



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxiv.

An Act for the Construction by the *Midland Railway Company* of new Railways from their *Bristol and Birmingham Line* to the City of *Bath* and to *Thornbury*; and for other Purposes.

[14th July 1864.]

WHEREAS it is expedient that the *Midland Railway Company* (in this Act called "the Company") should be empowered to construct a Railway, to commence in the Parish of *Mangotsfield* in the County of *Gloucester* by a Junction with the *Bristol and Birmingham Line* of their Railway, and to terminate in the Parish of *Walcot* in the City of *Bath* in the County of *Somerset*; and that for the Purpose of improving the Approaches to such Railway the Company should be empowered to widen the existing Road or Street in the City of *Bath* called *Chapel Row*, from the South-west Corner of *Queen Square* to *Monmouth Street*, and also to make a new Road or Street from the Junction of *Westgate Place* with *Monmouth Street* to *James Street*, near *Trinity Church*, in the said City: And whereas it is also expedient that the Company should be empowered to make a Railway, to commence in the Parish of *Yate* in the County of *Gloucester* by a Junction with their *Bristol and Birmingham Line*, and to terminate in the Parish of

[*Local.*]

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Thornbury

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Thornbury in the same County, near the *High Street*: And whereas Plans and Sections showing the Line and Levels of the proposed Railways and other Works, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerks of the Peace for the Counties of *Gloucester* and *Somerset* respectively: And whereas it is expedient that the Company and the *Great Western Railway Company*, or other the Owner for the Time being of the Railway or Tramroad authorized to be constructed by the Act (Local and Personal) 9 *George IV.* Cap. 94., should be empowered to enter into Contracts and Agreements with reference to the Transfer to the Company of all or any Part of the said Railway or Tramroad, and that Provision should be made for the Appropriation by the Company of Portions of the said Railway or Tramroad for the Purposes of the intended Railway first herein-before mentioned, and for the Discontinuance of all or any Part of such Railway or Tramroad: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money for the Purposes of this Act: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for all Purposes as "The *Midland Railway (Bath and Thornbury Lines) Act, 1864.*"

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and also Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," so far as the Provisions of the same respectively are applicable to the Purposes of and are not altered or varied by this Act, shall be incorporated with and form Part of this Act.

Same Meaning to Words in incorporated Acts as in this Act. 3. Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned, shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Interpretation of Terms. 4. The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand

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Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

5. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference. Power to take Lands.

6. Subject to the Provisions of this Act, the Company from Time to Time may make in the Lines and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railways following, with all proper Stations, Works, and Conveniences connected therewith ; (that is to say, Power to make Railways authorized by this Act.

A Railway to commence in the Parish of *Mangotsfield* in the County of *Gloucester* by a Junction with the *Birmingham and Bristol* Line of the *Midland* Railway, and to terminate in the Parish of *Walcot* in the City of *Bath* in the County of *Somerset* :

A Railway to commence in the Parish of *Yate* in the County of *Gloucester* by a Junction with the *Bristol and Birmingham* Line of the *Midland* Railway, and to terminate near the *High Street* in the Parish of *Thornbury* in the same County :

And the said Railways and Works executed under the Authority of this Act shall, for the Purposes of Tolls and Charges and for all other Purposes whatsoever, be Part of the Undertaking of the Company, as if the same had been Part of the *Midland* Railway vested in the Company by the Act (Local and Personal) Seventh and Eighth *Victoria*, Chapter Eighteen, entitled *An Act to consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways*.

7. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway herein-before described to carry the same with a double Line of Railway across and on the Level of the Roads numbered on the deposited Plans as follows ; (that is to say, Power to cross certain Roads on the Level.

No. on Plan.	Parish.	Description of Road.
84	Siston - - - -	Turnpike Road
24	Weston - - - -	Public Road.
54	Iron Acton - - - -	Public Road.
72	Iron Acton - - - -	Turnpike Road.

8. When

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Footbridge
to be con-
structed
across
Railway.

8. When and so long as the Turnpike Road numbered on the deposited Plans 84 in the Parish of *Siston* shall be crossed on the Level by the Railway, the Company shall construct and maintain a Bridge for Foot Passengers across the Railway at or near the Point where the Railway crosses the said Road on the Level.

Regulating
Inclinations
of certain
Roads.

9. As regards the Roads next herein-after mentioned, the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (that is to say,)

No. of Road on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
37	Siston - -	Public Road -	1 in 12
37	Siston - -	Public Road -	1 in 14
61	Iron Acton -	Turnpike Road -	1 in 25

For Protec-
tion of
Great West-
ern Railway
Company.

10. Whereas it is intended in the making of the Railway in this Act first described and herein-after referred to as "the *Bath Line*," to alter and otherwise interfere with a Tramway passing from the *Midland Railway* near *Mangotsfield* to *Bath*, and a Branch leading from that Tramway near *Siston Common* to *Southwell Coalpit* (herein-after respectively called "the Tramway" and "the Branch Tramway") belonging to the *Great Western Railway Company*, and it is desirable to make Provision in respect thereof: Therefore the Exercise of the Powers of this Act with respect to the making of the *Bath Line* shall be subject to the following Restrictions and Conditions:

First, the *Bath Line*, where it crosses over the Tramway, shall (unless otherwise previously agreed to by the *Great Western Railway Company*) be so constructed as that the clear Headway at the Point of crossing shall not be less than Nine Feet Six Inches above the Level of the Tramway for the Breadth or Width of Twelve Feet across the same:

Secondly, the Alteration or Deviation of the Tramway shall (unless otherwise previously agreed to by the *Great Western Railway Company*) be constructed only in the Line shown upon the deposited Plans, and the Gradient or Rate of Inclination thereof shall be uniform throughout:

Thirdly, the Junction of the Tramway with the existing Railway of the Company near *Mangotsfield* shall not be in any way altered or otherwise interfered with without the Consent of the *Great Western Railway Company* under their Common Seal:

Fourthly,

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Fourthly, the Company shall construct such an Extension or Prolongation of the Branch Tramway as shall be approved of by the *Great Western Railway Company*, for the Purpose of connecting in the Manner most convenient to both Companies the Branch Tramway with the Tramway when altered as before mentioned; and the Alteration of the Tramway and the Extension or Prolongation of the Branch Tramway, when made, shall for all Purposes whatever be deemed to be Parts of the Tramway and the Branch Tramway respectively:

Fifthly, every Work executed under the Authority of this Act upon or affecting the Tramway or the Branch Tramway or other Property of the *Great Western Railway Company* shall be subject to the reasonable Approval, Control, and Superintendence of that Company's Engineer:

Sixthly, if the Extension of the Branch Tramway before mentioned shall be carried across the *Bath Line* on the Level, then and in such Case the Provisions of "The Railways Clauses Act, 1863," with respect to level Crossings (being Sections Five to Eight, both inclusive,) shall apply to such level Crossing; and the Expression "Turnpike Road or public Carriageroad" in those Sections shall, for the Purposes of this Enactment, be construed to mean and imply "Tramway or Branch Tramway:"

Seventhly, except so far as may be necessary for the Purposes of constructing the Railways hereby authorized, and of effecting the Alteration of the Tramway, and of connecting the Branch Tramway with the Tramway so altered, the Company shall not, unless with the previous Consent in Writing of the *Great Western Railway Company*, enter upon, take, or use any Part of the Tramway or Branch Tramway or other Land or Property of that Company:

Eighthly, with respect to any Lands or Property belonging to the *Great Western Railway Company* which the Company may, for the Purposes of constructing the Railways hereby authorized, use, enter upon, or interfere with, the Company shall not, except by Agreement, purchase and take the same; but the Company may purchase and take and the *Great Western Railway Company* may and shall sell and grant accordingly an Easement or Right of using the same for the Purposes of this Act.

11. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land not exceeding Five Acres adjoining or near to the Railways to be made under the Authority of this Act for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Lands for extraordinary Purposes.

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Power for compulsory Purchases limited.

12. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railways.

13. The Railways by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

Penalty if Railways not completed within Time limited.

14. After the Expiration of the Period by this Act limited for the Completion of the Railways, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the same shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Power to widen Chapel Row and make a new Street in the City of Bath.

15. Subject to the Provisions of this Act, the Company from Time to Time may widen, to the Extent shown on the deposited Plans, and in accordance with the Levels shown on the deposited Sections relating thereto, the existing Road or Street in the City of *Bath* called *Chapel Row*, from the South-western Corner of *Queen Square* to *Monmouth Street*; and may also make, in the Line and in accordance with the Levels shown on the deposited Plans and Sections relating thereto, a new Street or Road in the said City of *Bath*, from the Junction of *Westgate Place* with *Monmouth Street* to *James Street* near *Trinity Church*, all in the Parish of *Walcot*.

Power to deviate in Construction of new and altered Streets.

16. In constructing the new and altered Streets by this Act authorized, the Company may deviate laterally from the Lines thereof respectively shown on the deposited Plans to any Extent not exceeding the Limits of such Deviation as defined on the said Plans, and may deviate from the Levels thereof respectively as shown on the deposited Sections to any Extent not exceeding Five Feet.

Limiting Period for Completion of new

17. The new Street or Road and the widening of *Chapel Row* by this Act respectively authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period

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Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Street or Road and widening of Chapel Row.

18. The said Street or Road called *Chapel Row*, as widened under this Act, and also the new Street or Road in the City of *Bath*, when made and completed by the Company under this Act, shall respectively from Time to Time be repaired and maintained by and at the Expense of the Mayor, Aldermen, and Citizens of the City of *Bath*, as the Local Board of Health for the said City, in the same Manner and to the same Extent as other public Streets or Roads in the Parish of *Walcot* are from Time to Time liable to be repaired and maintained: Provided always, that if any Question arise between the Company and the said Mayor, Aldermen, and Citizens as to the due Completion of such widening or the due Completion of such new Street or Road, such Questions shall from Time to Time be determined by Two Justices, on the Application of either of the Parties in difference, and after not less than Seven Days Notice to both Parties of the sitting of such Justices for the Purpose; and the Certificate of such Justices of the due Completion of such widening or (as the Case may be) of the due Completion of such new Street or Road shall be conclusive Evidence of the Fact so certified.

Provision as to Repair and Maintenance of Chapel Row and new Street in the City of Bath.

19. The Company on the one hand, and the *Great Western Railway Company*, or other the Owner for the Time being of the Railway or Tramroad authorized to be constructed by the Act (Local and Personal) 9 *George IV.* Cap. 94., on the other hand, may from Time to Time enter into and carry into effect Contracts and Agreements with reference to the Transfer to the Company of all or any Part of the said Railway or Tramroad; and from and after the Completion of the Transfer to the Company of the said Railway or Tramroad, or any Part thereof, the Company may appropriate such Part thereof so transferred to them as they think fit to the Purposes of the intended Railway by this Act first authorized: Provided that the Company shall so construct their intended Railway in relation to the Portion of the said Railway or Tramroad not so appropriated as to admit of the Passage over the same of all Traffic which, if a Portion of the said Railway or Tramroad had not been so appropriated, might have passed over the said Railway or Tramroad.

Authorizing Agreements with the Owners of a certain Railway or Tramroad, and the Appropriation of Portions thereof.

20. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

Parts of 8 & 9 Vict. c. 16. incorporated.

"With respect to the Transfer or Transmission of Shares;"

"With

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- “ With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls ;”
- “ With respect to the Forfeiture of Shares for Nonpayment of Calls ;”
- “ With respect to the Consolidation of Shares into Stock ;”
- “ With respect to the Remedies of Creditors of the Company against the Shareholders ;”
- “ With respect to the borrowing of Money by the Company on Mortgage or Bond ;”
- “ With respect to the Conversion of borrowed Money into Capital ;” and
- “ With respect to the Provision to be made for affording Access to the Special Act by all Parties interested.”

Power to
create new
Capital.

21. The Company may raise for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Two hundred and thirty-six thousand Pounds, and such new Shares may be either ordinary or preferential, or Part ordinary and Part preferential, as the Company may from Time to Time determine.

Shares not
to issue until
One Fifth
Part paid
up.

22. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have paid in respect thereof.

As to
Amount and
Issue of new
Shares.

23. If at the Time of the Creation of new Shares under this Act the then existing ordinary Consolidated Stock in the Company be at a Premium, or of greater actual Value (according to the Market Price thereof in the City of *London*) than the nominal Value thereof, such new Shares shall be of such Amounts (not other than an integral Number of Pounds Sterling *per* Share) as will allow the same to be conveniently apportioned among the then Holders of all Shares or Stock in the Company (other than and except Shares or Stock to which any guaranteed or preferential Dividend of a fixed Amount, without further Participation in the Profits of the Company, shall have been assigned,) in proportion to the Number of Shares or Amount of Stock held by them respectively, and such new Shares may be either of One Class or of different Classes ; and the Directors of the Company may from Time to Time (but subject to the Provisions of this Act) fix the Amounts and Times of Payment of the Calls on the new Shares created under the Powers of this Act, and every Holder of Shares or Stock in the Company at the Time of such Creation as aforesaid (other than and except as aforesaid) shall in such Proportion

as

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as aforesaid be entitled to an Allotment of the new Shares according to the Provisions of this Act; and no Holder of any Shares or Stock entitled to a fixed Amount of Dividend, without further Participation in the Profits of the Company, shall be entitled to any Apportionment of any of such new Shares.

24. The Company may from Time to Time, if they think fit, attach to all or any new Shares, or any Class of new Shares created under the Powers of this Act, any total or partial, permanent or temporary Restrictions of the Rights of voting and other Qualifications of the Holders thereof. Votes in respect of new Shares.

25. All Shares of the same Class created under this Act shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any). Shares of same Class to have like Privileges.

26. All new Shares created under this Act shall vest in and belong to the then Shareholders who shall accept the same, and pay the First Instalment thereon to the Amount and at the Time which shall be fixed by the Directors and specified in the Letter offering the new Shares. Vesting or other Disposition of new Shares.

27. If any Shareholder for One Month after such Offer of new Shares fail to accept the same, and pay the First Instalment called for in respect thereof, then the Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the Company. Shares not accepted may be disposed of by Company.

28. Except as by or under the Powers of this Act otherwise provided, all new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount from Time to Time paid up on the new Shares held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting as the like Amount paid up on existing Shares or Stock of the Company (other than and except as aforesaid): Provided always, that unless otherwise determined by the Meeting sanctioning the new Shares, no Person shall be entitled to vote in respect of any of the new Shares to which fixed or preferential Dividend or other special Advantages shall be assigned. Qualifications of new Shares.

29. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of Power to raise Capital under any other Act of this Session and this Act by new

[*Local.*]

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new

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Shares of
One Class.

new Shares of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Saving
Rights of
existing
Preference
Share-
holders.

30. This Act or anything therein contained shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any Dividend on any *Midland Mortgage Preference Shares* or Stock, or any Payment in respect of *Midland Annuities*.

Power to
borrow on
Mortgage.

31. After Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been taken up, and One Half of such Sum shall have been paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares are issued and accepted, and that not less than One Fifth Part of the Amount thereof has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued *bonâ fide* and are held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Seventy-eight thousand six hundred Pounds, in addition to the Sums which they are or may be authorized to borrow by any other Act or Acts of Parliament.

Former
Mortgages
to have
Priority.

32. All Mortgages or Bonds granted under the Authority of any former Act relating to the Company, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages to be granted by virtue of this Act.

Application
of Monies.

33. All and every Part of the Money to be raised under this Act, whether by Shares or by borrowing, shall be applied to the Purposes of this Act and to no other Purpose.

Company
may apply
Corporate
Funds to

34. The Company from Time to Time may apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or are authorized to raise by any of their Acts,

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Acts, and which are not required for the Purposes to which they are by those Acts respectively made specially applicable. Purposes of Act.

35. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained. Interest not to be paid on Calls paid up.

36. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

37. Nothing in this Act contained shall exempt the Railways from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels in respect of the Railways by this Act authorized. Railways not exempt from Provisions of present and future General Acts.

38. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company. Expenses of Act.

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