



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxvii.

An Act to amend the Acts relating to “The Great Western Railway;” and to raise a further Sum of Money for the Purposes of the said Undertaking.
[4th June 1839.]

WHEREAS an Act was passed in the Fifth and Sixth Years of the Reign of His late 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,* and it was amongst other things thereby enacted, that it should be lawful for the Company thereby incorporated to raise by Subscription amongst themselves the Sum of Two million five hundred thousand Pounds, and to borrow and take up at Interest on the Credit of the said Undertaking the further Sum of Eight hundred and thirty-three thousand three hundred and thirty-three Pounds, as in the said Act mentioned: And whereas by a certain Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to alter the Line of the Great Western Railway, and to amend the Act relating thereto,* and by a certain other Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to alter the Line of the Great Western Railway, and to amend the Acts relating thereto,* certain Alterations were authorized to be made in the Line of the said Rail-
[Local.] way,

5 & 6 W. 4.
c. 107.

6 W. 4. c. 38.

1 Vict. c. 91.

1 Vict. c. 92.

Extending
Powers of
recited Acts
to this Act.

way, and some of the Powers and Provisions of the said firstly-recited Act were amended and enlarged: And whereas by a certain other Act passed in the First Year of the Reign of Her present Majesty, intituled *Act to enable the Great Western Railway Company to extend the Line of such Railway, and for other Purposes relating thereto*, the said Company were authorized to extend the Line of the said Railway to or near the Basin of the *Paddington Canal* in the Parish of *Paddington* in the County of *Middlesex*, and to construct and carry into effect certain additional and other Works therein mentioned or referred to: And whereas the said Company have made considerable Progress in executing the Works authorized by the said recited Acts, and have expended therein a large Proportion of the Capital authorized to be raised thereby, and that Part of the said Railway extending from *London* to or near *Maidenhead* has been completed and opened; but it has been found that the Money which the said Company are so authorized to raise will not be sufficient to complete all the Works, and fully to carry into effect the Purposes of the said Acts; and it is therefore expedient that the said Company should be authorized to raise a further Sum of Money, and that some of the Powers and Provisions contained in the said recited Acts should be altered, amended, and enlarged: 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 Powers, Authorities, Provisions, Restrictions, Clauses, Matters, and Things contained in the said recited Acts or either of them, so far as the same are now unrepealed and in force, and except such of them, or such Parts thereof respectively, as are by this Act repealed, altered, or otherwise provided for, shall extend and be construed to extend to this Act, and to the Money hereby authorized to be raised, and to the Shares to be issued, and to the Securities to be granted or executed in respect of or for securing the same or any Part thereof, and the Transfer of such Securities, and the Proprietors or Holders thereof, their Successors, Executors, Administrators, and Assigns, and to the several other Purposes and Things hereby authorized to be effected and done, and shall, so far as the same may be applicable, operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

Power to
create new
Shares for
the Purposes
of this Act.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or in part by each of those Means, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of One million two hundred and fifty thousand Pounds, in addition to the Monies authorized to be raised and borrowed by the said first-recited Act; and the Monies so to be raised from Time to

Time by Subscription shall be divided into distinct and integral Shares of such Amount, and shall be appropriated and disposed of in such Manner and by such Ways and Means as by the Order of any such Meeting shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferrable as such in the Manner provided and directed by the said first-mentioned Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares, as beneficially to all Intents and Purposes as the Proprietors of original Shares in the said Undertaking; and to such new Shares and the Proprietors thereof shall apply all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Acts or any of them with reference to the original Shares in the said Undertaking and the Proprietors thereof, except as the Time of making Calls for the said new Shares, and the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered to appoint to be of such Amount and payable at such Times as they may think fit, and save so far as any other of such Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered; and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said Great Western Railway Company: Provided nevertheless, that the Proprietors of such new Shares shall only be entitled to Dividends or Profits in respect thereof in proportion to the Amount which shall have been actually paid upon such Shares at the Time of declaring such Dividends respectively, unless otherwise directed from Time to Time by an Order of any General or Special General Meeting of the said Company: Provided also, that the Proprietors of such such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing One hundred Pounds at least of the Capital Stock of the said Company.

III. And be it further enacted, That when and so soon as One Half of the Money authorized to be raised by Subscription by this Act shall have been paid up it shall be lawful for the said Company, by Order from Time to Time of any General or Special General Meeting of the said Company, to borrow and take up at Interest, in addition to the Sum which they are by this Act authorized to raise as aforesaid, any Sum or Sums of Money not exceeding in Amount in the whole the Sum of Four hundred and sixteen thousand six hundred and sixty-six Pounds Thirteen Shillings and Four-pence, and to secure

Power to
raise Money
on Mortgage.

secure the Repayment thereof, with Interest, in like Manner as the Sums authorized to be raised by Mortgage by the said first-recited Act (but subject and without Prejudice to any Mortgage made or to be made pursuant to the said recited Acts or either of them, and to the prior Right of Payment of the Holder of every such last-mentioned Mortgage): Provided always, that such Securities, and the Dividends and Interest to arise thereupon, shall not be transferrable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid upon the said Securities unless to the *bonâ fide* Holders thereof, or the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same.

Power to create new Shares in lieu of or to pay off Mortgages.

IV. And be it further enacted, That it shall be lawful for the said Company, if they shall think fit, and they are hereby empowered, by Order, from Time to Time, of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or in part by each of those Means, such Sum or Sums of Money as shall be sufficient for paying off and discharging the Whole or any Part of any Monies which they may have borrowed by virtue of this or the said recited Acts or either of them, from Time to Time; and the Money so to be raised from Time to Time by Subscription shall be divided into distinct and integral Shares, and shall be appropriated and disposed of in such Manner and by such Ways and Means as by the Order of any such Meeting shall be determined; and all Provisions herein-before contained with regard to the Money by this Act before authorized to be raised by Subscription, and to the Shares to be issued in respect thereof, and to the Holders of such Shares, shall apply to the said Shares so to be raised as last aforesaid.

In case Mortgages are paid off, the Company may raise the Amount again.

V. And be it further enacted, That in case the said Company (having borrowed the Sums of Money which by this or the said recited Acts they are authorized to borrow, or any Part thereof,) shall pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time or Times thereafter, again to raise, in lieu of any Principal Money so paid off, the Whole or any Part or Parts of such Sum or Sums of Money as they shall from Time to Time have paid off, and so from Time to Time as often the same shall happen.

Extending the Powers of third-recited Act to 1 Vict. c. 92.

VI. And whereas by the first of the Two several Acts herein-before recited as having been passed in the First Year of the Reign of Her present Majesty certain Alterations and Amendments were made in some of the Powers and Provisions contained in the previous Acts, herein-before also recited, and certain additional Powers and Provisions were likewise contained therein, but the first of such Two Acts was not recited or referred to in or by the other of such Acts which authorized the Extension of the said Railway, and relates exclusively to such Extension, and to the several Works in connexion therewith as authorized or required by the said last-mentioned Act; and

and Doubts have arisen as to how far the Alterations and Amendments contained in the first of such Acts with regard to the Powers and Provisions of the former Acts extend or apply to the last of such Acts; and it is expedient to remove such Doubts, and that such Alterations and Amendments, and also the several other Powers and Provisions therein contained, should be extended to the last of such Two several Acts; be it therefore enacted, That all the Powers, Authorities, Provisions, Restrictions, Alterations, Amendments, Clauses, Matters, and Things contained in the said firstly-recited Act passed in the First Year of the Reign of Her present Majesty, (except such of them, or such Parts thereof respectively, if any, as are by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to the said other Act passed in the First Year of Her said Majesty's Reign, and to the extended Railway and other Works and Things thereby authorized or required to be made or done, and shall operate and be in force in respect to the Purposes and Objects of such last-mentioned Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Restrictions, Alterations, Amendments, Clauses, Matters, and Things had been repeated and re-enacted in such last-mentioned Act.

VII. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of the said recited Acts, and for which they shall *bonâ fide* and without Collusion have paid, deposited, or tendered the Purchase Money or Compensation agreed on by and between the said Company and the Party in possession of the said Lands, or awarded in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase or to pay for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Company by virtue of any of the Provisions in this or the said recited Acts contained, then, notwithstanding such Estate, Right, or Interest, and whether the Period limited by the said Acts for the Purchase of Lands shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of this and the said recited Acts, in case the said Company shall, with all convenient Speed after Notice of such Estate, Right, or Interest shall have been given them, purchase or pay Compensation or Satisfaction for such Estate, Right, or Interest; and the Purchase Money, Compensation, or Satisfaction so to be paid for the same shall be agreed on or awarded and paid, and such Estate, Right, or Interest shall be vested in or barred or extinguished for the Benefit of the said Company, in like Manner as, according to the Provisions in this and the said recited Acts contained, the same respectively would have been agreed on or awarded and paid, and vested, barred, or extinguished, in case the said Company had purchased or paid Compensation or Satisfaction for such Estate, Right, or Interest

The Company empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

[Local.]

7 B

before

before their Entry upon such Lands, or as near thereto as Circumstances will admit.

Extending
the Power
of purchasing
Lands.

VIII. And whereas by the said firstly-recited Act the said Company are required to make and erect so many Bridges, Arches, Hollows, Culverts, and Passages over, under, or by the Side of or leading to or from the said Railway, for the commodious Use of the Land cut through or divided by such Railway, as Two or more Justices of the Peace shall judge necessary or appoint in case of Dispute about the same: And whereas it often happens that in a short Time after the Formation of a Railway the Proprietors of the Land which has been cut through and divided sell or exchange the smaller Part of such Land left on one Side of the Railway, and not conveniently situate with respect to the Remainder or larger Portion thereof, and the Bridges, Arches, Hollows, Culverts, and Passages which have been erected for the Use and Occupation of the said Lands become not only useless to the Proprietors of Land upon either Side of the said Railway, but cause a considerable and unnecessary Expence annually to the Company for their Maintenance and Repair: And whereas it is expedient that further Powers of purchasing Land should be given to the said Company for the Purpose of avoiding unnecessary Expence in the Erection of such Bridges, Arches, Hollows, Culverts, and Passages for the Use and Occupation of the Lands cut through and divided by the said Railway; be it therefore enacted, That where any Land has been or shall be cut through or divided, and the Proprietor thereof, or other the Person or Persons by this and the said recited Acts empowered to contract for the Sale and Conveyance thereof, shall be willing to sell to the said Company the Part which has been or shall be left on one Side of the said Railway, it shall be lawful for any such Corporation or Person by the said recited Acts or this Act capacitated to sell or convey Lands to enter into any Agreement with the said Company for the Sale and Conveyance of the Land so left on one Side of the said Railway; and the said Company are hereby authorized and empowered to treat and agree with any Corporation or Person for the Purchase of such Lands, and for any subsisting Leases, Terms, Estates, or Interests therein, and the said Company shall then be discharged from their Liability under the Provisions of the said recited Acts to make any Bridge, Arch, Hollow, Culvert, or Passage for the Purpose of connecting such Land as aforesaid: Provided always, that the Land to be purchased from any Person or Corporation as aforesaid shall not exceed Ten Acres in any one Place, and that the said Company shall and they are hereby required to sell and convey all such Land as they shall so purchase, or such Part thereof as may not be necessary for the Purposes of the said Undertaking, and in such Way and Manner as is directed by the said recited Acts for the Sale of any superfluous Lands not required for the Purposes thereof.

Corporations, &c.
may sell
further Lands
to the Company.

IX. And be it further enacted, That all Corporations and Persons, by this or the said recited Acts capacitated to treat and agree with the said Company for the Sale and Conveyance of Land required for the said Railway, may and they are hereby empowered (if they shall

shall be willing, but not otherwise,) to treat and agree with the said Company for the Sale and Conveyance of any further Land that may hereafter be required for the Purpose of the said Railway, notwithstanding the Period by the said recited Acts limited for the compulsory Purchase of Land may have expired, but subject nevertheless to the Provisions and Restrictions in the said recited Acts and this Act contained.

X. And be it further enacted, That if any Proceedings shall at any Time be had or taken against the said Company, or any Person claiming under them, for the Recovery of the Possession of any Land which may have been purchased or taken in pursuance of this or the said recited Acts, and for which the said Company shall *bonâ fide* and without Collusion have paid, tendered, or deposited the Purchase Money or Compensation agreed on with the Party in possession of the said Lands, or awarded to be paid for the same, then, within Two Calendar Months after final Judgment shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Writ of Error or Appeal from such Judgment, or the final Taxation of the Costs of such Proceedings, there shall be paid or tendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceedings shall be pending, his Costs, to be taxed as aforesaid, of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall in manner herein-after mentioned find to be the Value of the said Lands at the Time when the same were purchased and conveyed for the Purposes of the said Acts, or when Possession thereof was taken as aforesaid by the said Company, together with such a Sum of Money as the said Jury shall at the Time find to be the Value or an Equivalent for such mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the said Railway, as the Party obtaining such Judgment could have recovered by ordinary Process of Law; or in case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Lands than the absolute Fee Simple thereof in possession free from Incumbrances, then the Value of the said Lands, to be ascertained as after mentioned, shall be paid into the Bank of *England*, with the Privity of the Accountant General of the Court of Exchequer, or in such other Manner as directed by the said recited Acts with respect to Lands purchased from such Parties, and upon Payment or Tender of such Sum or Sums of Money as herein-before mentioned the said Lands shall be and remain absolutely vested in the said Company, their Successors and Assigns.

Providing Remedy in case of Proceedings for Recovery of Land purchased by the Company.

XI. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of this Act, or when Possession was taken thereof by the said Company, or in default thereof such Value may be settled and ascertained by a Jury to be summoned and returned as in manner directed by this and the said recited Acts; and the Value so found shall be certified by the presiding Judge, under his Hand, and such

The Jury who shall try such Proceedings shall ascertain the Value to be paid in lieu of the Land.

Certificate

Certificate shall be delivered to the Person seeking to recover Possession of the same Lands; and such Value shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner directed by this and the said recited Acts.

Persons empowered to convey Lands, &c. to Company.

XII. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, whether capacitated or incapacitated, or to be found or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this or the said recited Acts in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuisque Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Coverts, or other Persons, to contract for, sell, release, and convey to the said Company any Lands which may be required to be taken or used for the Purposes of this or the said recited Acts, or to agree for the Amount of any Compensation payable under the Provisions of this or the said recited Acts; and all Contracts and Agreements heretofore made with and Conveyances executed by any such Parties as are hereby authorized to contract for, sell, and convey Lands as aforesaid shall be valid and effectual for the Purpose of vesting the said Lands in the said Company.

Lands bought of any Corporation or Person under any Disability to be valued by Two Surveyors or their Umpire.

XIII. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Corporation or any Person under any Disability or Incapacity, as in this or the said first-recited Act mentioned, or not having Power to sell, except under the Provisions of this or the said first-recited Act, shall in no Case be less than such Sum as the same shall be estimated at by the Verdict of a Jury, or by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same; and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County in which the Lands or any Part thereof shall be situated shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not, then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof; and the Costs, Charges, and Expences of each and every such Valuation shall be paid by the said Company.

Special Jury.

XIV. And be it further enacted, That in all Cases of Controversy between the said Company and any Person or Persons, where by the said

said first-recited Act a Jury is authorized or directed to be summoned, it shall be lawful for the said Company, or for the Person or Persons with whom any such Controversy shall arise, and they are hereby empowered, if they think proper so to do, to require the Sheriff or Under Sheriff of the County in which such Controversy is to be determined to summon the Party with whom such Controversy shall arise, or the said Company, to appear, by himself or themselves, or his or their Attorney, before the said Sheriff or Under Sheriff, at such convenient Place and Time as such Sheriff or Under Sheriff shall appoint, for the Purpose of nominating a Special Jury between the said Parties, which Requisition to the said Sheriff or Under Sheriff shall be served on such Sheriff or Under Sheriff a reasonable Time before the Time appointed for taking the said Inquiry; and such Sheriff or his Under Sheriff shall and he is hereby required to produce or cause to be produced at the Place and Time so appointed the Jurors Book and the Special Jurors List, and the Numbers written on Parchment or Card, as specified and directed in and by the Statute made and passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*; and at the Place and Time so appointed the said Sheriff or his Under Sheriff, or some Person duly appointed by them or One of them, shall proceed to nominate or strike a Special Jury in the Manner specified and authorized by the last-mentioned Act to be performed by the proper Officers of Her Majesty's Courts at *Westminster*; and the said Sheriff or Under Sheriff, or some Person duly appointed by them or either of them, as aforesaid, shall, at some then future reasonable Time and Place to be appointed by him in that Behalf, proceed to reduce the said Special Jury in the Manner used and accustomed to be performed by the proper Officers of the Superior Courts as aforesaid, of which last-mentioned Time and Place not less than Twenty-four Hours Notice in Writing shall be given by the Party requiring such Special Jury to be summoned to the said other Party; and the Special Jurymen to be summoned, impannelled, and returned by the said Sheriff or Under Sheriff shall be subject to all such and the same Fines and Penalties for Non-attendance, and to all such and the same Provisions, as Jurymen are by the said recited Railway Act rendered subject to: Provided always, that nothing herein contained shall be construed to prevent the same Special Jury from trying any Number of Inquiries, so as the Parties to such Inquiries respectively, or their Attornies, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Inquiries, nor shall any Special Jurymen be required to attend more than once in the same Year for the Trial of any Inquiries under this or the said recited Acts or any of them: Provided also, that if a sufficient Number of Special Jurymen shall not attend at the Time and Place appointed for holding the Inquiry, the Sheriff, Under Sheriff, Coroner, or other Person presiding thereat shall, on the Request of either of the Parties to such Inquiry, add to the List of such Special Jury the Names of any By-standers qualified to act as Jurymen for the County in which the Inquiry is held; and all Persons shall have their lawful Challenges against the Jurymen so added; and the said Sheriff, Under Sheriff, Coroner, or other Person

[Local.]

7 C

shall

shall and may proceed in the said Inquiry with the Jurors so added in like Manner as he might have done if all the Persons summoned to attend as Jurymen on such Inquiry had attended thereat.

Expences of Counsel to be allowed in the Taxation of Costs.

XV. And be it further enacted, That in all Cases where the Verdict of a Jury, summoned as by the said first-recited Act directed, shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Acts or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury, by the Party with whom the said Company may be in dispute, shall be paid by the said Company; and the Amount of such Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Inquiry, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the taxing Officers of Her Majesty's Courts of Record at *Westminster*.

Expences of Taxation of Costs, by whom to be defrayed.

XVI. And be it further enacted, That in all Cases in which any Costs, Charges, and Expences payable, or which, under the Acts herein-before referred to, relating to the said Railway, or any of them, are directed to be paid by the said Company, shall be taxed by the Master or other proper Officer of the said Court of Exchequer, under any Order of the said Court (and which Order it shall be lawful for the said Court, on Petition to be presented by the said Company, or on Motion, or other summary Application, to make), the Amount at which such Costs, Charges, and Expences shall be so taxed as aforesaid, together with the Costs and Expences attending the Taxation of the same, and of or occasioned by the Order or Orders referring the same for Taxation, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences, the Subject of any such Order, shall be disallowed or taxed off; and in every Case in which One Sixth Part of the said Costs, Charges, and Expences shall be disallowed or taxed off as aforesaid, all the Costs and Expences of obtaining such Order or Orders of Reference as aforesaid, and of or attending the Taxation of the Costs, Charges, and Expences aforesaid, shall be paid or borne by the Person or Persons from whom the Lands, in respect or in relation to which the Costs and Expences in any such Order of Reference mentioned shall have been incurred, shall have been purchased or taken, and the Amount thereof shall be paid to the said Company, on Demand, accordingly, or, if Circumstances will admit, may be retained by the said Company out of any Monies payable by them to or on account or on behalf of such Person or Persons as aforesaid.

For Removal of Doubts as to Liabilities on certain

XVII. And whereas, under the Powers contained in the Act first herein-before referred to, the said Company have already purchased or taken or entered into the Possession, and may hereafter purchase or

or take or enter into the Possession, for the Purposes of the said Railway, of Lands of Copyhold or Customary Tenure or in the Nature thereof, and by reason of the Inability, Neglect, or Refusal of the Person or Persons entitled to or interested in such Lands to make a good or sufficient Title or good and sufficient Titles to, or an effectual Surrender or Surrenders of the same to the said Company or otherwise, it has been necessary in many Cases, and it may hereafter be necessary for the said Company in other Cases, to take possession of such Lands, and to pay the Value thereof, or the Consideration for the same, into the Court of Exchequer, under the Provisions for that Purpose contained in the said Act: And whereas Doubts have arisen whether the said Company are entitled and can claim to be or are capable of being admitted to, and of receiving an Enfranchisement or Enfranchisements of the Lands which they have purchased or taken, or of which Possession has been or shall be taken by them under the Circumstances aforesaid, and it is expedient that such Doubts should be removed; be it therefore further enacted, That in all Cases where the said Company have as aforesaid purchased or taken or entered into Possession, or shall or may hereafter purchase or take or enter into the Possession of any Lands of Copyhold or Customary Tenure or in the Nature thereof, and which they are by the Acts aforesaid or any of them authorized to purchase for the Purposes of the said Railway, and have already paid or shall hereafter pay the Value thereof, or the Purchase or Consideration of the same, into Court as aforesaid, then and in every such Case the same Lands, and the Customary Fee and Inheritance thereof, shall be and be considered as well and effectually vested in the said Company in like Manner as if the same had been duly surrendered to the said Company by an Owner thereof for a clear and indefeasible Estate in Fee Simple, and the said Company had been duly admitted to the same accordingly; and the said Company shall thereupon, or at any Time afterwards, be entitled or enabled to receive or take an Enfranchisement or Enfranchisements of the same Lands, under and in pursuance of the Powers in the said first-mentioned Act contained, in the same or the like Manner, and with the same or the like Effect, as if they had been so omitted as aforesaid: Provided always, that the said Company shall, within Three Calendar Months after being required so to do, pay to the Lord or Lady for the Time being of the Manor or Manors respectively of which the respective Lands aforesaid are Parcel such Recompence or Satisfaction, in respect of the Fines, Heriots, and Services of such Lands, as shall be agreed upon or ascertained and settled in the Manner mentioned and provided in the Act aforesaid on the Admission of the said Company to any Lands of Copyhold or Customary Tenure, and the Lord or Lady for the Time being of such Manor or Manors as aforesaid shall thereupon, at the Expence of the said Company, cause or permit an Entry of the Title of the said Company to the respective Lands aforesaid to be entered on the Court Rolls of the Manor or Manors respectively of which the same Lands are Parcel.

Lands purchased by the Company.

Proviso.

XVIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner in the said first-

Power to enter Lands, &c. on Payment or

Tender of
Purchase
Money.

first-recited Act mentioned for the Purchase of any Lands for the Purposes of the said Undertaking, to the respective Proprietors of such Lands or other Persons respectively interested therein, and entitled to receive such Money; or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse or be unable from any Cause whatever to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands to the Satisfaction of the said Company, or if any Party entitled unto or to convey such Lands shall not be known, or shall die after such Agreement or Award, or shall be absent from *England*, or shall refuse, neglect, or be unable from any Cause to convey the same, then upon Payment of such Money into the Bank of *England*, as in the said first-recited Act directed, to the Credit of the Parties interested in such Lands, or, in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands which any Corporation, Trustee, or Person under Disability is by the said recited Act capacitated to convey, upon Payment of the same into the Bank of *England*, as in the said first-recited Act is directed, to an Account *ex parte* "The Great Western Railway Company," or to Two Trustees, in such Cases and in such Manner as by the same Act authorized, then and in every such Case it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon all the Estate, Use, Trust, and Interest of all Parties in respect of whose Rights or Interests such Purchase Money shall have been paid shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of the said recited Acts and this Act; and such Payment, Tender, or Deposit as aforesaid shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Courtesy, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever, of and in the said Lands in respect of which such Payment, Tender, or Deposit shall have been made; Provided always, that before such Payment, Tender, or Deposit as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this or the said recited Acts, except as hereafter mentioned, without the previous Consent of the Persons in Receipt of the Rents, and of the Occupiers thereof respectively; provided nevertheless, that the said Company shall be at liberty to enter upon the said Lands for the Purpose of setting out and marking, by Stakes or otherwise, the Line of the said Railway, and ascertaining the precise Direction thereof, and the Quantity and Extent of Land requisite to be taken for the Purpose of the same, (but without boring upon, digging, or excavating the said Lands further than may be absolutely necessary for ascertaining the Nature of the Soil thereof,) with the Consent of the Occupiers thereof, or without their Consent at such reasonable Times and under such Regulations and Restrictions as shall be authorized and imposed by any Justice of the Peace acting for the County or Place within which such Lands or any Part thereof may be situate, upon Notice to be given to the respective Occupiers of the said Lands, or left at their last known or usual Place of Abode;

4

provided

Company
may pre-
viously enter
Lands for the
Purpose of
setting out
the Line, but
not to dig or
excavate.

provided also, that the said Company shall pay full Compensation for any Damage they may do in setting out or ascertaining their said Line and the Nature of the Soil thereof, whether by the Destruction of Timber, boring, Excavation, or otherwise, such Compensation, in case of Dispute about the same, to be settled by any Two Justices of the Peace for the County or Place where the said Lands may lie.

XIX. And be it further enacted, That, save as herein-after provided, if the said Company or any of their Contractors shall wilfully enter upon and take Possession of any Lands, except for the Purposes and according to the Provisions herein-before mentioned, without the Consent of the Persons in Receipt of the Rents, or of the Occupiers thereof, or without having made or tendered Payment for the same in manner herein-before directed, the said Company shall forfeit and pay to the Party in Possession or in Receipt of the Rents of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to the said Lands by reason of such Entry and taking Possession thereof as aforesaid, such Penalty and Damage respectively to be recovered before any Two Justices of the Peace for the County or Place where the said Lands may be situate; and if the said Company or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in the unlawful Possession of the said Lands after a reasonable Time allowed them for removing therefrom, the said Company shall be liable to forfeit and pay the Sum of Twenty-five Pounds for every Day they or their Contractors may so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession or in the Receipt of the Rents of the said Lands, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or tendered the Compensation agreed on or awarded to be paid in respect of the said Lands to any Person, whether legally entitled to receive the same or not, or shall have *bonâ fide* deposited the same incorrectly, nor shall any Decision of Justices, under the Provisions herein-before contained, be held conclusive as to the Right of Entry by the said Company; provided also, that after Notice of this Provision shall have been given by the said Company to any of their Contractors the said Company shall be entitled to recover from such Contractor any Penalty in which they may have been convicted in consequence of the Acts of such Contractors, or their Servants, Agents, or Workmen, done without the express Authority of the said Company.

Penalty for entering on Lands before Purchase, save as before provided.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, Privileges, or Authorities vested in the Right Honourable Viscount *Barrington*, or in Colonel *Gore Langton*, their Heirs or Assigns, in or under the said recited Acts or either of them, or to alter or diminish any Protection which they enjoy under the said Acts, or any Restriction imposed on the said Company with reference to their
[Local.]

Nothing herein contained to affect the Rights, &c. of Viscount *Barrington*, Colonel *Gore Langton*, and others.

respective Lands, but all the Rights, Powers, Privileges, Protections, and Authorities thereby vested in or granted to them shall be as good, valid, and effectual as if this Act had not been made; nor shall this Act be held or construed to affect any subsisting Agreement between the said Company and any Owner or Occupier of Lands on the Line of the said Railway.

Repealing
Clause as to
Compensa-
tion to be
made for
temporary
Damage.

XXI. And whereas the said first-recited Act contains certain Provisions for enabling the said Company, after such Notice as thereby required, to enter upon and take temporary Possession of Lands adjoining or lying near to the said Railway and Works, for the Purposes therein particularly mentioned, without having previously made any Payment, Tender, or Investment of Money, as referred to by the said Act, provided the said Company should, if required, enter into such Bond as therein referred to, and agree for the Payment of a fixed annual Rent, and make Compensation and Satisfaction to the Owner of such Land for the permanent Damage and Injury (if any) which might be done to the same, and separate and set apart so much of the Lands so required to be used from the other Lands adjoining thereto, as in the said Act particularly mentioned: And whereas it is expedient that the said several Provisions should be repealed, and others substituted in lieu thereof; be it therefore enacted, That the several Provisions in the said first-recited Act contained to the Effect herein-before mentioned or referred to shall be and they are hereby repealed, save and except with reference to that Portion of the Line lying between the City of *Bristol* and the Crossing of the *Wells* Turnpike Road near *Bath*, and that Portion of the Line which lies within the Parishes of *Bathampton* and *Bathford*; and save and except also in Cases where the said Company shall have already taken Possession of any Lands for temporary Purposes under the Provisions of the said recited Acts or either of them.

Exemption.

Power to en-
ter Lands for
temporary
Purposes,
making
Compensa-
tion for the
same.

XXII. And be it further enacted, That, notwithstanding any thing in the said recited Acts or this Act contained, it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, at any Time or Times after the passing of this Act, and before the Expiration of the Period by the said recited Acts and this Act limited for the Completion of the said Railway and other Works, save and except in Cases where the said Company shall have already taken Possession of any Lands for temporary Purposes under the Provisions of the said recited Acts or either of them, to enter or continue upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and other Works by the said recited Acts and this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, lying between the said Turnpike Road to *Wells* near the City of *Bath* and the Termination of the said Railway near *London*, except within the Parishes of *Bathampton* and *Bathford*, for the Purpose of laying or depositing thereon, or working or manufacturing, any Earth, Clay, Gravel, Stones, Bricks, Slates, Timber, Lime, or other Materials, or to dig, cut, get, take, remove, and carry away, out of and from such Lands or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein,

therein, and which may be required for making or maintaining the said Railway and other Works, and to manufacture the same, or for forming Roads or Approaches to and from or over or under the said Railway and other Works, and also to make use of any existing Roads, without having previously made such Payment, Tender, or Investment as in the said recited Acts or this Act is mentioned, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers herein-before mentioned, and making Compensation, in manner herein-after mentioned, to the Owners and Occupiers of such Lands respectively, for the Occupation thereof, and for the Injury or Damage which may be done thereto, as soon as the Amount thereof can be ascertained, and at all events within Six Calendar Months after the Expiration of the Period by the said recited Acts and this Act limited for the Completion of the said Railway: Provided always, that before entering upon any such Lands for such temporary Purposes as aforesaid the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners and Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto, and, if required so to do, shall previously to such Entry pay to the Occupier of such Lands the Value of any Crop or Dressing that may be thereon, such Value to be ascertained in the same Manner as temporary Damage is herein-after provided for: Provided also, that the said Company shall and they are hereby required, within Six Calendar Months after their Entry upon such Lands, to agree with the Owner or Occupier thereof for the Payment of a certain fixed Rent in respect thereof during the Continuance of such Occupation, unless the Owner of such Lands shall, within the Period last mentioned, by Notice in Writing, require the said Company to purchase the Fee Simple and Inheritance of such Lands, in which Case it shall be compulsory upon the said Company so to do within Two Calendar Months after the Receipt of such Notice, the Value of such Lands, and also the Amount of any permanent Damage or Injury that may be done in the Exercise of the Powers hereby granted, to be settled and ascertained in like Manner as in the said first-recited Act is mentioned and provided with respect to the Purchase of Lands required for the Purposes of the same Act; but the Amount of such Rent, and also of any temporary Damage to which the Owner or Occupier of such Lands may be entitled, shall be settled and ascertained by Two indifferent Persons, one to be named by each Party, or in case Two such Persons cannot agree, or in case any or either of the Parties shall neglect or refuse to name a Valuer for the Space of Three Days after Notice in Writing from the other Party, then by any Two Justices of the Peace acting in and for the County, Division, or Place where such Lands shall be situate: Provided also, that it shall not be lawful for the said Company (except with the Consent of the Owner thereof for the Time being, or the Person by this or the said recited Acts capacitated to convey the same,) to dig, cut, get, take, remove, or carry away, out of and from such Lands as aforesaid, or any Part thereof, any Soil, Gravel, Clay, Sand, or other Material, for the Purpose of Side Cutting and making Embankments, which

Notice to be given previous to such Entry.

which can or may be got or found therein, or to form such Roads or Approaches as aforesaid at a greater Distance than Two hundred and fifty Yards from the Fence on either Side of the said Railway, nor to make use of any existing Roads at a greater Distance than Five hundred Yards from such Fence; and that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid for any of the other Purposes herein-before mentioned lying at a greater Distance than One hundred Yards from the Fence on either Side of the said Railway, nor any Land used as a Garden, Orchard, Park, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, nor to make Bricks or place a Steam Engine upon any such Lands which shall not be at least Two hundred and fifty Yards distant from any Mansion House, without the Leave of the Owner or Occupier thereof first obtained.

In case of
Dispute, Jus-
tices of Peace
to determine
what Lands
shall be
taken.

XXIII. Provided always, and be it further enacted, That if within Seven Days after Service of such Notice as aforesaid the Owner of the Lands referred to therein shall object to the said Company making use thereof for such Purposes as aforesaid, on the ground that other Lands lying contiguous thereto might be more beneficially occupied for such Purpose by the said Company, and with less Objection to the said Owner, then and in such Case, if the said Company refuse to occupy such other Lands in lieu of the Lands referred to by them in the said Notice, it shall be lawful for any Two Justices of the Peace in Petty Sessions assembled for the District where the said Lands may lie, on the Application of the said Owner, to summon the said Company and the Owner of such other Land before them, and on hearing of the Parties to determine which of the said Lands shall be occupied by the said Company for such Purposes as aforesaid.

Rates of Car-
riage to be
charged
equally.

XXIV. And be it further enacted, That the Charges by the said recited Acts or either of them authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile* or *per Ton per Mile* in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine passing on the same Portion of the Line, and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Annual Ac-
count to be
made up, and
a Copy trans-
mitted to the
Clerk of the
Peace.

XXV. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct

distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

XXVI. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said first-recited Act (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall be valid or binding for a longer Period than Six Months from the passing of this Act; nor shall any Bye Law, except as aforesaid, which may hereafter be made by the said Company, be valid or binding, unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Middlesex*, or by the Recorder of the City and County of *Bristol* at some Quarter Sessions of the Peace holden before him, which said Justices and Recorder are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

XXVII. And be it further enacted, That if any Person who has personally or by some other Party at any Time taken a Place or Seat, or paid the Fare, or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company or any other Company or Person using the said Great Western Railway, from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare or been booked, or taken his Place or Seat, or shall knowingly and wilfully ride and proceed, or attempt to ride or proceed, in the same or in any other Coach or Carriage, to a Place more distant than that to which he shall have so taken a Place or Seat, or paid the Fare, or been booked, without previously paying or tendering to the said Company or other Company or Person as aforesaid the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid or tendered to the said Company or

[Local.]

7 E

other

Bye Laws to be confirmed.

For preventing Frauds on the Carriers on the Railway.

other Company or Person aforesaid his Fare or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said first-recited Act; and if any Person shall be discovered in or after the Commission or Attempt to commit any such Offence as aforesaid, it shall be lawful for all Officers and Servants and other Persons on behalf of the said Great Western Railway Company or other Company or Person as aforesaid, and for all Constables, Gaolers, and Peace Officers, to apprehend and detain every such Person until he can be conveniently taken before some Justice of the Peace, or until he be otherwise discharged by due Course of Law, or until he shall have paid to the said Great Western Railway Company, or to any Officer or Servant thereof by whom he may be apprehended, or in whose Custody he may then be, the full Fare due or payable by him, and the further Sum of Forty Shillings by way of Penalty as aforesaid.

Notices to
the Com-
pany.

XXVIII. And whereas it is by the said first-mentioned Act enacted, that in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company, or of a Secretary or Clerk, or delivering the same to some Inmate at such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, should be deemed good and sufficient Service of the same respectively on the said Company: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed; and in lieu thereof be it further enacted, that in all Cases in which it may be necessary to give or serve any Summons or Demand, Writ, or other Proceeding at Law or in Equity, or otherwise howsoever, upon the said Company, the same shall be given to or served upon or left at the usual Place of Abode of the Secretary or Clerk of the said Company, or in case there shall be no such Secretary or Clerk then the same shall be given to or served upon or left at the usual Place of Abode of some One of the Directors of the said Company, and such Service shall be deemed good and sufficient Service on the said Company.

Verdict of
Jury as to the
Value of cer-
tain Lands,
&c. to be of
no Effect
against the
Trustees of
the Padding-
ton Estate.

XXIX. And whereas the said Great Western Railway Company have agreed with the Grand Junction Canal Company for the Purchase from the said last-mentioned Company of certain Leasehold Lands and Hereditaments containing Four Acres Three Roods and Three Perches (little more or less), and particularly described on the Plan thereof under the Corporate Seals of the said Companies, and forming Part of the said *Paddington* Estate belonging to the Lord Bishop of *London*, as mentioned in the said secondly herein-before recited Act of the First Year of the Reign of Her present Majesty,
and

and which Leasehold Lands and Hereditaments so agreed to be purchased are or were held by the said Canal Company, jointly with other Parts of the said *Paddington* Estate, under Leases for long Terms of Years renewable for ever, granted by the Trustees for the Time being for the said *Paddington* Estate, and such Agreement for Purchase was upon the Terms, among others, that the said Canal Company should continue to bear and pay the whole of the Rents reserved by the said Leases, and indemnify the said Railway Company thereupon, notwithstanding such Purchase by the said last-mentioned Company of Part of the Lands and Premises comprised in such Leases: And whereas the said Railway Company claim, under the Powers of the said last-mentioned Act, to have the Right of purchasing the Freehold, Fee Simple, and Inheritance of and in the greater Part of the said Leasehold Lands so agreed to be purchased by them of the said Company, but such Right is disputed on the Part of the Bishop of *London* and Trustees of the *Paddington* Estate, who, together with *Henry Frederick Thistlethwayte* and *Elizabeth Hughs*, as Persons beneficially interested in the Rents reserved in the said Leases, have filed a Bill in Her Majesty's High Court of Chancery against the said Railway Company, praying, amongst other things, that it may be declared that they the Plaintiffs in that Suit are not compellable and ought not to be required to convey the Fee Simple and Inheritance of the said last-mentioned Leasehold Pieces of Land and Premises, and that it may be declared that the said Great Western Railway Company ought to hold upon Leases, instead of purchasing from the said Bishop and Trustees, all such Land, Part of the *Paddington* Estate, as they the said Company may want for the Purposes of their Railway, or to that Effect: And whereas no Decree has yet been made in such Suit, but divers interlocutory Orders have been made therein, and the same is still pending: And whereas the said Railway Company have caused a Jury to be summoned for the Purpose of inquiring into and assessing the Sum of Money to be paid for the Purchase by them of the Fee Simple and Inheritance of certain Part of the said Lands and Premises, and the Sum of Money to be paid by way of Compensation or Satisfaction for any Damage sustained by the said Bishop and Trustees and other Parties interested therein, or any of them, except the said Canal Company, by reason of the taking thereof, and the Jury so summoned assessed and gave a Verdict for the Sum of Two thousand six hundred and fifty-seven Pounds Sixteen Shillings and Three-pence as the Sum to be paid by the said Railway Company for such Purchase, and for the further Sum of One Shilling as the Sum to be paid by them for such Compensation or Satisfaction, making together the Sum of Two thousand six hundred and fifty-seven Pounds Seventeen Shillings and Three-pence, which last-mentioned Sum has since been paid by the said Company into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, and has been placed to his Account there *ex parte* the Great Western Railway Company: And whereas the said Bishop and Trustees on the one hand, and the said Great Western Railway Company and the said Canal Company on the other hand, have (amongst other things) agreed that the said Railway Company shall, when and so soon as an Assignment shall be made to them by the
said

said Canal Company of the said Leasehold Pieces of Land and Hereditaments so agreed to be purchased of the said Canal Company by the said Railway Company as aforesaid, surrender the same to the said Trustees, and that thereupon the same Pieces of Land and Hereditaments shall be included in the Demise or Lease of other Lands, Part of the said *Paddington* Estate, which the said Bishop and Trustees have agreed to demise and lease to the said Railway Company, and for the same Term, and with the same or the like Right of perpetual Renewal, at the Rent already agreed to be paid for the same, and under and subject to the same or the like Covenants, Provisoos, and Agreements as the said Lands so already agreed to be demised; but that no further or additional Rent shall be paid by the said Railway Company, or be required by the said Bishop or Trustees, in respect of the Lands so agreed to be purchased by the said Railway Company of the said Canal Company; that the said Verdict, and the Payment into Court of the said Sum of Two thousand six hundred and fifty-seven Pounds Seventeen Shillings and Three-pence, shall be deemed void and of no Effect as against the said Bishop and Trustees, and that the same Sum shall be repaid out of Court to the said Railway Company for their own Use; and that the said Canal Company shall continue to pay to the Bishop and Trustees the whole of the Rents reserved by their said Leases, notwithstanding the Assignment by them of the Leasehold Lands so agreed to be sold by them to the said Railway Company; now therefore be it enacted, That the said Inquiry and Verdict, and the Payment by the said Railway Company of the said Sum of Two thousand six hundred and fifty-seven Pounds Seventeen Shillings and Three-pence, shall be deemed and the same are hereby declared to be void and of no Effect as against the said Bishop and Trustees respectively.

As to Assign-
ment and
Surrender of
said Lands.

XXX. And be it further enacted, That it shall be lawful to and for the said Great Western Railway Company and they are hereby required, when and so soon as an Assignment shall be made to them by the said Canal Company of the said Leasehold Lands and Hereditaments containing Four Acres Three Roods and Three Perches, and so agreed to be purchased by them of the said Canal Company as aforesaid, (and which Assignment the said Canal Company are hereby required to make and the said Railway Company to accept,) to surrender the same to the said Bishop and Trustees, and to and for the said Bishop and Trustees, (who are hereby required to accept such Surrender,) and thereupon to include the same Lands with the other Lands already agreed to be demised by them to the said Railway Company, and to demise the same for the same Term, and under and subject to the same Covenants, Provisoos, and Agreements, as the other Lands so already agreed to be demised by the said Bishop and Trustees to the said Railway Company, but without requiring any additional Rent in respect of the said Lands agreed to be purchased by the said Railway Company of the said Canal Company.

Canal Com-
pany to pay
the reserved

XXXI. Provided always, and be it hereby further enacted, That the said Canal Company shall continue to bear and pay the whole of the

the Rents reserved by the said Leases so granted to them as aforesaid; and that, as regards the Residue of the Lands and Hereditaments comprised in such Leases, and not so agreed to be sold by them to the said Railway Company as aforesaid, the Covenants, Provisoos, and Agreements contained in such Leases shall not be affected, but shall remain in full Force, notwithstanding any Assignment by the said Canal Company to the said Railway Company of the Lands and Premises so agreed to be sold to them, and notwithstanding any such Surrender by or subsequent Demise to the said Railway Company of the said last-mentioned Lands as aforesaid.

Rents; and Agreements as to Residue of Lands not to be affected.

XXXII. And be it further enacted, That in all Cases where the said Company have in the Execution of the said recited Acts constructed any Sewers or Drains within the Site of any of their Stations, and have provided for the Drainage by the Construction of other Sewers or Drains, it shall and may be lawful for the Commissioners of Sewers for the District within which any such Station may be situate, if they shall think fit, by an Order made at any General or Special Court, to cede and relinquish to the said Company the Jurisdiction over such Sewers and Drains, under and subject to such Regulations as the said Commissioners shall think proper, and as may be agreed upon by the said Company, the said Company at all Times thereafter repairing and keeping the same in repair at their own Expence; provided that no public Waters be permitted to enter into or drain through the said Sewers and Drains so ceded and relinquished.

Commissioners of Sewers may relinquish Jurisdiction over Sewers to the Company.

XXXIII. And be it further enacted, That nothing herein contained shall be construed to exonerate the Land and Property at present drained by the Sewers and Drains so to be ceded and relinquished from Liability to Sewers Rates or Assessments.

Lands drained by such Sewers not to be exonerated from Rates.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, or be held or construed to prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in or belonging to the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*; but that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

General Saving of the Powers of the Commissioners of Sewers for Westminster.

XXXV. And be it further enacted, That the Time limited by the said recited Acts for the Completion of the said Undertaking shall be extended and enlarged for the Term of Two Years, to be computed from the Expiration of the Time in such Acts mentioned; and all Powers, Privileges, and Authorities given by this or the said recited Acts with respect to the making and Completion of the said Railway shall be extended for such further Period of Two Years.

Extension of Time for Completion of Railway.

XXXVI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this

This and recited Acts to be subject to

[Local.]

7 F

or

the Provisions of any general Act. or the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session.

Expences of Act to be paid by the Company. XXXVII. And be it further enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, and of carrying the same into effect, or otherwise incidental thereto, shall and may be defrayed and paid by the said Company out of the Money received or to be received by them under the Authority of this and the said recited Acts.

Public Act. XXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.