the
Radstock
Branch.

XXX. And be it enacted, That it shall be lawful for the said Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to let on Lease the said diverging Lines of Railway from the Branch Railway to *Radstock* hereby authorized to be made, or any of them, or any Part thereof, either before or after the Construction of the same, with all the Powers of the said Company in reference thereto, to the Owners or others interested in the adjacent Collieries and Works to which the same respectively extend, for such Term or Terms of Years, at such Rent or Rents, or subject to such Agreements as to the Construction thereof by the said last-mentioned Parties and upon such other Conditions as may be mutually agreed upon between such last-mentioned Parties and the said Company.

XXXI. And

XXXI. And whereas Two several Acts were passed in the last Session of Parliament, called "The *Wycombe* Railway Act, 1846," and "The *Great Western and Uxbridge* Railway Act, 1846," whereby Two Companies were incorporated by the respective Titles of "The *Wycombe* Railway Company" and "The *Great Western and Uxbridge* Railway Company," for the Purpose of making Railways to *Wycombe* and *Uxbridge* respectively: And whereas by Articles of Agreement entered into between the Directors of the said Two last-mentioned Companies respectively and the Directors of the *Great Western* Railway Company, which Agreements have been confirmed by the Proprietors in the said Three Companies respectively specially convened for the Purpose, it has been agreed, subject to the Approval of Parliament, that the *Great Western* Railway Company shall become the Purchasers of the Undertakings belonging to the *Wycombe* Railway Company and the *Great Western and Uxbridge* Railway Company, for the Consideration and subject to the Conditions in the said Agreement specified, and that such Consideration shall be divided between the Shareholders in the *Wycombe* Railway Company and the *Great Western and Uxbridge* Railway Company respectively in such Proportions and Manner as in the said Agreement expressed; be it therefore enacted, That it shall be lawful for the said *Wycombe* Railway Company and for the said *Great Western and Uxbridge* Railway Company, or either of them, at any Time, either before or after the Execution of the Works severally authorized by the Acts relating to their respective Undertakings, to sell to the *Great Western* Railway Company, and for the last-mentioned Company to purchase and take, the said *Wycombe* Railway and the said *Great Western and Uxbridge* Railway respectively, or either of them, and all and every the Lands, Houses, Works, and Conveniences and other Property whatsoever of the said *Wycombe* Railway Company and the *Great Western and Uxbridge* Railway Company respectively, and all Powers, Rights, and Privileges whatsoever of the said last-mentioned Companies, at or for such Price or Prices, Sum or Sums, and upon and subject to such Terms and Conditions as may be mutually agreed upon between the *Great Western* Railway Company and the said Two Companies respectively, or either of them, and the said Agreement entered into as aforesaid shall be as binding on the said Three Companies respectively, and the Shareholders thereof respectively, and all others interested, as though the same had been entered into between them respectively under the respective Corporate Seals of the same Three Companies subsequently to the passing of this Act.

Power to purchase the *Wycombe* Railway and the *Great Western and Uxbridge* Railway.

XXXII. And be it enacted, That upon Payment of the respective Amounts of Purchase Money in respect of the said Undertakings respectively, and upon the Execution of such Deed or Instrument of Conveyance thereof as herein-after mentioned, the said *Wycombe* and the said *Great Western and Uxbridge* Railway Companies respectively, or either of them, as the Case may be, whose Undertaking may by such Conveyance be expressed to be sold, shall be dissolved, save only for the Purpose of the Division or Distribution of the said Purchase Money among the Shareholders of such Companies respectively, as provided by such Agreement.

Dissolution of the *Wycombe* and the *Great Western and Uxbridge* Railway Companies.

XXXIII. Pro-

Dissolution
not to affect
any Pur-
chase, Sale,
or Convey-
ance, &c.

XXXIII. Provided always, and be it enacted, That the passing of this Act, and the Dissolution of the said *Wycombe* Railway Company and the said *Great Western and Uxbridge* Railway Company, or either of them, (as the Case may be,) shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Security, Act, Matter, or Thing whatsoever theretofore made, done, executed, commenced, or instituted under or by virtue or in pursuance of the said *Wycombe* Railway Act, 1846, or the *Great Western and Uxbridge* Railway Act, 1846, but all such Purchases, Sales, Conveyances, Grants, Securities, Acts, Matters, and Things shall be and remain as good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not been passed, and the said Companies had not been dissolved.

On Payment
of Purchase
Money, Pro-
perty of the
Wycombe
and *Great*
Western and
Uxbridge
Railway
Companies
to vest in
the *Great*
Western
Railway
Company.

XXXIV. And be it enacted, That on Payment of the said Purchase Money, and upon the due Execution of a Deed or Instrument of Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the said Purchase Money, the said *Wycombe* Railway and the said *Great Western and Uxbridge* Railway, or either of them, (as the Case may be,) and all and every the Lands, Works, and Conveniences or other Property whatsoever belonging to the said last-mentioned Companies respectively, or in or to which they were by virtue of the said recited *Wycombe* Railway Act, 1846, and the *Great Western and Uxbridge* Railway Act, 1846, or by any Means whatsoever respectively seised, possessed, or entitled, at Law or in Equity, immediately before the Payment of the said Purchase Money, and all the Powers, Authorities, and Privileges vested in the *Wycombe* Railway Company by the said *Wycombe* Railway Act, 1846, and in the said *Great Western and Uxbridge* Railway Company by the *Great Western and Uxbridge* Railway Act, 1846, shall belong to, and shall by virtue of such Deed or Instrument of Conveyance and of this Act be absolutely vested in, the *Great Western* Railway Company, and the several Undertakings of the said *Wycombe* Railway and the *Great Western and Uxbridge* Railway, or either of them, (as the Case may be,) shall thenceforth become and form Part of the Undertaking of the said *Great Western* Railway Company, subject nevertheless and without Prejudice to the several Mortgages and Incumbrances which at or immediately before the Time of such vesting shall have been upon or affecting the said Two Railways respectively, or any of the Property of the said respective Companies; and all Persons who immediately before such Payment as aforesaid owed any Money to the said Two last-mentioned Companies respectively shall pay the same, together with all Interest, if any, due and to accrue thereon, to the said *Great Western* Railway Company, and all Debts which immediately before such Payment as aforesaid were owing from or by the said *Wycombe* Railway Company and the said *Great Western and Uxbridge* Railway Company, or either of them, (as the Case may be,) save and except such as may be specially excepted by Agreement or otherwise, shall be paid by the said *Great Western* Railway Company,

Form of
Conveyance.

XXXV. And with respect to the Deed or Deeds for the Conveyance of the said *Wycombe* Railway and the said *Great Western and Uxbridge*

Uxbridge Railway, be it enacted, That the same may be in the Form in Schedule (A.) to the Lands Clauses Consolidation Act, 1845, or as near thereto as the Circumstances of the respective Cases will admit, which Conveyance or Conveyances, when duly executed, shall be a good and sufficient Discharge to the *Great Western* Railway Company for the Purchase Money, and shall give and constitute a good and undoubted Right and complete and valid Title in all Time coming to the *Great Western* Railway Company, and to their Successors and Assigns, to the Railway and Works comprised or intended to be comprised in such respective Deeds, so far as the *Wycombe* Railway Company and the *Great Western and Uxbridge* Railway Company respectively could convey the same; and the *Great Western* Railway Company shall not be obliged or concerned to see to the Division or Distribution of the said Purchase Money among the Shareholders of the said *Wycombe* Railway Company or of the *Great Western and Uxbridge* Railway Company, or either of them, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

XXXVI. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, Covenants, and Securities respectively made or entered into with, to, or in favour of or by the said *Wycombe* Railway Company and the said *Great Western and Uxbridge* Railway Company, or either of them, (as the Case may be,) before Payment of the Purchase Money, or the Balance or Surplus thereof, (as the Case may be,) to such Companies respectively, shall from and after such Payment be and remain as good, valid, and effectual, in favour of or against and with reference to the *Great Western* Railway Company, and may be proceeded on and enforced in the same Manner, by or against the said last-mentioned Company, to all Intents and Purposes as if the said last-mentioned Company had been a Party to and granted the same, and had been named or referred to therein instead of the said *Wycombe* Railway Company and the said *Great Western and Uxbridge* Railway Company respectively.

Contracts made by the *Wycombe* and *Great Western and Uxbridge* Companies to be binding on the *Great Western* Company.

XXXVII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said *Wycombe* Railway Company or the said *Great Western and Uxbridge* Railway Company, previously to the passing of this Act, and the Dissolution of the said Companies respectively, shall abate or be discontinued or prejudicially affected thereby, but, on the contrary, the same shall continue and take effect, both in favour of and against the *Great Western* Railway Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Wycombe* Railway Company and the said *Great Western and Uxbridge* Railway Company if this Act had not been passed, and the said Companies respectively had not been dissolved; and also that all Penalties by reason of any Offence committed against the Provisions of the said *Wycombe* Railway Act, 1846, or of the said *Great Western and Uxbridge* Railway Act, 1846, previously to the passing of this Act, may be sued for and prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been

Actions not to abate.

passed, the said *Great Western* Railway Company being in reference to the Matters in this Enactment contained in all respects substituted in the Place of the said *Wycombe* Railway Company or the said *Great Western and Uxbridge* Railway Company, as the Case may require.

Books of dissolved Companies to be Evidence.

XXXVIII. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts relating to the *Wycombe* and *Great Western and Uxbridge* Railway Companies respectively authorized or directed to be kept, and thereby made Evidence, shall, after and notwithstanding the passing of this Act and the Dissolution of the said Companies, be admitted as Evidence in all Courts of Law and Equity and elsewhere.

Power to raise additional Capital by Creation of new Shares, for the Purchase of the *Wycombe* and *Great Western and Uxbridge* Railways.

XXXIX. And be it enacted, That it shall be lawful for the *Great Western* Railway Company, for the Purpose of purchasing the said *Wycombe* Railway and the said *Great Western and Uxbridge* Railway, or either of them, to raise, by the Creation of new Shares or by Mortgage, and in addition to the other Sums which they are authorized to raise by this Act, or under or by virtue of the said recited Acts or any of them, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any such further Sum of Money as may be necessary, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital authorized to be raised for the Purpose of the Railway which may be the Subject of such Purchase by the Act relating thereto, and that the Money so to be borrowed by the said *Great Western* Railway Company shall not exceed One Third of the Amount of the Capital to be raised by such additional Shares, and shall not be borrowed till the whole of the said Capital, and of the Capital authorized to be raised by the said recited Act relating to the *Great Western* Railway, passed in the Ninth Year of the Reign of Her present Majesty, shall have been subscribed for and One Half thereof paid up; and it shall be lawful for the said Company to raise such additional Capital in the like Way, and with the like Powers, and subject to the same Restrictions and Conditions as they are herein-before authorized to raise additional Capital by the Creation of new Shares.

Agreement for Sale to *Great Western* Railway Company of the *Birmingham, Wolverhampton, and Dudley* Railway Companies.

XL. And whereas an Act was passed in the last Session of Parliament, called "The *Birmingham, Wolverhampton, and Dudley* Railway Act, 1846:" And whereas by certain Articles of Agreement bearing Date the Twelfth Day of *November* One thousand eight hundred and forty-six, and entered into between the Directors of the *Great Western* Railway Company and the Directors of the said *Birmingham, Wolverhampton, and Dudley* Railway Company and of the *Birmingham and Oxford Junction* Railway Company, and which Agreement has been confirmed by the Proprietors in the said Three Companies respectively at Meetings specially convened for the Purpose, it has been agreed, amongst other Objects, and subject to the Approval of Parliament, that the *Great Western* Railway Company shall be the Purchasers of the Undertaking authorized to be carried into effect by the said *Birmingham, Wolverhampton, and Dudley* Railway Company; be it therefore enacted, That it shall be lawful for the *Great Western*

Western Railway Company to purchase the said Undertaking, as well as any Works which the *Birmingham, Wolverhampton, and Dudley* Railway Company may be authorized to carry into effect, or any Undertaking which they may be authorized to purchase by any Act or Acts which may be passed in the present Session of Parliament, together with all their Rights, Powers, Privileges, and Authorities in relation thereto, and it shall be lawful for the *Great Western* Railway Company to purchase, hold, use, exercise, and enjoy the same; and the Agreement so entered into as aforesaid shall be binding on the *Great Western* and the *Birmingham, Wolverhampton, and Dudley* Railway Companies respectively.

XLI. And be it enacted, That it shall be lawful for the *Birmingham, Wolverhampton, and Dudley* Railway Company and they are hereby required, on Demand made by the *Great Western* Railway Company, and on Payment or Tender by them of the Price or Consideration specified in the said Articles of Agreement, at the Time and in manner therein mentioned, to transfer to the *Great Western* Railway Company the Undertaking which they are by the said recited Act authorized to carry into effect, or which they may be authorized to carry into effect by any Act or Acts which may be passed in the present Session of Parliament, and on Completion of such Transfer (of which Completion a Deed of Transfer or Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seal of the said *Birmingham, Wolverhampton, and Dudley* Railway Company, shall be sufficient Evidence,) the *Great Western* Railway Company may have and hold the Undertaking so transferred to them, and may use, exercise, and enjoy all the Powers and Privileges which the said *Birmingham, Wolverhampton, and Dudley* Railway Company are or may be authorized or empowered to use, exercise, or enjoy in relation thereto.

Sale of Birmingham, Wolverhampton, &c. Railway to be completed.

XLII. And be it enacted, That it shall be lawful for the *Great Western* Railway Company, for the Purpose of completing the Purchase of the Undertakings agreed to be purchased by them as aforesaid, to raise, by the Creation of new Shares in their Undertaking, (subject to such Conditions as they may see fit,) such Sum of Money as by the said Agreement herein-before referred to they have agreed to pay for such Undertakings, and also such additional Sum as may be requisite, and as Parliament may authorize to be raised by the Company to whom such Undertakings belong, for the Completion of any Branches or additional Works, or the Purchase of any Undertakings in connexion therewith; and it shall be lawful also for the *Great Western* Railway Company to raise, in addition, by Mortgage or Bond, on the Credit of their Undertaking, any Sum of Money not exceeding in Amount One Third of the Sum which they are by this Act authorized to raise by the Creation of Shares for the Purposes aforesaid, when and so soon as the whole of such last-mentioned Sum shall have been subscribed for, and One Half thereof paid up.

Power to Great Western Railway Company to raise Capital by Creation of new Shares for the Purchase.

XLIII. And be it enacted, That from and after the Transfer of the said Undertaking to the *Great Western* Railway Company all the Provisions

After Purchase of Undertaking,

same to form
Part of the
Great West-
ern Railway.

Provisions contained in the several Acts relating to the Undertaking so transferred, and which are or may be therein made applicable to the said *Birmingham, Wolverhampton, and Dudley* Railway Company, shall be applied and applicable to the *Great Western* Railway Company, in like Manner as though the last-mentioned Company had been named or expressly referred to in such Provisions in lieu of the said *Birmingham, Wolverhampton, and Dudley* Railway Company.

If Part of
Railways
completed
before the
whole, same
to be worked
by the Great
Western
Railway
Company.

XLIV. Provided always, and be it enacted, That if any Part of the said *Birmingham, Wolverhampton, and Dudley* Railway shall be completed before the whole thereof, the Part so completed shall and may be used and worked exclusively by the *Great Western* Railway Company, subject to the Performance by them of such Conditions in relation thereto as have been already agreed on between the *Great Western* Railway Company and the said *Birmingham, Wolverhampton, and Dudley* Railway Company, in the Agreement herein-before referred to, or as may hereafter be agreed to between them.

Provisions of
this Act to
be applicable
to united
Company.

XLV. And whereas a Bill is now pending in Parliament for uniting the *Birmingham, Wolverhampton, and Dudley* Railway Company with the *Birmingham and Oxford Junction* Railway Company; be it therefore enacted, That if the said Bill shall pass into a Law the several Provisions in this Act contained with reference to the said *Birmingham, Wolverhampton, and Dudley* Railway Company shall be held applicable to the united Company to be incorporated by such Bill, in like Manner as though such united Company had been specifically mentioned in the said Provisions in lieu of the said *Birmingham, Wolverhampton, and Dudley* Railway Company.

Powers of
Sale, &c. not
to be exer-
cised with-
out Certifi-
cate of Com-
missioners of
Railways.

XLVI. Provided always, and be it enacted, That it shall not be lawful for the said *Wycombe* Railway Company, or the *Great Western and Uxbridge* Railway Company, or the *Birmingham, Wolverhampton, and Dudley* Railway Company respectively, by virtue of the Powers herein-before contained, to transfer, nor for the said *Great Western* Railway Company to accept the Transfer of the Undertakings belonging to such Companies, 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 by Transfer, that One Half of the whole Amount of the Capital, exclusive of Loans, authorized to be raised by the Act or Acts relating to the said *Great Western* Railway Company and to the *Wycombe* Railway Company (so far as relates to the Sale of the Undertaking of the *Wycombe* Railway Company), or to the *Great Western* Railway Company and the *Great Western and Uxbridge* Railway Company (so far as relates to the Sale of the Undertaking of the *Great Western and Uxbridge* Railway Company), or to the *Great Western* Railway Company and the *Birmingham, Wolverhampton, and Dudley* Railway Company (so far as relates to the Undertaking of the *Birmingham, Wolverhampton, and Dudley* Railway Company), has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

XLVII. And

XLVII. And whereas Two Acts were passed in the last Session of Parliament, intituled respectively "The *Birmingham and Oxford Junction* Railway Act, 1846," and "The *Birmingham and Oxford Junction (Birmingham Extension)* Railway Act, 1846," by which Acts it was enacted that no Lease or Sale of such last-mentioned Railways to the *Great Western* Railway Company, under the Powers in the said Acts contained, should take effect unless and until the maximum Tolls and Charges on the said *Great Western* Railway should have been reduced by Parliament to the same Scale as or to a Scale not exceeding the Tolls and Charges authorized to be taken by the last-mentioned Act: And whereas a Bill is now pending before Parliament for uniting the *Birmingham and Oxford Junction* Railway Company and the *Birmingham, Wolverhampton, and Dudley* Railway Company into One Company, and, amongst other Objects, for authorizing the Sale of the said *Birmingham, Wolverhampton, and Dudley* Railway and other new Works to the *Great Western* Railway Company, by which Bill it is also provided that the Sale of the said *Birmingham, Wolverhampton, and Dudley* Railway to the *Great Western* Railway Company shall not take effect until the maximum Tolls and Charges on the said *Great Western* Railway have been reduced by Parliament in manner afore-said: And whereas it is expedient that the Tolls and Charges on the said *Great Western* Railway should be reduced, in order that the Purchase of the said Railways by the said *Great Western* Railway Company shall take effect; be it therefore enacted, That the Scale of Tolls and Charges by this Act authorized to be demanded and taken on the said *Great Western* Railway shall be and be deemed and held to be the reduced Scale referred to in the said Acts relating to the said *Birmingham and Oxford Junction* Railway, and in the said recited Bill relating to the Amalgamation of the said *Birmingham and Oxford* and *Birmingham, Wolverhampton, and Dudley* Railway Companies, on the Establishment whereof by Parliament the Sale of the said Undertakings respectively to the said *Great Western* Railway Company might lawfully take effect, and that from and after the Transfer of the said Undertakings or any Part thereof to the said *Great Western* Railway Company it shall not be lawful for the *Great Western* Railway Company to demand and receive, in respect of the Use of the *Great Western* Railway and the Branch Railways by this Act authorized to be made, by Parties using the same, either with their own Carriages and Engines employed by them thereon, or with their own Engines only (in Cases where the Company as herein-after provided may consent to supply Carriages), any Tolls and Charges exceeding the Tolls and Charges following; (that is to say,)

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a First-class Carriage by any other Trains, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of Three Farthings *per* Mile:

[*Local.*]

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And

Reduced Rates of Charges on Great Western Railway, and Branches by this Act authorized.

x

For Cattle,
Goods, &c.

And with respect to Horses, Cattle, Carriages, and Goods, as follows :

For every Horse, Mule, and other Beast of Draught or Burden,
Two-pence *per* Mile :

For Horned Cattle, the Sum of One Penny *per* Head *per* Mile ; and
if conveyed in Carriages belonging to the Company, and hired
by One Party, an additional Sum of Sixpence for every Carriage
capable of containing Six Horned Cattle :

For Calves, Pigs, Sheep, and small Animals, One Halfpenny each
per Mile ; and if conveyed in Carriages belonging to the Com-
pany, and hired by One Party, an additional Sum of Sixpence for
every Carriage capable of containing Twenty-five Sheep :

For every private Carriage, Three-pence *per* Mile :

Tonnage on
Articles of
Merchan-
dize.

For all Coals, Coke, Culm, Cannel, 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 if conveyed in Carriages belonging to the Com-
pany, 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, Charcoal,
Stones for building, pitching, and paving, Tiles, Slates, and Clay
(except Fire-clay), and for Wrought Iron not otherwise speci-
fically classified herein, 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 Farthing :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware,
Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils,
Vices, and Chains, and for light Iron 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 Halfpenny :

For Cotton and other Wools, Drugs, and manufactured Goods, the
Sum of Two-pence Halfpenny *per* Ton *per* Mile ; and if con-
veyed in Carriages belonging to the Company, an additional Sum
per Ton *per* Mile not exceeding One Halfpenny :

For Fish, 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 Halfpenny.

Tolls for
propelling
Power.

XLVIII. And be it enacted, That the Toll which the Company
may demand for the Use of Engines for propelling the Carriages of
other Parties on the said Railways 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 for the Use of the said Railways.

Maximum
Rates of
Charges.

XLIX. And be it enacted, That the maximum Rate of Charge
to be made by the Company for the Conveyance of Passengers along
the

the said Railway, including the Tolls for the Use of the said Railways, and of Carriages and for locomotive Power, and every other Expence incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums; (that is to say,)

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

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

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

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per Mile*:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per Mile*:

And with respect to the Conveyance of Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the said Railways, including the Tolls for the Use of the said Railways, and Waggon or Trucks and locomotive Power, and every Expence incidental to such Conveyance, except a reasonable Sum for loading, covering, 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 or any of them are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

For every Horse, Mule, and other Beast of Draught or Burden, Three-pence *per Mile*:

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

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

For every private Carriage, Four-pence *per Mile*:

For all Coal, Coke, Ironstone, and other Articles herein-before classed therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of One Penny and One Eighth *per Ton per Mile*; and the Sum of Seven Eighths of a Penny *per Ton per Mile* for the whole Distance travelled, if conveyed a Distance exceeding Fifty Miles:

For all Dung, Compost, and other Articles herein-before classed therewith, conveyed any Distance not exceeding Fifteen Miles, the Sum of One Penny Halfpenny *per Ton per Mile*; and the Sum of One Penny and One Eighth *per Ton per Mile* for the whole Distance travelled, if conveyed a Distance exceeding Fifteen Miles:

For all Sugar, Grain, and other Articles herein-before classified therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of Two-pence Halfpenny *per Ton per Mile*; and the Sum of Two-pence *per Ton per Mile* for the whole Distance travelled, if conveyed a Distance exceeding Fifty Miles:

For all Cotton, and other Articles herein-before classified therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of Three-pence *per Ton per Mile*; and the Sum of Two-pence Halfpenny

Halfpenny *per Ton per Mile* for the whole Distance travelled, if conveyed a Distance exceeding Fifty Miles:

For Fish, and all other Wares, Merchandize, Articles, Matters, and Things, conveyed any Distance not exceeding Fifty Miles, the Sum of Three-pence Halfpenny *per Ton per Mile*; and the Sum of Three-pence *per Ton per Mile* for the whole Distance travelled, if conveyed a Distance exceeding Fifty Miles.

Charges for Distances exceeding 15 Miles or 50 Miles.

L. And be it enacted, That where any such Articles, Matters, or Things shall be carried a Distance exceeding Fifteen Miles or Fifty Miles respectively, as herein-before provided, the Company are hereby empowered to demand and receive at the least the Rates, Tolls, or Charges herein-before specified as for Fifteen Miles or Fifty Miles respectively.

Regulations as to the Tolls.

LI. And be it enacted, That the following Provisions and Regulations (save as herein-after provided) shall be applicable to the fixing of all the Tolls and Charges under the Act authorized; (that is to say,)

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 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, and so in proportion for any smaller Quantity.

Not to affect Charges for short Distances on the Birmingham, Wolverhampton, and Dudley Railway.

LII. Provided always, and be it enacted, That nothing herein contained shall alter or vary the Provisions and Regulations contained in the *Birmingham, Wolverhampton, and Dudley Railway Act, 1846*, with reference to the Tolls and Charges thereby authorized to be demanded in respect of Persons, Animals, and Goods conveyed on the last-mentioned Railway for less Distances than Four Miles, Two Miles, and One Mile respectively.

Tolls for small Parcels and Articles of great Weight.

LIII. 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,)

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
Articles

Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand 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.

LIV. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers Luggage.

LV. Provided always, 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 or other Trains, or by reason of any other special Service performed by the said Company in relation thereto. Company may take increased Charges by Agreement.

LVI. Provided also, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Trains that may be required upon the said Railways, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railways. Restriction as to Charges not to apply to Special Trains.

LVII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers or any Two of them are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being, or their or any or either of their Lessees or Grantees. Saving Rights of Duchy of Cornwall.

[*Local.*]

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LVIII. And

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.

LVIII. 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 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 said Railways 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 Railways and Company so far as the same shall be applicable thereto.

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

LIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway 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 this 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 Charge authorized by this Act.

Public Act.

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

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