



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxlii.

An Act to enable the *South Devon Railway Company* to extend the Line of the *South Devon Railway* to *Torquay* and to *Brixham*, and for other Purposes. [22d July 1847.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, called "The *South Devon Railway Act, 1844*," whereby certain Persons became incorporated, under the Name or Style of "The *South Devon Railway Company*:" And whereas another Act was passed in the last Session of Parliament, called "The *South Devon Railway Act (Amendment and Branches), 1846*:" And whereas it would be attended with public and local Advantage if the *Torquay* Line of the *South Devon Railway* were extended from the *Torquay* Terminus thereof as at present authorized to a Point nearer to the Town of *Torquay*, and if a Railway were made in extension of the said *Torquay* Line from the said Terminus thereof, as at present authorized, to the Town of *Brixham*: And whereas it is expedient that some of the Powers and Provisions of the recited Acts relating to the *South Devon Railway* should be amended and enlarged; but the several Purposes aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be

[Local.] 38 N enacted;

7 & 8 Vict. c. 68.
9 & 10 Vict. c. 402.

Provisions of recited Acts relating to the South Devon Railway extended to this Act.

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 recited Acts relating to the *South Devon* Railway, so far as the same are now unrepealed 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 and are altered by the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," as extended to this Act, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes, Matters, and Things.

8 & 9 Vict. cc. 18. & 20. extended to 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," except as herein-after excepted, and so far as such Provisions respectively are not modified by or inconsistent with the Provisions of this Act, shall extend to this Act, and to the Objects and Purposes thereof in like Manner as though the same had been incorporated therewith and formed Part thereof: Provided always, that such of the Provisions of the Railways Clauses Consolidation Act, 1845, as relate to the carrying of Passengers and Goods upon the Railway, the Tolls to be taken thereon, and to the regulating the Use of the Railway, and to the Engines and Carriages to be brought on the Railway, and to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall not apply to the Railways and Works by this Act authorized.

Short Title.

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

Interpretation of Act.

IV. And be it enacted, That the Expression "the Company" used in this Act shall be construed to mean the *South Devon* Railway Company, and the Expression "the Railways" used in this Act shall be construed to mean the several Railways or Branch Railways by this Act authorized to be constructed, and the Expression "the Undertaking" used in this Act shall be construed to mean the Undertaking of the *South Devon* Railway Company as authorized by the Two recited Acts and by this Act.

Power to increase Capital by Creation of new Shares.

V. And be it enacted, That it shall be lawful for the Company to raise by creating new Shares or Stock, in addition to the Sums of Money which they are authorized to raise by virtue of the recited Acts relating to the *South Devon* Railway, any further Sum of Money not exceeding in the whole the Sum of Two hundred and forty thousand Pounds upon such Terms and in such Manner as may be or may have been agreed upon at any General or Special General Meeting

Meeting of the Company specially convened for the Purpose: Provided always, that the new Shares so to be created shall be of such nominal Amount and shall be entitled to such Privileges as the Company may determine.

VI. And be it enacted, That the Capital so to be raised by the Creation of new Shares or Stock shall be divided into Shares of such Amount, and shall be apportioned and allotted to such Persons and in such Manner, as may be determined by the Order of any Ordinary or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and such Shares shall be subject to the same Provisions in all respects with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls as if they had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

New Shares to be considered Part of general Capital.

VII. 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 Undertaking: Provided always, that no Proprietor of any Share created under the Powers of either of the Two recited Acts or of this Act shall be entitled to vote or take any Part in the Proceedings at any Meeting of the Company unless he shall have paid up all the Calls then due upon the Share or Shares held by him.

As to Votes of Proprietors of new Shares.

VIII. And be it enacted, That after the whole of the Capital by this Act authorized to be raised shall have been subscribed, and One Half thereof and of the Capital by the Two recited Acts authorized to be raised by Shares or Stock shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of any Ordinary or Extraordinary General Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be borrowed by the Two recited Acts, the Sum of Eighty thousand Pounds, and to secure the Repayment of the Sum so borrowed, with Interest, by Mortgage or Bond as by the firstly recited Act provided, subject to the several Provisions and Conditions in the firstly-recited Act contained as applicable to the Mortgages and Bonds thereby authorized to be created.

Power to borrow Money on Mortgage.

IX. And be it enacted, That if after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond the Company shall desire to pay off or shall actually pay off the same, it shall be lawful for them again to borrow the Amount so paid off or desired to be paid off, and so from Time to Time.

Re-borrowing.

X. Provided always, and be it enacted, That all Mortgages or Bonds which may have been already created under the Powers of either

Mortgages under former Acts to have either Priority.

either of the recited Acts shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Power to
convert Loan
into Capital.

XI. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of the Company instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares or Stock of the Company in manner aforesaid; but no such Augmentation of Capital shall take place unless by Order of an Ordinary or Extraordinary General Meeting of the Company.

As to closing
Transfer
Books.

XII. And whereas it was by the said first-recited Act enacted that the Directors might close the Register of Transfers for a Period not exceeding Twenty-one Days previous to each Ordinary Meeting, subject to such Notice as by such Act is prescribed: And whereas it is expedient that such Provision should be made applicable to Extraordinary as well as Ordinary Meetings of the Company; be it therefore enacted, That the Directors of the said Company may close the Register of Transfers for a Period not exceeding Twenty-one Days previous to each Ordinary Meeting, and also, if they think fit, previous to any Extraordinary Meeting, and may fix a Day for closing the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as by the said first-recited Act provided; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary or Extraordinary Meeting.

Interest not
to be paid on
Calls paid up.

XIII. 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 "*South Devon Railway Act, 1844*," in that Behalf contained.

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

XIV. 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.

XV. And be it enacted, That it shall be lawful for the Company to construct and maintain the Lines of Railway next herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,) Power to construct the Railways.

A Railway commencing in the Parish of *Torr* otherwise *Torr Moham* otherwise *Tor Mohun*, in the County of *Devon*, by a Junction with the *Torquay* Line of the *South Devon* Railway as at present authorized to be made, and terminating near to the Town of *Torquay* in the said Parish of *Torr* otherwise *Torr Moham* otherwise *Tor Mohun*, in the same County:

Another Railway commencing in the said Parish of *Torr* otherwise *Torr Moham* otherwise *Tor Mohun*, by a Junction with the said *Torquay* Line of the *South Devon* Railway as at present authorized to be made, and terminating in the Town and Parish of *Brixham* in the County of *Devon*.

XVI. And whereas Plans and Sections of the Railways and Works by this Act authorized showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the reputed Owners and Lessees, and of the Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the Clerk of the Peace of the County of *Devon*; be it enacted, That, subject to the Powers of Deviation in the Railways Clauses Consolidation Act, 1845, contained, the said Railways shall be made according to the Lines, Situations, and Levels thereof, as defined on the said Plans and Sections, and it shall be lawful for the Company to enter upon, take, and use such of the Lands delineated on the said Plans, and described in the said Book of Reference, as shall be necessary for the Purposes thereof. Railways to be made according to deposited Plans.

XVII. And be it enacted, That the Railways by this Act authorized shall be and become Part of the Undertaking of the *South Devon* Railway, and all the Provisions of the recited Acts shall extend and have reference to such Railways in like manner as though the same had been re-enacted herein as applicable to the Railways by this Act authorized, or as though such Railways had originally formed Part of the *South Devon* Railway. New Railway to become Part of the Undertaking.

XVIII. And be it enacted, That where the Railway is to be constructed within One hundred Yards of High-water Mark, no Deviation of the Railway shall be made to Seaward of the continuous black centre Line shown on the Plans deposited at the Admiralty, without the Consent in Writing of the Lords Commissioners of the Admiralty under the Hand of their Secretary for that Purpose first had and obtained. No Deviation to be made within 100 Yards of High-water Mark without Consent of Admiralty.

XIX. And be it enacted, That, subject to the Provisions of the first-recited Act and this Act, it shall be lawful for the Company, in the Construction of the Railways by this Act authorized to be made, to carry the same on the Level across the several Roads or Highways designated Certain Roads may be crossed on Level.

[Local.]

designated on the Plans deposited as herein-before mentioned by the Numbers following; (that is to say,) in the Parish of *Paignton* the Roads numbered respectively 65 and 108, and in the Parish of *Brixham* the Roads numbered respectively 146. 149.

Company to erect Lodges at Level Crossings and abide by Regulations of Railway Commissioners.

XX. 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 Railways cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Land for extraordinary Purposes.

XXI. And be it enacted, That it shall be lawful for the Company to purchase and take for extraordinary Purposes any Quantity of Land, not exceeding Twenty Acres, in addition to the Lands which they are authorized to take for the same Purposes by the recited Acts.

Period within which Lands are to be purchased.

XXII. 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 Completion of Works.

XXIII. And be it enacted, That the Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act 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 Railways as shall then be completed.

Gauge of Railways.

XXIV. And whereas the *South Devon* Railway is constructed upon the Broad Gauge of Seven Feet; be it enacted, That the Railways by this Act authorized shall be constructed upon a Gauge of Seven Feet, so as to admit of the same being worked continuously with the said *South Devon* Railway.

Tolls.

XXV. And be it enacted, That it shall be lawful for the Company to demand and receive in respect of the Use of the *South Devon* Railway, and of the Railways hereby authorized, and of the Engines and Carriages employed thereon respectively, any Tolls and Charges not exceeding the maximum Rates of Tolls and Charges limited by "The *South Devon* Railway Act (Amendment and Branches) 1846," and all the Provisions in the said last-mentioned Act contained with
reference

reference to such Tolls or Charges, or which relate to the Charges which the said Company are thereby authorized to make in respect of any Passengers travelling by any special or extra Train, or as to the Charges for loading and unloading Goods by the Company, or as to the increased Charges which the said Company are thereby authorized to take in respect of the Conveyance of Goods by Passenger Trains or by Agreement by reason of other special Service, shall be held to apply to the whole of the said *South Devon* Railway, and to the Railways hereby authorized to be made.

XXVI. And whereas the *Great Western* Railway Company and the *Bristol and Exeter* Railway Company are now jointly and severally authorized, under and by virtue of the firstly-recited Act, to rent or purchase the Undertaking of the *South Devon* Railway, as by such Act authorized to be executed; be it enacted, That the Railways and Undertaking of the *South Devon* Railway, as authorized by the secondly-recited Act and by this Act to be executed, shall be subject to the same Powers of Sale or Lease to the said *Great Western* Railway and *Bristol and Exeter* Railway Companies, or either of them, as the Undertaking authorized by the firstly-recited Act was thereby made subject to.

New Lines may be purchased or rented by certain Companies.

XXVII. And be it enacted, That the *Great Western* Railway Company and the *Bristol and Exeter* Railway Company respectively may and they are hereby respectively empowered to subscribe towards and become Shareholders in the Undertaking, to such an Extent, in addition to the Sums which the said Two Companies are respectively authorized by the firstly-recited Act to subscribe, as may be mutually agreed on between the *Great Western* Railway Company and the *South Devon* Railway Company, and between the *Bristol and Exeter* Railway Company and the *South Devon* Railway Company respectively, at General Meetings of the said Companies respectively specially convened for the Purpose: Provided always, that the Sum so to be subscribed by the said *Great Western* Railway Company shall not exceed Thirty-five thousand Pounds, and that the Sum so to be subscribed by the said *Bristol and Exeter* Railway Company shall not exceed Fifty thousand Pounds.

Power to *Great Western* Railway and *Bristol and Exeter* Railway Companies to subscribe to the Undertaking;

XXVIII. And be it enacted, That for such Purpose it shall be lawful for the *Great Western* Railway and the *Bristol and Exeter* Railway Companies respectively to raise the Sums which may be so agreed or resolved to be advanced by them respectively as aforesaid, or any Part thereof, by the Creation of new Shares in their respective Undertakings, of such Amount and upon such Terms and Conditions as may be agreed on and determined by any General Meeting of the Two last-mentioned Companies respectively specially convened for the Purpose; or it shall be lawful for such Companies respectively, if they so think fit, to guarantee Interest out of their respective corporate Funds or respective annual Revenues, after a Rate not exceeding Five Pounds *per Centum per Annum*, on the Shares for which they are hereby respectively empowered to subscribe as aforesaid, for such Periods and upon such Conditions as to the Redemption of such Shares by the Company or Companies. guaranteeing such

and to raise Capital for the Purpose.

such Interest, or otherwise 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 last-mentioned Companies respectively may mutually agree on.

Power to South Devon Railway and Cornwall Railway Companies to make mutual Arrangements as to Portions of Lines to Devonport and to Millbay.

XXIX. And whereas it is intended that the *Cornwall* Railway shall join the *Devonport* Line of the *South Devon* Railway, and it may be for the Convenience of the Public that the *South Devon* Railway Company and the *Cornwall* Railway Company should be authorized to make mutual Arrangements for the constructing, maintaining, using, and working, or Sale of the said Line to *Devonport*, and also of a Part of the Line of the *South Devon* Railway to *Millbay*, as well as the principal and other Stations to be constructed thereon, which may be required to be used by the *Cornwall* Railway Company; be it enacted, That it shall be lawful for the *South Devon* Railway Company and for the *Cornwall* Railway Company, or the Directors of those Companies respectively, to make and enter into such Contracts or Agreements, and subject to such Terms and Conditions, as may by them be deemed advisable and be mutually agreed on, for the Construction, Maintenance, and Use by the said Two Companies, jointly or by either of them, of the Railway which the *South Devon* Railway Company are now authorized to make from their Main Line to *Devonport*, and also of so much of the Railway from their Main Line to *Millbay* which the *South Devon* Railway Company are now authorized to make as lies between the Point of Divergence of the said Railway to *Devonport* from the Main Line and the Shores of *Millbay*, or either of the said Portions of Railway, or any Part thereof respectively; and also to enter into and carry into effect such Arrangements, and upon such Terms and Conditions, as may be mutually agreed on between the said Two Companies, in respect to the Construction, Maintenance, Use, and Occupation of the principal and other Stations and Works and Conveniences connected with the said Portions of Railway, or either of them, and in respect to the Use and running of Engines and Carriages on the said Portions of Railway, or either of them.

Power to sell such Portions of Railway to Devonport and to Millbay.

XXX. And be it enacted, That it shall be lawful also for the *South Devon* Railway 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 Ordinary or Extraordinary Meeting of the Company, to sell and transfer to the *Cornwall* Railway Company, and for such last-mentioned Company, by and with the like Authority on the Part of their Proprietors, to purchase, the said Portions of Railway to *Devonport* and to *Millbay*, or either of them, or any Part thereof, or any Share or Interest therein, and whether before or after the Completion thereof, but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same; and on the Completion of such Purchase (of which Completion a 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 *South Devon* Railway Company, shall be sufficient Evidence,) the said Portions of Railway, or so much or such Parts thereof, or Share or Interest therein

therein as shall by such Transfer or Conveyance purport to be sold, shall form Part of the Undertaking of the *Cornwall* Railway, and the *Cornwall* Railway Company may have and hold the same, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of, all the Rights, Powers, and Privileges at present vested in the *South Devon* Railway Company in relation to the said Portions of Railway to *Devonport* and *Millbay*.

XXXI. And be it enacted, That for such last-mentioned Purposes, and for effecting such Agreements and Arrangements or Purchase as by this Act are authorized, it shall be lawful for the *Cornwall* Railway Company, if they see fit, by and with such Authority as aforesaid, to raise an additional Sum or Sums of Money by the Creation of new Shares not exceeding in the whole the Sum of One hundred thousand Pounds, and to borrow upon Mortgage a further Sum of Money not exceeding in the whole the Sum of Thirty-three thousand three hundred and thirty-three Pounds, and provided the Amount so to be borrowed as last aforesaid shall not be borrowed until the whole of the Share Capital of the said *Cornwall* Railway Company shall have been subscribed for, and One Half thereof actually paid up; provided also, that the Sum so to be borrowed on Mortgage shall not, together with any other Sum which the said *Cornwall* Railway Company may be authorized to raise by Mortgage, exceed One Third of the Share Capital of the said Company.

Power for
Cornwall
Railway Com-
pany to raise
additional
Capital by
Creation of
new Shares

XXXII. And be it enacted, That it shall not be lawful for the said *Great Western* Railway Company, the *Bristol and Exeter* Railway Company, and the *Cornwall* Railway Company, or any of them, out of any Money by this Act or any other Act relating to the said Companies respectively 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 or 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 hereinbefore contained shall be deemed to prevent the said Companies 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 Acts relating to such Companies respectively in that Behalf contained.

Interest not
to be paid on
Calls paid up.

XXXIII. Provided always, and be it enacted, That it shall not be lawful for the said *South Devon* Railway Company, by virtue of the Powers hereinbefore contained, to sell, demise, or lease, nor for the said *Great Western*, *Bristol and Exeter*, and *Cornwall* Railway Companies, or any or either of them, to exercise the Powers of purchasing or renting by this Act conferred upon such Companies respectively, 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 any such Sale, or the Execution of any such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Acts relating to the said *South Devon* Railway Company and to the said *Great Western* Railway Company

Powers of
Sale, &c. not
to be exer-
cised without
Certificate of
Commission-
ers of Rail-
ways.

Company authorized to be raised (so far as relates to the Exercise of the Powers of purchasing or renting by this Act conferred upon the *Great Western Railway Company*), or that One Half of the whole Amount of Capital, exclusive of Loans, by the Acts relating to the *South Devon Railway Company* and to the *Bristol and Exeter Railway Company* authorized to be raised (so far as relates to the Exercise of the Powers of purchasing or renting by this Act conferred upon the *Bristol and Exeter Railway Company*), or that One Half of the whole Amount of Capital, exclusive of Loans, by the Acts relating to the *South Devon Railway Company* and to the *Cornwall Railway Company* authorized to be raised (so far as relates to the Exercise of the Powers of purchasing by this Act conferred upon the *Cornwall Railway Company*), has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Saving the
Rights of the
Crown.

XXXIV. And be it enacted, That nothing 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 or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, 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.

Expences of
Act.

XXXV. And be it enacted, That all Costs, Charges, and Expences attending the passing of this Act, or incidental thereto, shall be paid by the Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

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.

XXXVI. 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 Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for constituting Commissioners of Railways*, and *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.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

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

XXXVIII. 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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