



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. clviii.

An Act to enable the *Great Western Railway Company* to construct a Loop Line from the *Birmingham and Oxford Junction Railway* through the Town of *Leamington*, and for other Purposes.
 [31st August 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making a Railway from Bristol, to join the London and Birmingham Railway near London, to be called "The Great Western Railway," with Branches therefrom to the Towns of Bradford and Trowbridge in the County of Wilts*, whereby several Persons were incorporated by the Name and Style of "*The Great Western Railway Company*:" And whereas the Provisions of the said Act were amended and enlarged by several subsequent Acts passed respectively in the Sixth Year of the Reign of His said Majesty, and in the First, the Second, the Seventh, and the Ninth Years of the Reign of Her present Majesty Queen *Victoria*, and in the last Session of Parliament: And whereas Two several Acts, called respectively "*The Birmingham and Oxford Junction Railway Act, 1846*," and "*The Birmingham and Oxford Junction (Birmingham Extension) Railway Act, 1846*," were

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c. 107.

[Local.]

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passed

passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, whereby certain Persons were incorporated under the Name of "The *Birmingham and Oxford Junction* Railway Company:" And whereas the Line of the *Birmingham and Oxford Junction* Railway has been agreed to be sold to the *Great Western* Railway Company, and the last-mentioned Company propose to alter a Portion of the Line of the said *Birmingham and Oxford Junction* Railway, and to form a new Line of Railway in lieu thereof, between the Points herein-after described: And whereas, by reason of the Formation of such new Line of Railway, it is expedient that the Formation of a certain Portion of the Line of the *Birmingham and Oxford Junction* Railway, as authorized by the said "*Birmingham and Oxford Junction* Railway Act, 1846," should be abandoned: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged, and further Powers granted to the said Company; but the Aid of Parliament is necessary for such Purposes: 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 the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," in so far as the same may be applicable and are not inconsistent with the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

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

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Great Western* Railway (*Leamington* Line) Act, 1848."

Power to raise
additional
Capital by
Creation of
new Shares.

III. And be it enacted, That it shall be lawful for the *Great Western* Railway Company from Time to Time to raise, by creating new Shares in addition to the Sums of Money which they are authorized to raise under and by virtue of the Acts relating to their Undertaking herein-before recited, or any of them, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of One hundred and twenty thousand Pounds: Provided always, that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

Calls.

IV. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the *Great Western* Railway Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Mode in
which new

V. And be it enacted, That the new Shares so to be created shall be of such nominal Value as the *Great Western* Railway Company may

may determine, and shall or may be allotted to and amongst the several Persons who have executed the Parliamentary Subscription Contract relating to the Railway hereby authorized, their Executors, Administrators, or Assigns, whether Holders of existing Shares or Stock in the said Company or not, and also to and amongst such other Persons as the said Company may determine, such Shares to be allotted at such Times and in such Manner, and to be subject to such Conditions, and with such Preference of Dividend (if any) not exceeding Ten Pounds *per Centum per Annum*, as the said Company may direct: Provided always, that any Guarantee of Dividend which may be granted in respect of such new Shares in pursuance hereof shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by the said *Great Western Railway Company* by or in pursuance of any Act of Parliament passed prior to the passing of this Act: Provided further, that nothing herein contained shall prevent, or be deemed or construed to prevent, the separate Application by the said *Great Western Railway Company*, if they shall think fit, of the Receipts and Profits to be derived from the working of the said *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways, or either of them, to the Payment of any Preference Guarantee of Interest or Dividend in respect of such new Shares as may be created in pursuance of this Act.

Shares are to be allotted.

VI. And be it enacted, That after the whole of the Sums by this and the said herein-before mentioned Acts relating to the *Great Western Railway* authorized to be raised by Shares shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Directors of the *Great Western Railway Company* to borrow on Mortgage, and if subsequently paid off, again to re-borrow such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of Forty thousand Pounds, in addition to the Sums which they are authorized to borrow by the said Acts, or which they may be authorized to borrow by any other Act to be passed in the present Session of Parliament, and for securing the Repayment of the Sum so borrowed, with Interest, to mortgage the Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company: Provided always, that all and every Part of such Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Power to borrow on Mortgage.

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

Right of Mortgagees.

thereof, have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Power to
convert Loans
into Capital.

VIII. And be it enacted, That it shall be lawful for the said *Great Western Railway Company*, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by this Act, or any Part thereof, by creating new Shares of the said Company instead of borrowing the same, or having borrowed the same, it shall be lawful for them to continue at Interest only a Part of the said Sums if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company, and all Provisions with regard to the additional Capital by this Act authorized to be raised shall apply in like Manner to the new Shares which may be so created as aforesaid; but no such Augmentation of Capital as last herein-before authorized shall take place without the previous Authority of a General Meeting of the said Company called for the Purpose.

As to Votes
of Proprietors
of new Shares.

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

Interest not
to be paid on
Calls paid up.

X. And be it enacted, That it shall not be lawful for the said *Great Western Railway Company*, out of any Money by this Act or any other Act relating to the said Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said first-recited Act in that Behalf contained.

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

XI. And be it enacted, That it shall not be lawful for the said *Great Western Railway Company*, out of any Money by this Act or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Works to be
executed
according to
deposited
Plans.

XII. And whereas Plans and Sections showing the Line and Levels of the said intended Railway and Works by this Act authorized to be made, together with a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or the
reputed

reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Warwick*: Be it enacted, That, subject to the Provisions in this and the said Lands Clauses Consolidation Act and Railways Clauses Consolidation Act as extended to this Act contained, it shall be lawful for the said *Great Western Railway Company* to make and maintain the said Railway and Works in the Line or Course and upon the Lands delineated on the said Plans and referred to in the said Book of Reference, and according to the Levels described on the said Sections; and to enter upon, take, and use such of the said Lands as they shall consider necessary for such Purposes.

XIII. And be it enacted, That the said Railway shall commence by a Junction with the *Birmingham and Oxford Junction Railway* at or near a certain Field in the Parish of *Saint Nicholas* in the Borough of *Warwick* and in the County of *Warwick*, and numbered on the Plans referred to in the *Birmingham and Oxford Junction Railway Act, 1846*, 73 in the Parish of *Saint Nicholas*, and shall terminate by a Junction with the *Birmingham and Oxford Junction Railway* at or near a certain Field in the Parish of *Whitnash* in the County of *Warwick*, numbered on the said Plans 24 in the Parish of *Whitnash*, and shall pass, with the Works connected therewith, from, in, through, or into, or be situate within, the several Parishes, Townships, Hamlets, and extra-parochial or other Places following, or some of them, (that is to say,) *Saint Nicholas Warwick, Saint Mary Warwick, Milverton, Leamington, Leamington Priors, Radford Semele, and Whitnash* in the County of *Warwick*.

Line of
Railway.

XIV. And be it enacted, That the Formation of so much of the Line of Railway authorized to be made by the first-recited Act as is situate between a certain Field in the Parish of *Leamington Priors* in the County of *Warwick*, numbered 82 on the Plans referred to in the "*Birmingham and Oxford Junction Railway Act, 1846*," and a certain other Field situate in the Parish of *Saint Nicholas Warwick* in the same County, numbered 73 on the last-mentioned Plans, which by reason of the Construction of the new or deviated Line of Railway by this Act authorized to be constructed will become unnecessary, shall be abandoned.

Portion of
Railway for
which new
Line is sub-
stituted to be
abandoned.

XV. And be it enacted, That the new Line of Railway by this Act authorized to be constructed shall, from and after the Completion of the Sale of the *Birmingham and Oxford Junction Railway* to the *Great Western Railway Company*, be and become Part of the Undertaking of the *Birmingham and Oxford Junction Railway*; and all the Provisions of the firstly and secondly recited Acts shall extend and have reference thereto in like Manner as though the same had been re-enacted herein as applicable to such new Line of Railway, or as though such new Line of Railway had originally formed Part of the *Birmingham and Oxford Junction Railway*, or had been authorized to be constructed by the *Birmingham and Oxford Junction Railway Company* in lieu of that Portion thereof by the firstly-recited Act relating to the said *Birmingham and Oxford Junction Railway*.

New Line to
form Part
of original
Undertaking.

Railway Company authorized to be made, for which such new Line of Railway hereby authorized is intended to be substituted.

Not to take certain Lands of the London and North-western Railway Company without Consent.

XVI. And be it enacted, That, notwithstanding anything herein contained, it shall not be lawful for the *Great Western* Railway Company to take, use, or enter upon, for any of the Purposes of this Act, any of the Land or Property of the *London and North-western* Railway Company in the Parish of *Leamington Priors* in the County of *Warwick*, without the Consent in Writing of the *London and North-western* Railway Company under their Common Seal first had and obtained, except so much and such Parts of the said Lands as lie South of a straight Line drawn from the North-west Corner of the Property numbered on the Plans of the Railway by this Act authorized, herein-before referred to, 26 in the Parish of *Leamington Priors*, to the centre Point of the South Boundary of the Property of the *London and North-western* Railway Company, marked 7 *b* on the last-mentioned Plans; and also except so much of the Property numbered 33 *a* on the last-mentioned Plans as lies South of a straight Line joining the North-east Corner of the Property numbered 32 on the said Plans, and the South-east Corner of the Property numbered 33 *a* on the said Plans; and also except such Property lying to the East of the said Properties and to the South of the Line of the *London and North-western* Railway as may be necessary for forming a Line of Railway parallel to and adjoining the Line of the *London and North-western* Railway Company.

Company not to interfere with the Rights of the Warwick and Napton Canal Company.

XVII. And whereas the Railway hereby authorized to be made is intended to be carried under the *Warwick and Napton* Canal in the Parish of *Saint Nicholas* in the Borough of *Warwick* by means of an Aqueduct, and to be carried over the said Canal in the Parish of *Leamington Priors* in the County of *Warwick* by means of a Bridge, and it is necessary and expedient to make the following Provisions in consequence thereof: Be it therefore enacted, That, except as hereby expressly provided, nothing in this Act contained shall extend to prejudice, diminish, alter, take away, or affect any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in the *Warwick and Napton* Canal Company, or authorize or empower the said Railway Company, or any Person or Persons in execution of or under colour of this Act, to alter the Line or Level or to lessen the Depth or Width of the said Canal or the Towing Path thereof, or any Part or Parts thereof respectively, or by means of such Aqueduct or Bridge when erected, or the Repairs thereof, or in the Erection of any future Aqueduct or Bridge in lieu thereof, or of either of them, or by any other Means, to obstruct the Navigation of the said Canal or any Part or Parts thereof, or injure any of the Works thereof, or render the Traffic or Navigation thereof insecure, or to divert or interfere with any of the Waters therein, or any Brooks, Streams, Feeders, or Watercourses, which now are or heretofore have been taken for the Use of or which now supply the said Canal with Water, or to injure any of the Works thereof; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway from the Line of the said Railway as delineated on the Map or Plan thereof,

thereof, deposited with the Clerk of the Peace of the County of *Warwick*, by which Deviation the *Warwick and Napton* Canal, or any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works of or belonging to the said Company of Proprietors of the *Warwick and Napton* Canal Navigation, or any Part thereof, shall be taken, used, damaged, prejudiced, or interfered with, without the Consent of the said Company of Proprietors under their Common Seal first had and obtained.

XVIII. And be it enacted, That in forming the Railway under the said *Warwick and Napton* Canal in the Parish of *Saint Nicholas Warwick*, the said Railway Company shall and they are hereby required, at their own Expense, to form, make, complete, and maintain in a proper Manner, open to the Inspection of and to the reasonable Satisfaction of the Engineer for the Time being of the said Canal Company, a good, firm, substantial, and sufficient Aqueduct of Brick, Stone, or Iron, so and in such Manner that no Leakage or Loss of Water shall be occasioned from the said Canal, and under which Aqueduct the said Railway shall be made and carried, with proper Walls effectually to support the Embankments of the said Canal on each Side thereof, and so that the Depth of Water in the said Aqueduct shall not be less than Six Feet from the Weir Level of the said Canal, and so that the clear Waterway in the said Canal shall not be less than Eighteen Feet in Width; and the said Railway Company shall also make a good and sufficient Towing Path of not less than Six Feet in Width, and properly connect the same with the then existing Towing Path on each Extremity of the said Aqueduct, and shall also erect a good and substantial Fence of Brick, Stone, or Iron, to separate the said Towing Path from the adjoining Lands; and the said Railway Company shall also make a sufficient Way on the Side of the Canal opposite to the said Towing Path (so far as the Land or the said Canal will admit), so as to connect the Banks or Land of the said Canal Company lying at the Extremities of the said Aqueduct; and in carrying the said Railway over the said Canal in the said Parish of *Leamington Priors* the said Railway Company shall and they are hereby required, at their own Expense, to make and erect a good and substantial Bridge to carry the said Railway over the said Canal and the Towing Path thereof, with proper Walls effectually to support the Embankment of the Railway, and that the Span of such Bridge or Archway between the Abutments thereof shall be Thirty Feet in the Clear, so as to include the Canal and the Towing Path thereof; and that no Part of the Soffit of the Arch of such Bridge over the said Canal and Towing Path shall come within less than Ten Feet of the Weir Level of the said Canal, the Abutments of such Bridge on the Sides next to the said Canal to be formed parallel to the Sides of the said Canal under such Bridge; and the Railway Company shall, at all Times and for ever after the said Aqueduct and Bridge shall be erected, maintain and keep the same, and all future Aqueducts and Bridges to be erected in lieu thereof (and which shall be in the like Direction and of the like Form and Height as are herein-before mentioned), in good and complete Repair.

Company to
make Aque-
duct for
Canal in
St. Nicholas
Warwick, and
Bridge over
Canal in
Leamington.

XIX. And

Company not
to obstruct
the Canal
during
Progress of
Works.

XIX. And be it enacted, That during the Erection and Formation of the said Aqueduct and Bridge under and over the said *Warwick and Napton* Canal, and at all future Times during the Repairs thereof, no Obstruction shall be occasioned thereby or in consequence thereof to the Boats or Barges passing along the said Canal, or to the Towing Horses or Men drawing the same, but that at all Times during such Erection, Formation, and Repairs the Depth of Water in the said Canal shall not be less than Six Feet, a Waterway of not less than Sixteen Feet, and a Towing Path of not less than Six Feet in Width, and a clear Height of not less than Eight Feet from the Weir Level of the Canal over the Canal and Towing Path shall be left for the Navigation thereof; and that such Bridge shall be constructed, as regards the Position, Form, and Dimensions thereof, to the reasonable Satisfaction of the Engineer for the Time being of the Company of Proprietors of the *Warwick and Napton* Canal Navigation.

Company to
make a tem-
porary Canal
during Con-
struction or
subsequent
Repair of
Aqueduct.

XX. And be it enacted, That it shall be lawful for the said Company before they shall commence or during the Construction of the aforesaid Aqueduct or any subsequent Repairs or Re-construction thereof, at their own Expense in all Things and to the reasonable Satisfaction of the Engineer for the Time being of the said *Warwick and Napton* Canal Company, (and within the Period of Six Months from their commencing the same,) to complete and construct and provide a sufficient and convenient temporary Canal, properly puddled and Water-tight, with a Waterway of not less than Sixteen Feet in Width at the Bottom, and Twenty-four Feet wide at the Top, and Six Feet deep from the Weir Level of the said Canal, with a proper Towing Path not less than Eight Feet wide, so as to connect the severed Portions of the said Canal, and to divert the Waters thereof through such temporary Canal, and so as to prevent any Obstruction or Impediment to the Navigation thereof, or Loss or Waste of any of the Water from the said Canal, and that the said Company shall forthwith as soon as such diverted Canal shall be completed, and within the Period of Six Calendar Months from the Time of opening such diverted Canal, restore the said Canal to its original Course in a good and sufficient State of Repair, Order, and Condition to the Satisfaction of the Engineer for the Time being of the said Canal Company; and in case the said Railway Company shall fail to complete such Diversion of the said Canal and to restore the said Canal to its original Course within the Period herein-before respectively limited and provided, then and in either of the said Cases the said Railway Company shall pay to the said Canal Company, as and by way of ascertained Damages, the Sum of One hundred Pounds for each and every Day during which the Works connected with the said Diversion or Aqueduct shall be carried on after the Periods respectively herein-before mentioned.

Penalty on
Railway
Company for
obstructing
Navigation of
the Canal.

XXI. And be it enacted, That if by reason of the Execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works, or of the Aqueduct or Bridge respectively under and over the said *Warwick and Napton* Canal, or of any of the Slopes, Banks, or Walls of the said Railway near the said Canal, or if by any Act or Omission of the said Railway Company,

Company, or of any of their Agents, Servants, or Workmen, it shall happen that the said *Warwick and Napton* Canal or the Towing Path thereof, or the Works connected therewith, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same cannot freely pass or shall be impeded in their Passage along the same, or in case the Depth of the Water in the said Canal over such Aqueduct to be constructed under the said Canal as aforesaid, or the Space under such Bridge to be constructed over the said Canal as aforesaid, shall at any Time be contracted so as to be less in Depth, Width, and Height than is herein-before described, then and in any or either of the said Cases the said Railway Company shall pay to the said Canal Company, as or by way of ascertained Damages, the Sum of Five Pounds for every Half Hour during which any such Obstruction, Interference, or Contraction shall be continued: Provided always, that if such Obstruction, Interference, or Contraction shall be continued beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act or Omission on the Part of the Persons employed by or for the said Railway Company, then and in every such Case the said Railway Company shall pay to the said Company of Proprietors of the *Warwick and Napton* Canal Navigation, on Demand made by the said Canal Company or their Clerk, upon the Treasurer or any Officer of the said Railway Company, the further Sum of Ten Pounds for every Half Hour during which such Obstruction, Interference, or Contraction shall be continued, as or by way of ascertained Damages; or the said Company of Proprietors of the *Warwick and Napton* Canal Navigation may and they are hereby authorized to sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that nothing herein contained shall extend to prevent the said *Warwick and Napton* Canal Company from recovering against the said Railway Company any special, further, or other Damages that may be sustained by them on account of the Acts or Defaults of the said Railway Company.

XXII. And be it enacted, That in case it shall happen at any Time during the making of the said Railway, or the Construction of such Aqueduct and Bridge under and over the said *Warwick and Napton* Canal, or either of them, or in the Use thereof respectively, at any Time or Times after the same shall have been so respectively made and constructed, that any Injury shall be done or occasioned thereby to the said *Warwick and Napton* Canal, or to any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, Feeders, Weirs, or any other of the Works of or belonging thereto, or in case such Aqueduct and Bridge or either of them shall not be kept in good and substantial Repair, then and in every such Case it shall be lawful for the said Company of Proprietors of the *Warwick and Napton* Canal Navigation to do the needful Repairs, and that all Costs, Charges, and Expenses to be incurred or occasioned in or about such Repairs, together with all Damages whatsoever which shall be sustained by the said Canal Company by reason of any Injury as aforesaid, or by reason of any Loss of Water out of or

In case of Injury to Canal, Company may do needful Repairs at Expense of Railway Company.

from the said Canal in consequence of the making of the said Railway, or the constructing of the said Aqueduct and Bridge or either of them, shall be paid and defrayed by the said Railway Company to the Proprietors of the *Warwick and Napton Canal Navigation*, and in default thereof after Demand made by the said Canal Company or their Clerk upon the Treasurer or any Officer of the said Railway Company, any Two or more of Her Majesty's Justices of the Peace for the County of *Warwick* shall, and they are hereby authorized and required, on Application by the said Canal Company or their Clerk or other Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expenses, which shall be settled and allowed by such Justices, to be levied by Distress and Sale of the Goods and Chattels of the said Railway Company, and be paid to the said Canal Company, their Agent or Clerk, rendering the Overplus (if any) on Demand, after deducting the reasonable Costs and Charges of making such Distress and Sale to the said Railway Company, or otherwise the said Company of Proprietors of the *Warwick and Napton Canal Navigation* may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Not to take Land or Buildings, or interfere with the Works of the Canal.

XXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to authorize or enable the said Railway Company, or any Person or Persons or Company in execution or under Colour of this Act, to enter upon, take, and prejudice or interfere with (either permanently or temporarily) any of the Buildings, Land, or Ground belonging to the said *Warwick and Napton Canal Company*, without the Consent of the said Canal Company, under their Common Seal first had and obtained (except so far as may be required for the Purpose of forming the said Aqueduct and Bridge and Works connected therewith); nor shall the said *Warwick and Napton Canal Company* be responsible or accountable to the said Railway Company, or to any Person or Persons for any Damage or Prejudice that may be done to the said Railway and Works, or the Traders thereon, or the Traffic thereof, in consequence of any Slips or giving way of any Embankment of the said Canal and Works which in its Consequence may produce any such Damage or Prejudice as aforesaid, any Statute or Law to the contrary thereof in anywise notwithstanding.

Restraining the Company from contracting the Width of Streets, or interfering with Drains, &c. in the Town of Leamington Priors without the Consent of Improvement

XXIV. And whereas by virtue of Two Acts for paving and improving the Town of *Leamington Priors*, passed respectively in the Sixth Year of the Reign of King *George the Fourth* and the Sixth Year of the Reign of Her present Majesty, all Carriage Roads, Footways, Passages, Drains, Sewers, and Culverts within the Town of *Leamington Priors*, and the Management thereof, are vested in the Commissioners acting in execution of the said Acts, with Powers to improve the same, and the Approaches to the said Town, and the Brook or Stream of Water forming the Boundaries of the Parish of *Leamington Priors* and the adjoining Parish of *Milverton*: Be it therefore enacted, That it shall not be lawful for the Company, in making the Railway or any other Works, to erect, construct, or make

make any Pier, Abutment, or other Work whereby the present Width or Level of any public Street, Road, Footpath, or other public Way within the said Town, or of any of the Approaches thereto, save and except the Streets or Roads called *Orchard Street*, *Neilson Street*, and *Charles Street*, and the Road or Street numbered on the Plan deposited as herein-before mentioned 34 in the Parish of *Leamington Priors*, may be in any Manner diminished or contracted or altered, or to make any Encroachment upon any Carriageway or Footway or public Passage within the said Town, or to take or use or interfere with any Drain, Sewer, Culvert, or Watercourse under the Care or Management of the said Commissioners without the Consent of the said Commissioners, obtained, given, and signed according to the Provisions of this Act, first had and obtained, to be given in Writing at some Meeting of the Commissioners or Adjournment thereof, under the Hands of the major Part of the Commissioners present at such Meeting or Adjournment (such major Part not being less than Five), and to be countersigned by their Clerk.

Com-
missioners.

XXV. Provided always, and be it enacted, That, without such Consent as aforesaid, it shall not be lawful for the Company in making the Railway to erect, construct, or make any such Work as aforesaid whereby the present Width or Level of the said Street or Road called *Orchard Street* shall be altered or affected to an Extent to which such last-mentioned Street may be altered or affected in the Construction of the *Rugby and Leamington Railway*, or whereby the present Level of the said Road or Street numbered 34 shall be lowered to a greater Extent than Four Feet, or whereby the present Level of the said Streets called *Neilson Street* and *Charles Street*, or either of them, shall be lowered to a greater Extent than Two Feet.

Company not
to construct
Works so as
to alter Width
or Level of
Streets,

XXVI. And be it enacted, That in all Cases where the Railway or any of the Works thereof shall be intended to be carried or made over any Street, Road, Footpath, or public Way within the said Town, or under the Control or Management of the said Commissioners, the Company shall and they are hereby required to carry the Railway over every such Street, Road, Footpath, or other public Way by means of a Bridge of such Dimensions and Construction in each respective Case that the Space between the Piers thereof shall be of not less Width than the present Width of the Street, Road, or Footpath, or other public Way, as the Case shall be, over which any such Bridge shall be carried or made, and so that the Springing of the Arch of every such Bridge shall be at least Eight Feet above the Surface of such Street or Road, and so that the Height of such Arch shall be such as to leave a clear Space of not less than Seventeen Feet (for a Space of Twenty Feet wide) between the Surface of the Carriageway of such Street or Road and the Underside of the Brickwork or other Material of such Bridge or Arch, except the Height of the Arch over the *High Street*, which shall be Twenty Feet high for the said Space of Twenty Feet wide, and except the Height of the Arches over *Neilson Street*, *Charles Street*, *Mathie Street*, and the Streets or Roads numbered 34 and 70 in the said deposited Plans respectively, which shall be respectively Sixteen Feet high only for the said Space of Twenty Feet wide.

As to Con-
struction of
Bridges for
carrying the
Railway over
Streets, &c.

XXVII. Pro

Limiting
Deviation of
Line.

XXVII. Provided always, and be it enacted, That it shall not be lawful for the Company so to deviate the Line of Railway as to require the Construction thereof over any Part of the public Road, being the Extension Westward of *High Street* in *Leamington*, lying opposite to or Westward of the Property numbered on the said Plans 23 in the said Parish of *Leamington Priors*, or in any way to interfere with such Portion of the said Road.

As to Con-
struction of
Bridges for
carrying
Roads, &c.
over the
Railway.

XXVIII. And be it enacted, That in all Cases where it shall be necessary to carry or make the Railway across any Street or Road in the said Town which shall be above the Level of the Line of the Railway, the Company shall and they are hereby required to carry the Carriageway and Footway of every such Street or Road over the Railway by means of a Bridge or Viaduct, and so to construct, make, and complete such Bridge or Viaduct, and the Approaches thereto, that the public Way over and along the same, as well the Carriageway as the Footway, shall not be of less Width between the Parapets and Fences of such Bridge and Approaches than the Width of such Street or Road at present is at the Place where any such Bridge or Approaches shall be made.

Screens to be
erected on
the Sides of
Railway, &c.

XXIX. And in order to prevent Danger, Accident, and Alarm to any Persons, or to Horses or other Animals used in drawing Carriages or for riding, or to Cattle passing, repassing, or being over or upon any such Bridges or Viaducts, or along the Approaches thereto, be it enacted, That, in all Cases where the Railway shall be carried as aforesaid over any Street or Road in the said Town, the Company shall and they are hereby required to make and for ever maintain, at their own Expense, a sufficient Screen on both Sides of the Railway of the Height of Fifteen Feet at the least, if required by the said Commissioners; and in all Cases where any Street or Road in the said Town shall be carried over the Railway as aforesaid, the Company shall and they are hereby required to construct the Parapets or Fences of the Bridge and the Approaches thereto of the Height of Fifteen Feet at the least, or otherwise to erect and make, and for ever maintain in repair, at their own Expense, a sufficient Screen on both Sides of such Bridge and Approaches of not less Height than Fifteen Feet if required; and in all Cases where the said Railway shall be carried as aforesaid within One hundred and twenty Yards of any public Road within the said Parish of *Leamington Priors* the Company shall and they are hereby required to make and for ever maintain, at their own Expense, a good and sufficient Screen between the Railway and such public Road; and the Company shall and they are hereby required to construct and for ever maintain good and sufficient Screens, so as effectually to screen the Interior of the Station of the said Railway, and all Railway Carriages and Locomotives thereon, in the said Parish of *Leamington Priors*, and as far as the said Station shall extend; and all such Screens respectively shall be placed in such Situations as the said Commissioners shall consider necessary and require for preventing any Danger, Accident, or Alarm to any Persons, or to Horses or Animals, or Danger to the Public, on any such Requirement being notified to the Company by the Commissioners in Writing, signed by the major Part of the Commissioners
present

present at any of their Meetings or Adjournment thereof (such major Part not being less than Five), and countersigned by their Clerk.

XXX. And be it enacted, That in all Cases where, in making, maintaining, or repairing the Railway and Works, it shall be necessary to take or use, vary, alter, interfere with, render useless, or impede any Drain, Sewer, Culvert, or Watercourse in the said Town, under the Control, Management, or Care of the said Commissioners, the Company shall and they are hereby required, at their own Expense, to make such new Drains, Sewers, Culverts, and Watercourses as shall be reasonably required by the said Commissioners, in lieu of such as shall be so taken and used, varied, altered, interfered with, or rendered useless, or be damaged in consequence of the making, maintaining, or repairing of such Railway or Works, of the like or not less Dimensions and Capacity as the Drains, Sewers, Culverts, or Watercourses which shall be so taken, used, varied, altered, interfered with, rendered useless, damaged, and impeded, and also restore and complete all such Drains, Sewers, Culverts, and Watercourses as shall be in any Manner interfered with, damaged, disturbed, or impeded by the Company, in maintaining or repairing, making, or by reason of the making, maintaining, or repairing, of such Railway or Works, so as to preserve and afford Means for the future effectual Drainage and Improvement of the said Town; and all such Works shall be done under the Inspection, Superintendence, and Direction of the Surveyor or other Officer of the said Commissioners; and the Company shall make reasonable Allowance and Satisfaction to the Surveyor, or other Officer of the said Commissioners, for his Time and Trouble in inspecting, superintending, or directing the Execution of such Work.

Regulations
for Protection
of Drains, &c.

XXXI. And be it enacted, That it shall be lawful for the Company and they are hereby required, at their own Expense, to make proper Approaches and Avenues in the said Town near to the proposed Railway Station in the said Town, for the Convenience of the Public who may resort thereto, and which may be required for meeting the increased Traffic near to such Station, and such Approaches and Avenues shall be at least of the same Width as the Streets from or into which they shall lead.

Approaches
to be made to
the Leaming-
ton Station.

XXXII. And be it enacted, That in constructing, making, maintaining, or repairing the Railway and Works across or along any of the Streets or Roads within the Town of *Leamington Priors*, the Company shall not obstruct or prevent the Passage of the Public along more than One Half of the Width of the Carriageway of any Street or Road in the said Town, nor more than One Footway in any such Street, at the same Time, nor continue any such Obstruction for a longer Period than Twelve Weeks, or (at the Option of the said Company) Two distinct and separate Periods of Six Weeks each, without the Consent of the said Commissioners to be given as aforesaid; and if the Company shall obstruct or prevent the Passage of the Public along more than Half the Width of any such Street or more than One such Footway at the same Time, or shall

Company not
to obstruct
more than
Half of any
Street, or
continue any
Obstruction
longer than
Twelve
Weeks.

[*Local.*]

24 C

continue

continue the Obstruction of any Portion of any such Carriageway or Footway for a longer Period than Twelve Weeks, or, at such Option as aforesaid, Two distinct and separate Periods of Six Weeks each, without such Consent as aforesaid, the Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds for every Day during which such Obstruction shall exist, or (as the Case may be) shall be continued beyond the said Period or Periods as the Case may be, and such Penalty shall be paid to the said Commissioners and may be applied by them to the general Purposes of their said Acts or any of them.

Works affecting the Pavement, Sewers, &c. to be done to the Satisfaction of the Commissioners.

XXXIII. And be it enacted, That all Works to be done by the Company which shall in any Manner interfere with or affect the Surface or Pavements of any of the Streets, Roads, Footpaths, or other public Ways within the said Town of *Leamington Priors*, or any of the Sewers, Sinks, Drains, or Water Pipes belonging to or under the Control of the said Commissioners, shall be respectively executed by the Company, under the Inspection, Direction, and Superintendence, and to the reasonable Satisfaction of the Surveyor or other Officer for the Time being of the said Commissioners; and the Company shall make reasonable Allowance and Satisfaction to the Surveyor or other Officer of the Commissioners for his Time and Trouble in inspecting, directing, and superintending the same.

Pavement broken up by the Company to be repaired in all Cases by the Commissioners at the Expense of the Company.

XXXIV. And be it enacted, That when and as often as the Carriageway or Footway of any Street within the said Town of *Leamington Priors* shall be broken up, removed, opened, or disturbed by the Company, the Ground so opened shall be re-filled and rammed down solidly, as high as the previous Level thereof, and all surplus Ground or Soil (if any) removed and carted away by the Company at their own Expense; and such Works shall be done under the Direction, Inspection, and Superintendence, and to the reasonable Satisfaction, of the Surveyor for the Time being, or other Officer of the Commissioners for executing the said Acts for paving and improving the Town of *Leamington Priors*; and when and as soon as the same shall be re-filled and rammed down as aforesaid, it shall be lawful for the said Commissioners, or such Person as shall be employed by them for that Purpose, to substantially repave in a good and workmanlike Manner, with all necessary Stones and other Materials, all such Parts of such Carriageways and Footways as shall have been so broken up or taken up, removed, opened, or disturbed by the Company; and the Costs, Charges, and Expenses of the re-filling and ramming down of the Carriageways and Footways of such Street, or of making good such Parts thereof as shall have been broken up or taken up, removed, opened, or disturbed as aforesaid, and also the Costs, Charges, and Expenses of relaying the Pavement or otherwise repairing such Carriageways and Footways, or so much and such Part thereof as within Twelve Months after the same shall have been so repaired by the said Commissioners shall in any Degree sink or give way so as to render it necessary for the said Commissioners to relay or repave the same, shall be borne by the Company, and by them paid to the said Commissioners; and the said Commissioners shall immediately after the Completion of such Repavement,

and in like Manner after any such future Repair, deliver to the Clerk or other principal Servant to the Company a Statement in Writing of the Amount of the Costs, Charges, and Expenses incurred by them the said Commissioners in executing any such Works; and such Costs, Charges, and Expenses shall in every Case be paid by the Company to the said Commissioners within Fourteen Days next after the delivering of such Statement; and in case of Neglect of the Company to pay the same to the said Commissioners within that Time, then double the Amount thereof shall be recovered from the Company by the said Commissioners.

XXXV. And be it enacted, That in case any Costs, Charges, and Expenses, Sums of Money, and Penalties by this Act directed to be paid by the Company to the said Commissioners on Demand being made upon the Secretary, Clerk, Treasurer, or other Officer of the Company, or within the Time by this Act prescribed, then and in every such Case any Justice of the Peace for the County of *Warwick* shall and he is hereby required, on Application made by or on behalf of the said Commissioners, by Warrant under his Hand and Seal to cause the Amount of such Costs and Expenses to be levied by Distress and Sale of the Goods and Chattels of the Company wheresoever the same can or may be found, and to be paid to the said Commissioners, rendering the Overplus, if any, upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the Company; or otherwise the said Commissioners may sue for and recover the same, together with full Costs of Suit, against the Company by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Law at *Westminster*.

Recovery of
Costs, &c.
by Commis-
sioners from
Company.

XXXVI. And be it enacted, That previously to the Commencement of and during the Progress of the Works hereby authorized or required to be done by the Company in, upon, under, or adjoining to any of the Streets, Roads, or Ways within the said Town of *Leamington Priors*, the Company shall from Time to Time cause such proper and sufficient Hoards, Fences, Stages, and Lights to be erected, set up, and continued in such Situations and for such Time as the said Commissioners shall deem necessary for the Protection or Convenience of the Public, and as they shall by Notice in Writing, to be signed by their Surveyor, to be served upon the Company, order and direct; and if the Company shall refuse or neglect to erect or set up such Hoards, Fences, Stages, and Lights, or any of them, or shall not continue the same standing and in good and effective Condition, or shall not remove the same when required by the Commissioners by Notice in Writing to be signed and served as aforesaid, then and in every such Case the Company shall be and they are hereby made subject and liable to the Payment of, and shall pay to the said Commissioners, the Penalty of Ten Pounds for each and every Day during which they shall so refuse or neglect to erect or set up or to continue standing, and in good and effective Condition, or to remove, the same Hoards, Fences, Stages, and Lights or any of them, which Penalty may be applied by the said Commissioners to the general Purposes of their said Act or any of them.

Hoards to be
erected for
the Protection
of the Public
during Execu-
tion of certain
Works.

XXXVI. And

Works to be carried on with all reasonable Despatch, &c.

Earth, &c. brought upon Streets to be immediately removed.

XXXVII. And be it enacted, That the several Works by this Act authorized or required to be made, done, executed, maintained, and repaired by the Company in, upon, or under any of the Streets or Roads within the Town of *Leamington Priors* shall, when commenced, be proceeded with by the Company with all reasonable Despatch; and all Clay, Earth, Stone, Gravel, Sand, and other Soil or Materials, which in the Progress of the said Works may be brought upon any of the said Streets or Roads, or not deposited within any Hoard or Fence, shall be immediately removed therefrom by the Company, so as at all Times to preserve the free Passage along the same Streets and Roads respectively; and if in the Opinion of any competent Engineer nominated by the Justices of the said County of *Warwick* in Petty Sessions, which Engineer such Justices are hereby authorized and required by Writing under their Hands and Seals, to nominate on any Application for such Purpose by the said Commissioners, their Clerk or Surveyor, any of the said Works shall not be proceeded with by the Company with all reasonable Despatch, or any Clay, Earth, Stone, Gravel, Sand, or other Soil or Materials shall have been deposited in any Street or Road as aforesaid for a longer Period than was necessary, or if any other Obstruction shall have been occasioned by the Company in the said Streets or Roads, then and in every such Case the Company shall forfeit and pay the Sum of Ten Pounds for every Day during which such Obstruction shall continue; and such Penalty shall be paid to the said Commissioners, and may be applied by them to the general Purposes of the said Acts.

Disputes between Company and Commissioners may be settled by Justices.

XXXVIII. And be it enacted, That in case of any Difference of Opinion between the Company and the said Commissioners or their Surveyor respecting the Sufficiency of any of the Restorations or Repair of the Carriageways or Footways of the Streets, or the constructing, making, maintaining, executing, or repairing of any such Works in the said Town of *Leamington Priors* herein-before directed to be done by the Company, or authorized to be done by the said Commissioners at the Expense of the Company, or respecting any other Matter or Thing in respect of which the Consent or Approval of the Commissioners is by this Act required, such Difference of Opinion may be determined by any Two or more of Her Majesty's Justices of the Peace for the said County of *Warwick*, in Petty Sessions assembled (who by Writing under their Hands and Seals shall and they are hereby required to determine the same).

Special Provisions may be dispensed with, with Approval of Justices.

XXXIX. Provided always, and be it enacted, That it shall be lawful for the said Commissioners and the Company, subject nevertheless to the Approval of Two Justices on Application made to them for that Purpose, to agree with each other for the Construction of the said Railway in any other Manner than is herein-before mentioned or provided for, and for the making, doing, and maintaining by the Company of or dispensing with all or any such Works, Matters, and Things as may be necessary or expedient for the Purposes aforesaid, and in case of any such Agreement it shall not be binding on the Company to construct the Railway in such Manner, or to do such

of

of the Works, Matters, and Things herein-before or in the recited Acts or in "The Railways Clauses Consolidation Act, 1845," required to be done by them as shall be so agreed to be dispensed with by the said Commissioners; and the said Commissioners are hereby authorized and empowered to enter into any such Agreement in the same Manner as they are herein-before directed to give their Consent to the Construction of any such Works as aforesaid.

XL. And be it enacted, That it shall be lawful for the said Commissioners for paving and improving the Town of *Leamington Priors* in the Form prescribed by "The Lands Clauses Consolidation Act, 1845," or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the said Company may think fit to sell and convey to the said Company, or as they may direct, any of the Lands or Buildings in the said Town of *Leamington Priors* of or vested in the said Commissioners, and which may be required for the Purposes of the said Works, or which the said Commissioners may think proper to sell to the said Company, and to receive and give effectual Receipts and Discharges for the Consideration for the same, which Receipts shall fully discharge the said Company from seeing to the Application of the Money therein acknowledged to being received, and also from being answerable for the Misapplication or Nonapplication thereof in aid of the Purposes of the said Acts for improving the said Town of *Leamington Priors*; and every such Conveyance shall operate to vest in the said Company and their Successors, the Lands and Buildings comprised therein in Fee Simple, or for such other Estate or Interest therein which shall have been purchased or compensated for by the Consideration therein mentioned.

Power to
Commis-
sioners to sell
Lands to
Company.

XLI. And be it enacted, That the Railway by this Act authorized to be made shall be constructed on the Gauge of Seven Feet, as well as and in addition to the Gauge of Four Feet Eight Inches and Half an Inch: Provided nevertheless, that the said Railway, so far as relates to the mechanical Construction of the Mixed Gauge, shall be executed to the Satisfaction of the Commissioners of Railways for the Time being.

Gauge of
Railway.

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

Lands for
extraordinary
Purposes.

XLIII. And be it enacted, That the Powers of the *Great Western* Railway Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
compulsory
Purchase of
Lands
limited.

XLIV. And be it enacted, That the Railway and Works hereby authorized to be made shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, granted to the said *Great Western* Railway Company for executing the said Railway

Period for
Completion
of Works.

and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company
empowered
to purchase
certain
Property at
Leamington.

XLV. And whereas the said Railway will depreciate and be an Injury to the Hotel and Premises of Messrs. *John and Joseph Stanley* and others, called the *Crown Hotel*, situate in the *High Street* in the Town and Parish of *Leamington Priors*, under Lease to the said *John Stanley*: Be it therefore enacted, That the said *Great Western Railway Company* shall and may purchase and take the said Hotel and Premises, and in case of the same not being required for the Purposes of this Act to sell and dispose of the same respectively, in like Manner as they are enabled in reference to Lands to be purchased and taken for the Purposes of this Act; and that in the event of the Purchase Money and Compensation to be paid by the same Company for the said Hotel and Premises so to be purchased, and the Injury to be sustained by the Owners, Lessee, and Occupiers of the same by reason of the said Railway, not being settled or determined by Agreement between the Parties, the Amount of the said Purchase Money and Compensation shall be ascertained and determined in the Manner prescribed by the Lands Clauses Consolidation Act for the Settlement of disputed Compensation: Provided also, that the said Company shall purchase and take the said Hotel and Premises within Six Calendar Months after the passing of this Act.

Limiting
Charges for
the Convey-
ance of Pas-
sengers, &c.

XLVI. And be it enacted, That the Provisions from Time to Time in force in relation to the *Birmingham and Oxford Junction Railway*, whereby the Charges for the Conveyance of Passengers and of Goods and Cattle on the said Railway are limited and regulated, shall extend and apply to the Charges to be made in respect to the Use of the Railway by this Act authorized, and of the Engines and Carriages employed thereon.

Owners of
Carriages and
Goods to give
Account of
Lading, &c.
to Collector
of Tolls.

XLVII. And be it enacted, That every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the said Railway by this Act authorized, or upon any Portion of the *Great Western Railway*, shall, on Demand, give to the Collector of Tolls at the Places where he attends for the Purpose of receiving Goods, or of collecting Tolls for the Part of the aforesaid Railways on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage, and of the Point on the same Railways from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls.

Penalty on
Owners, &c.
not giving
Account of
Lading, &c.

XLVIII. And be it enacted, That if any such Owner or other such Person fail to give such Account, or to produce his Way Bill or Bill of Lading to such Collector or other Officer or Servant of the said Company demanding the same, or if he give a false Account, or if he
unload

unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight (as the Case may be) which shall be upon any such Carriage, and such Penalty shall be in addition to the Toll to which such Goods may be liable.

XLIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railway by this Act authorized, or the said *Great Western Railway Company*, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. c. 105.

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

Railways not exempt from Provisions of future general Acts.

LI. And whereas a Bill is now pending in Parliament, intituled *A Bill to confer additional Powers on the Great Western Railway Company with reference to an Agreement of the Twelfth of November One thousand eight hundred and forty-six, for the Purchase by them of the Birmingham and Oxford Junction and Birmingham, Wolverhampton, and Dudley Railways*: Be it enacted, That unless with the Consent of Three Fifths of the Shareholders of the *Birmingham and Oxford Junction Railway Company*, in Extraordinary General Meeting assembled within Six Months after the passing of this Act, none of the Powers or Provisions granted by this Act shall have any Operation or Effect unless the said Bill, and especially such Provisions therein contained as confirm the said Agreement and describe the Method

Act to be inoperative in certain Events.

Method in which the same is to be carried into effect, shall be passed into a Law in the present Session of Parliament.

Public Act.

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

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