

[44 & 45 VICT.] *Great Western Railway Act, 1881.* [Ch. ccviii.]



CHAPTER ccviii.

An Act for conferring upon the Great Western Railway Company further Powers in connection with their own and other Undertakings and for conferring upon other Companies further Powers in connection with Undertakings in which they are jointly interested with the Company for vesting in the Company the Undertaking of the Coleford Monmouth Usk and Pontypool Railway Company for extending the respective periods now limited for the completion of the Ross and Ledbury and the Newent Railways for the Abandonment of the Fal Valley Branch Railway and for other purposes.

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[22nd August 1881.]

WHEREAS it is expedient that the Great Western Railway Company (in this Act called "the Company") should be empowered to make and maintain the alteration of the levels of the Severn Tunnel Railway and to make the new roads and footpaths and to stop up the existing roads and footpaths and to execute the other works and exercise the other powers by this Act respectively authorized and conferred and to acquire for the purposes of this Act and for the general purposes of their undertaking and works connected therewith and for providing increased accommodation the lands houses and buildings in this Act described or referred to:

And whereas it is expedient that the Company should be empowered jointly with the Coleford Railway Company and the Bala and Festiniog Railway Company respectively to acquire the lands houses and buildings hereinafter described and referred to in that behalf for purposes connected with undertakings in which they are jointly interested with those companies respectively:

And whereas plans and sections showing the lines and levels of the alteration of levels roads and other works by this Act authorized and the lands by this Act authorized to be acquired and

A.D. 1881. also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the several counties within which those works will be constructed and those lands are situated and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the time limited for the sale of certain lands acquired by the Company for the purposes of their undertaking and by the Company and the London and North Western Railway Company for the purposes of the Wrexham and Minera Extension Railway and the Shrewsbury and Hereford Railway respectively should be extended and that further powers should be conferred upon the said two companies in respect of the sale lease or other disposal of the said lands :

37 & 38 Vict. And whereas it is expedient that the construction of the Fal
c. cxli. Valley Branch Railway authorized by the Cornwall and West Cornwall Railways Act 1874 should be abandoned :

And whereas it is expedient that the undertaking of the Coleford Monmouth Usk and Pontypool Railway Company should be transferred to and vested in the Company :

36 & 37 Vict. And whereas by the Ross and Ledbury Railway Act 1873 the
c. ccii. Ross and Ledbury Railway Company were incorporated and were authorized to make and maintain the three railways therein described and designated by the Nos. 1 2 and 3 And whereas by

41 & 42 Vict. the Ross and Ledbury Railway Act 1878 the period limited by the
c. xxi. said Act of 1873 for the construction of the said railway No. 3 was extended but the powers of the said Act of 1873 for the construction of railways Nos. 1 and 2 and otherwise in relation thereto have expired :

And whereas it is expedient that the period limited for the completion of the said railway No. 3 (hereinafter called the Ross and Ledbury Railway) should be further extended :

36 & 37 Vict. And whereas by the Newent Railway Act 1873 the Newent
c. ccxxvii. Railway Company were incorporated and were authorized to make and maintain the two railways therein described and designated by

37 & 38 Vict. the Nos. 1 and 2. And whereas by the Newent Railway Act 1874
c. v. the Newent Railway Company were empowered to make the deviation railway therein described (being a deviation of the said railway No. 1) and were required to abandon the construction (1) of so much of railway No. 1 as lies between the commencement of the said deviation railway and the termination of the said railway No. 1 and (2) of the whole of the said railway No. 2 And whereas

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by the Newent Railway Act 1878 the period limited by the said Act of 1873 for the completion of the said railway No. 1 so far as not abandoned and the period limited by the said Act of 1874 for the completion of the said deviation railway (which railway and deviation railway were in the said Act of 1878 and are hereinafter in this Act called the Newent Railway) were extended :

41 & 42 Vict.
c. xx.

And whereas it is expedient that the period limited for the completion of the Newent Railway should be further extended :

And whereas it is expedient that the Company should be empowered to contribute as in this Act provided towards the undertakings of the Liverpool and Birkenhead Subway Company and the Worcester Bromyard and Leominster the Bala and Festiniog the Ross and Ledbury the Newent and the Whitland and Cardigan Railway Companies :

And whereas it is expedient that the Company and the Whitland and Cardigan Railway Company should be empowered to make and carry into effect working and other agreements as in this Act expressed :

And whereas it is expedient that some of the provisions of the existing Acts relating to the Company should be amended as hereinafter provided :

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 for the general purposes of their undertaking :

And whereas the objects aforesaid cannot be attained 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 :—

1. This Act may be cited for all purposes as the *Great Western Railway Act 1881.* Short title.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) : Incorporation of general Acts.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 :	8 & 9 Vict. c. 18.
The Railways Clauses Consolidation Act 1845 :	23 & 24 Vict. c. 106.
Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 :	32 & 33 Vict. c. 18.
The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :	8 & 9 Vict. c. 20.
The distribution of the capital of the Company into shares :	26 & 27 Vict. c. 92.
	8 & 9 Vict. c. 16.

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The transfer or transmission of shares :

The payment of subscriptions and the means of enforcing the payment of calls :

The forfeiture of shares for non-payment of calls :

The remedies of creditors of the Company against the shareholders :

The borrowing of money :

The conversion of the borrowed money into capital : and

The consolidation of shares into stock : and

26 & 27 Vict.
c. 118.

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the railways" means the alteration of the levels and works of the Severn Tunnel Railway and the viaduct and embankment in lieu of the Landore Viaduct by this Act authorized :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute :

The expression "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Power to
alter levels
of Severn
Tunnel Rail-
way and
other works.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections relating thereto the alteration of levels of railway and other works hereinafter described with all proper stations sidings approaches roads works and conveniences connected therewith and may enter upon take and use such of the lands

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delineated on the said plans and described in the deposited books of reference relating thereto as may be required for those purposes : A.D. 1881.

The works hereinbefore referred to and authorized by this Act are—

(1) An alteration of the levels and works of the Severn Tunnel Railway authorized by the Severn Tunnel Railway Act 1872 between the commencement of the said railway by a junction with the Bristol and South Wales Union Railway of the Company in the parish of Almondsbury in the county of Gloucester and the termination of the said Severn Tunnel Railway by a junction with the South Wales Railway of the Company in the parish of Rogiett in the county of Monmouth Provided always that nothing in this Act contained shall repeal alter or prejudice section 25 of the Severn Tunnel Railway Act 1872 : 35 & 36 Vict. c. liii.

(2) A viaduct and embankment in substitution for the existing Landore Viaduct of the Company in the parishes of Llansamlet and Llangafelach in the county of Glamorgan.

5. The works hereinbefore described shall for all purposes (including the demanding and recovering of tolls rates and charges) be deemed to be part of the Company's undertaking. Works to be part of Company's undertaking.

6. In constructing the Severn Tunnel Railway it shall be lawful for the Company to deviate the road numbered on the deposited plans 48 and 49A in the parish of Caldicott in the manner shown on the said plans and to carry the said road across and on the level of the South Wales Railway of the Company. Road in Caldicott may be carried across South Wales Railway on level.

7. The Company may make the arches of the bridges for carrying the undermentioned railway over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection with those roads respectively (that is to say) : Heights and spans of certain bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
SEVERN TUNNEL RAILWAY.				
7	Almondsbury	- Public - -	10 feet 9 inches	20 feet.
11 11A	Almondsbury	- Public - -	10 feet 9 inches	20 feet.
31 31A				

Width of a certain roadway.

8. The Company may make the roadway over the bridge by which the following road will be carried over the undermentioned railway of such width between the fences thereof as the Company think fit not being less than the width hereinafter specified (that is to say) :

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
SEVERN TUNNEL RAILWAY.			
48 } 49A }	Caldicott - - -	Public - - -	12 feet.

Protection of Swansea Harbour Trustees.

9. In constructing the new viaduct by this Act authorized to be made in substitution for the said existing Landore Viaduct the Company shall and they are hereby required to leave a clear central span and waterway of not less than eighty feet and a clear height of not less than seventy-two feet from the ordinary high-water mark of the River Tawe to the crown of the arch of the said new viaduct and nothing in this Act contained shall take away lessen prejudice or alter any of the rights interests powers privileges or authorities of the Swansea Harbour Trustees.

Power to make new roads and other works.

10. Subject to the provisions of this Act the Company may make in the lines shown on the deposited plans relating thereto and so far as the same are shown on the deposited sections to such plans according to the levels shown thereon the new roads and footpaths and alterations of roads and footpaths and other works hereinafter described with all proper works and conveniences connected therewith and they may exercise the other powers hereinafter mentioned and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for those purposes (that is to say) :

They may stop up and discontinue the following portions of footpaths and roads (that is to say) :

- (1) So much as lies within the boundaries of their property of the footpaths at or near Jack's Lane in the parish of Frome Selwood in the county of Somerset which cross the Radstock Branch Railway of the Company on the level about four chains southward of the mile post on the said railway indicating one hundred and sixteen and a-half miles from Paddington And in lieu thereof they may make a new footpath wholly in the said parish of Frome Selwood

commencing on the west side of the railway at the southernmost of the said footpaths to be stopped up as aforesaid and immediately adjoining the boundary fence of the Company's property and terminating at or near the point where Jack's Lane is carried under the same railway :

- (2) So much as lies within the boundaries of their property of the footpath in the parish of Lea in the county of Gloucester which crosses the Hereford Ross and Gloucester Railway of the Company on the level about six chains eastward of the eastern end of the Company's Mitcheldean Road Station :
- (3) So much as lies within the boundaries of their property of the road in the parish of St. Woollos in the borough of Newport in the county of Monmouth which crosses the Eastern Valleys Railway of the Company on the level near the eastern end of Llanarth Street in the said borough and known as Llanarth Street Level Crossing And they may in lieu thereof make a footbridge over the said railway at or near the site of the said level crossing :
- (4) So much as lies within the boundaries of their property of the road in the last mentioned parish borough and county which crosses the said railway of the Company on the level at the northern end of Granville Street in the said borough and known as Granville Street Level Crossing And they may in lieu thereof make a footbridge over the said railway at or near the site of the said level crossing :
- (5) So much as lies within the boundaries of their property of the road in the last mentioned parish borough and county which crosses the said railway of the Company on the level at the eastern end of Lower George Street in the said borough and known as Lower George Street Level Crossing And they may in lieu thereof make a footbridge over the said railway at or near the site of the said level crossing :
- (6) So much as lies within the boundaries of their property of the road in the last mentioned parish borough and county which crosses the said railway of the Company on the level at the southern end of Dock Street in the said borough and known as Dock Head Level Crossing And they may in lieu thereof make a bridge over the said railway and approaches to the same at or near the site of the said level crossing :
- (7) So much as lies within the boundaries of the Llynvi and Ogmere Railway Company's property of the footpath in the parish of St. Bride's Minor in the county of Glamorgan which crosses the Ogmere Valley Railway of that Company on the level about eight chains measured in a north-easterly

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direction along that railway from the northern end of the platform at Tondu Station and which also crosses the Llynvi Valley Railway of the said Company about twelve chains measured in a northerly direction along that railway from the northern end of the said platform And they may in lieu thereof make a new footpath and footbridge wholly in the said parish of Saint Bride's Minor commencing at or near a stile on the said footpath on the southern boundary of the said Company's land about seven chains measured in a north-easterly direction from the northern end of the said platform and terminating at or near a stile on the said footpath on the western boundary of the said Company's land about fourteen chains measured in a northerly direction from the northern end of the said platform and the new footpath and footbridge shall be deemed to be additional accommodation within the meaning of Article Twenty-nine of the Agreement dated the twenty-ninth day of June one thousand eight hundred and seventy-six and made between the Llynvi and Ogmore Cardiff and Ogmore and Great Western Railway Companies and scheduled to and confirmed by the Llynvi and Ogmore and Cardiff and Ogmore Valley Railway Companies Act 1876 :

39 & 40 Vict.
c. cxcv.

- (8) So much of the road in the parish of Lantwit-juxta-Neath in the county of Glamorgan leading from Neath to Resolven which crosses the Vale of Neath Railway of the Company on the level at or near Tydee as extends from a point about one and a-half chains northward of the northern gate at the crossing of the said railway by the said road to a point about one chain southward of the said gate And they may in lieu thereof make a new road wholly in the said parish of Lantwit-juxta-Neath commencing at the aforesaid point about one and a-half chains northward of the said gate and terminating by a junction with the existing road where that road crosses a culvert about sixteen chains south-eastward of the said level crossing :
- (9) So much as lies between the boundaries of their property of the public footway or highway in the township of Esclusham-below in the parish of Wrexham in the county of Denbigh leading from the road at Fynnant near Johnston Rhos to Hafod-y-bwch which crosses the Shrewsbury and Chester Railway of the Company on the level about twenty-seven chains northward of the junction between the branch railway from the Hafod-y-bwch Colliery and the said Shrewsbury and Chester Railway And they may in lieu

thereof make a footbridge over the said railway between the points aforesaid : A.D. 1881.

(10) So much as lies between the boundaries of their property of the footpath or highway in the last-mentioned parish and township which crosses the said Shrewsbury and Chester Railway on the level about eighteen and a-half chains northward of the said junction and which leads from the said footpath or highway last before described to Hafod-y-bwch And they may and shall abandon the construction of the footpath in the said parish and township authorized by the Great Western Railway Act 1877 :

40 & 41 Vict.
c. cx.

(11) So much as lies between the boundaries of their property of the footpath or highway in the township of Moreton-below in the parish of Ruabon in the county of Denbigh which crosses the said Shrewsbury and Chester Railway on the level about eight chains northward of the said junction and leads from the Ruabon and Wrexham turnpike road at Johnston Rhos to Hafod-y-bwch Colliery And they may in lieu thereof make a subway under the said railway between the points aforesaid :

(12) So much of the highway or road situate in the township of Broughton in the parish of Wrexham in the county of Denbigh leading from Wrexham to the Pentre as lies between a point thereon about one hundred and thirty yards southward of the principal approach to Gatewen House and another point thereon about fifty-seven yards north-eastward of the approach to Coed-efa Farm And they may in lieu thereof make a new road wholly in the said township and parish between the points aforesaid :

(13) So much of the highway or road situate in the parish of Llandebie in the county of Carmarthen leading from Llandebie to Cross Hands as lies between a point thereon about twenty yards eastward of the junction between the Mountain Branch of the Llanely Railway and the branch railway leading from the Californian Colliery to the Mountain Branch and another point thereon to the westward of and adjoining the bridge which carries the said road over the said Mountain Branch about fifteen chains westward of the said junction And they may in lieu thereof make a new road wholly in the said parish between the points aforesaid.

11. The Agreement dated the fifth day of July one thousand eight hundred and eighty-one and made between the Company of the first part John Arthur Herbert of the second part the Newport Confirmation
of Scheduled
Agreement.

A.D. 1881. Dock Company of the third part the Right Honorable Godfrey Charles Lord Tredegar Charles Octavius Swinnerton Morgan Samuel Homfray and the Reverend Watkin Homfray of the fourth part and the mayor aldermen and burgesses of the borough of Newport of the fifth part which is set forth in the first schedule to this Act is hereby confirmed and made binding on the parties thereto respectively and full effect may and shall be given thereto.

Protection of
Messrs.
Batchelor.

12. Whether or not the Company shall take any of the land included in the lease held by Messieurs Batchelor the Company shall make compensation to the said Messieurs Batchelor for the injury (if any) to any rights of access which they may have to their timber yard and which shall be interfered with by the construction of the works by this Act authorized such compensation to be determined by arbitration in accordance with the provisions for arbitration under the Lands Clauses Consolidation Acts 1845 1860 and 1869.

Power to
acquire addi-
tional lands.

13. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorized to acquire the Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith and for providing increased accommodation all or any of the lands following delineated on the deposited plans and described in the deposited books of reference respectively relating thereto and may exercise the other powers hereinafter expressed with respect to or in connection with those lands or any of them (that is to say) :

(Eton.) Certain lands in the parish of Eton in the county of Bucks on the western side of the Company's Windsor Branch Railway and adjoining thereto Provided always that the Company shall not under the powers of this Act take more of the lands known as the Square Close in the parish of Eton than an acre and a quarter :

(Swindon.) Certain lands in the parish of Swindon in the county of Wilts on the southern side of the Company's railway and adjoining the property of the Company :

(Stroud.) Certain lands in the parish of Stroud in the county of Gloucester on both sides of the Company's railway and adjacent thereto :

(Kemble.) Certain lands in the parish of Kemble in the County of Wilts on the western side of the Company's main line of railway and certain other lands on the eastern and northern sides of the Company's Cirencester branch :

(Worle.) Certain lands in the parish of Worle in the county of Somerset situate on the western side of the Bristol and Exeter Railway

of the Company at and near the authorized junction therewith of the railway (A) authorized by the Bristol and Exeter Railway Act 1875 : A.D. 1881.
38 & 39 Vict.
c. cxxvii.

Certain lands in the parish of Llansamlet in the county of Glamorgan on the southern side of the Company's Swansea and Neath Railway and adjoining thereto : (Llansamlet.)

Certain other lands in the parish of Llansamlet in the county of Glamorgan on the southern side of the Company's South Wales railway and adjoining thereto : (Llansamlet.)

Certain lands in the parish of Llanfihangel-Abercowyn in the county of Carmarthen on the northern side of the Company's railway and adjoining thereto : (Llanfihangel-Abercowyn.)

Certain lands in the township of Minera in the parish of Wrexham in the county of Denbigh on the northern side of the Company's Minera Branch Railway and adjoining thereto : (Minera.)

Certain lands in the township of Garthgynfawr in the parish of Dolgelly in the county of Merioneth on the southern side of the Company's railway and adjoining thereto. (Garthgynfawr.)

14. Subject to the provisions of this Act the Company and the Coleford Railway Company or either of them may for the purposes of the undertaking of the Coleford Railway Company and for providing increased accommodation connected therewith enter upon take and use the lands following delineated on the deposited plans and described in the deposited books of reference respectively relating thereto (that is to say) : Company and Coleford Company may acquire additional lands.

Certain lands in the parish of Dixton in the county of Monmouth partly on each side of the Monmouth Tramway :

Certain lands in the parish of Newland in the county of Gloucester partly on each side of the Monmouth Tramway.

15. Subject to the provisions of this Act the Company and the Bala and Festiniog Railway Company or either of them may for the purposes of the said companies or either of them and for the purpose of the undertaking of the Festiniog and Blaenau Railway and for providing increased accommodation connected therewith enter upon take and use the lands following delineated on the deposited plans and described in the deposited books of reference respectively relating thereto (that is to say) : Company and Bala and Festiniog Company may acquire additional lands.

Certain lands in the township of Isafon in the parish of Llangower and in the township of Trerhiwaedog in the parish of Llanfor otherwise Llanfawr in the county of Merioneth lying on both sides of and adjoining the Corwen and Bala Railway :

Certain lands in the township of Bala in the parish of Llanyceil in the last-mentioned county lying on the western side of the Bala and Festiniog Railway :

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Certain lands in the parish of Festiniog in the last-mentioned county lying on the south-western side of and adjoining the Festiniog and Blaenau Railway and the Festiniog Railway.

Power to deviate in construction of new roads &c.

16. The Company may in constructing the new roads footpaths and other works by this Act authorized deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of the new roads shown on the deposited sections to any extent not exceeding five feet but not so as to increase the rate of inclination of any new road as shown on the said sections.

Vesting of site and soil of portions of roads &c. stopped up.

17. The site and soil of the portions of roads footpaths and highways stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in the Company And they may appropriate the same to the purposes of their undertaking.

Extinguishment of rights of way.

18. All rights of way over or along the several roads footpaths or other highways or portions thereof which shall under the provisions of this Act be stopped up and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Roads not to be stopped up till new roads opened.

19. No road or footpath or portion of road or footpath which is by this Act authorized to be stopped up shall be so stopped up unless and until the new road or footpath footbridge or other work if any which is by this Act authorized to be substituted therefor is completed and opened to the public.

Repair of new roads.

20. The new roads and footpaths to be made under the authority of this Act (except the stone iron or other structure carrying any new road or footpath over the railway of the Company which structure shall be repaired and maintained by and at the expense of the Company) shall when made and completed respectively from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as the roads and footpaths for which the same are respectively substituted are now repaired or maintained :

If any question shall arise between the Company and any of such parties as to the due completion of any new road or footpath such question 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 new road or footpath shall be conclusive evidence of the fact so certified.

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21. The Company and the parties having the charge management or control of such roads footpaths or other highways or any of them portions whereof shall under the provisions of this Act be stopped up may enter into and carry into effect agreements with reference to the construction or contribution towards the cost of any new road footpath or highway to be substituted therefor and with reference to any other matters relating thereto and if so agreed the Company may delegate to such parties as aforesaid the power of constructing all or any of such new roads footpaths or highways in which they may be interested.

Agreements as to construction or contribution towards cost of new roads.

22. The powers of this Act for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

23. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant any easement right or privilege (not being an easement of water) required for the purposes or under the powers of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

24. The Company or any or either of the before-mentioned companies bodies corporate or persons exercising the powers of this Act shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses And such Company or companies shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that such Company or companies have so made known their intention.

Notice to be given of taking houses of labouring classes.

25. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any such house or part of any such house as mentioned in the last preceding enactment the Company or any or either of the before-mentioned

Accommodation to be procured for persons of labouring classes to be displaced.

A.D. 1881. companies exercising the powers of this Act shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person. Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice. And such Company or companies may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them respectively or which they respectively have power to acquire and for that purpose may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and premises and may apply to the purposes of this section or any of them any moneys they respectively may have already raised or are authorised to raise and which moneys if made applicable to any special purpose are not required for that purpose.

Owners may be required to sell parts only of certain lands &c.

26. And whereas the Company or the several other before-mentioned companies in exercising the powers of this Act may find that portions only of the lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company or such other company and that such portions may be severed from the remainder of the said properties without material detriment thereto :

Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories described in the second schedule to this Act and whereof parts only are required for the purposes of the Company or such other company may (if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company or such other company the portions only of the premises so required without such Company being obliged or compellable to purchase the whole or any greater portion thereof such Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Extension of time for sale of certain superfluous lands.

27. And whereas the Company have from time to time purchased or acquired lands with or without buildings thereon adjoining or near to their railway or a station belonging solely or jointly to the Company but which lands are not immediately required for the purposes of their undertaking and it is expedient that the Company should be relieved from the obligation under certain circumstances to sell the same as superfluous lands :

Therefore nothing in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated with respect to the sale of superfluous lands shall until the expiration of ten years from the passing of this Act be held to apply to any lands with or without any building thereon and the appurtenances thereto acquired by the Company in the parishes enumerated in the third schedule to this Act any part of which lands adjoins the Company's railway or any station belonging solely or jointly to the Company and which may either be required for the purpose of widening the line or making sidings in connection with the said railway or is situate within one mile of any station belonging solely or jointly to the Company And the Company may during the same period of ten years from the passing of this Act continue to hold such lands buildings and appurtenances although not immediately required for the purposes of their undertaking But the Company shall at the expiration of such period of ten years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands :

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And nothing in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated with respect to the sale of superfluous lands shall during the period of ten years from the passing of this Act be held to apply to any lands with or without any building thereon and the appurtenances thereto acquired by the Company any part of which adjoins the Company's railway or any station belonging solely or jointly to the Company and is situate within fifty-four miles of the Company's station at Paddington and may be required for the purpose of widening the line or for making sidings in connection with the railway of the Company or is situate within one mile of any station belonging solely or jointly to the Company at Oxford Birmingham Worcester Wolverhampton Wellington Shrewsbury Ruabon Chester Basingstoke Swindon Gloucester Bristol Hereford Cardiff and Swansea respectively and the Company may during the same period of ten years from the passing of this Act continue to hold such lands buildings and appurtenances although not immediately required for the purposes of such undertaking.

28. And whereas the Company and the London and North Western Railway Company have from time to time purchased or acquired lands with or without buildings thereon in connection with or for the purposes of the Wrexham and Minera Extension Railway and the Shrewsbury and Hereford Railway respectively but which lands are not immediately required for the purposes thereof and it is expedient that the two companies should be

Extension of time for sale of certain superfluous lands of Company and North Western Company.

A.D. 1881. relieved from the obligation under certain circumstances to sell the same as superfluous lands :

Therefore nothing in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company or to the London and North Western Railway Company or to the Wrexham and Minera Extension Railway or to the Shrewsbury and Hereford Railway respectively with which that Act is incorporated with respect to the sale of superfluous lands shall until the expiration of ten years from the passing of this Act be held to apply to any lands with or without any building thereon and the appurtenances thereto acquired by the Company and by the London and North Western Railway Company or either of them in the parishes enumerated in the fourth schedule to this Act any part of which adjoins the Wrexham and Minera Extension Railway and the Shrewsbury and Hereford Railway respectively or may be required for the purposes of widening the lines or making sidings or other works in connection with the said railways or is situate within one mile of any station on the said railways And the Company and the London and North Western Railway Company may during the same period of ten years from the passing of this Act continue to hold such lands buildings and appurtenances although not immediately required for the purposes aforesaid But the said Companies shall at the expiration of such period of ten years sell and dispose of all parts of such lands which shall not then have been applied to and are not then required for the purposes of the said railways respectively as superfluous lands.

Cornwall
Company to
abandon Fal
Valley
Branch Rail-
way.

Compensa-
tion for
damage to
land by entry
for purposes
of railway
abandoned.

29. The Cornwall Railway Company may and shall abandon the construction of the railway authorized by the Cornwall and West Cornwall Railways Act 1874 and therein called the Fal Valley Branch.

30. The abandonment by the Cornwall Railway Company under the authority of this Act of the Fal Valley Branch shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of that Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or effect the right of the owner or occupier of any land which may have been temporarily occupied by the said Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act 1845 so far as the same may be applicable for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers

[44 & 45 VICT.] *Great Western Railway Act, 1881.* [Ch. ccviii.]

contained in the Railways Clauses Consolidation Act 1845 or the Cornwall and West Cornwall Railways Act 1874. A.D. 1881.

31. Where before the passing of this Act any contract may have been entered into or notice given by the Cornwall Railway Company for the purchasing of any land for the purposes of or in relation to the Fal Valley Branch Railway that company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by that company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railway abandoned.

32. Subject to the provisions of section eight of the Cornwall and West Cornwall Railways Act 1874 with respect to compensation to landowners and other persons injuriously affected and for protection of creditors the Chancery Division of the High Court of Justice at any time after the passing of this Act on the application of the person named in the warrant or order mentioned in section seven of the said Act of 1874 or the executors or administrators of such person by petition in a summary way may and shall order that the sum of five hundred and fifty pounds consolidated three pounds per cent. annuities mentioned in the said section seven (and therein referred to as "the deposited stock") and the interest or dividends (if any) on that sum shall be transferred and paid to the person or persons so applying or to any other person or persons whom he or they may appoint in that behalf and on such order being made the said sum and the interest or dividends thereon shall be transferred and paid to such person or persons accordingly.

Provision for return of deposit.

33. The vesting in the Company of the undertaking of the Coleford Monmouth Usk and Pontypool Railway Company (hereinafter in this Act referred to as the Pontypool Company) may be effected upon the terms and conditions and in the manner and subject to the provisions following (that is to say):—

Vesting in Company undertaking of Pontypool Company.

The Company with the previous consent of three-fourths of the votes of the shareholders in the Company on the one hand and in the Pontypool Company on the other hand present in person or by proxy at some general meeting of the respective companies specially convened for the purpose may issue to every holder of ordinary shares in the Pontypool Company in

A.D. 1881.

lieu of or in exchange for the shares in that Company so held by him consolidated guaranteed stock of the Company bearing interest at the rate of five pounds per centum per annum to an amount not exceeding one hundred per centum of the amount paid up upon or in respect of the shares of the Pontypool Company held by him.

Transfer of Pontypool Company's undertaking to be by deed duly stamped.

34. The transfer to the Company of the undertaking of the Pontypool Company shall be evidenced by a deed of conveyance in which the consideration shall be fully set forth and such deed shall be duly stamped with the proper ad valorem stamp duty. The Company shall produce such deed duly stamped as aforesaid to the Commissioners of Inland Revenue within three months from the date of vesting and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the day of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Company may create further stock for vesting.

35. In the event of the acquisition by or vesting in the Company under the provisions of this Act of the undertaking of the Pontypool Company by this Act authorized the Company may from time to time in addition to any other consolidated stock which they are by this or any other Act authorized to create and issue create and issue new debenture stock consolidated guaranteed consolidated preference or consolidated ordinary stock to such an amount as may be necessary for carrying the vesting into effect for defraying the liabilities of the Pontypool Company and for completing any portion of the undertaking of that company which may not at the time of the vesting be completed and the new stock so created and issued shall form part of the capital of the Company and rank *pari passu* with the existing stock of the Company of a similar description. Provided always that the aggregate amount of capital authorized by this enactment to be raised shall not exceed the amount in this Act before referred to as the consideration for the acquisition or vesting of the undertaking of the Pontypool Company in the Company.

Vesting of Pontypool Company's undertaking in Company.

36. After such consent as aforesaid of the shareholders in the Company on the one hand and in the Pontypool Company on the other hand has been obtained and upon the registration in the books of the Company of the names of the holders of shares or stock in the Pontypool Company as the holders of the amount of the stock of the Company to which they may be entitled as before provided the undertaking of the Pontypool Company and the several railways and branches stations sidings approaches buildings fixed plant

warehouses and all other works whether complete or incomplete. and all the lands and other the property estate moneys stocks books papers documents and assets of the Pontypool Company shall be and are hereby (subject to the liabilities debts contracts and obligations respectively affecting the same) absolutely vested in the Company : A.D. 1881.

The Pontypool Company shall thereupon be dissolved except for the purpose of winding up their affairs :

Provided always that on the acquisition or vesting of the undertaking of the said Company all the unexercised powers of that Company of raising capital by the creation and issue of shares shall be and the same are hereby extinguished :

Such acquisition and vesting shall be deemed to be an amalgamation of the undertaking of the Pontypool Company with the undertaking of the Company according to the true intent and meaning of Part V. (relating to amalgamation) of the Railways Clauses Act, 1863.

37. The time limited by the Ross and Ledbury Railway Act 1873 as extended by the Ross and Ledbury Railway Act 1878 for the completion of the said Ross and Ledbury railway No. 3 is hereby extended for the period of three years from the twenty-eighth day of July one thousand eight hundred and eighty-one and section four of the last-named Act shall be read and construed as if the period by this Act limited for the completion of the said railway had been the period by that Act limited : Extension of time for completion of portion of Ross and Ledbury railway.

If the said railway be not completed within the extended period by this Act limited for its completion then on the expiration of that period the powers for making and completing the said railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

38. The time limited by the Newent Railway Acts, 1873 and 1874 as extended by the Newent Railway Act 1878 for the completion of the railways as now authorized of the Newent Railway Company and the works connected therewith is hereby extended for the period of three years from the twenty-first day of May one thousand eight hundred and eighty-one and section four of the Newent Railway Act 1878 shall be read and construed as if the period by this Act limited for the completion of the same had been the period limited by the said Act of 1878 : Extension of time for completion of portions of Newent railways.

If those railways be not completed within the extended period by this Act limited then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Subscrip-
tions to
undertakings
of other
companies.

39. The Company with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may in their own name from time to time subscribe for and take shares in or by lending money on mortgage or subscribing for or taking debenture stock contribute funds towards the undertakings of the undermentioned companies respectively to any amount beyond that (if any) which they are already authorized to contribute not exceeding the sums hereinafter specified in connection with those companies respectively (that is to say):

	£
The Liverpool and Birkenhead Subway Company	125,000
The Worcester Bromyard and Leominster Rail- way Company	20,000
The Bala and Festiniog Railway Company	50,000
The Ross and Ledbury Railway Company	50,000
The Newent Railway Company	50,000
The Whitland and Cardigan Railway Company	15,000

Provided always that the Company shall not sell dispose of or transfer any share mortgage or debenture stock so held by them :

The Company shall in respect of any shares in the said respective undertakings so held by them in virtue of any such subscription have all the powers rights and privileges (except in regard to voting at general meetings which shall be as hereinafter provided) and be subject to all the obligations and liabilities of proprietors of shares in those respective undertakings :

The Company while shareholders in any of the said respective companies may by writing under their common seal from time to time appoint some person to attend any meeting of the respective company and such person shall have all the privileges and powers attaching to other shareholders at such meetings and shall be entitled to one vote in respect of every fifty pounds of the capital held by the Company in that company :

Every such appointment by the Company of any person to vote on their behalf shall be delivered to the respective company and kept with their records and shall be at all reasonable times open to the inspection and transcription of all parties interested and every such instrument shall as between the Company and the respective company as aforesaid be sufficient evidence of the facts therein stated.

Power to
make agree-
ments.

40. The Company on the one hand and the Pontypool Company and all or any of the companies towards whose undertakings the Company may under the provisions of this Act subscribe or contribute on the other hand may make and carry into effect

[44 & 45 VICT.] *Great Western Railway Act, 1881.* [Ch. ccviii.]

agreements with respect to all or any of the matters aforesaid in which the Company and such other companies respectively are jointly interested and also as to priority in respect of interest to be attached to any money or moneys so subscribed by the Company.

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41. The Company and the Whitland and Cardigan Railway Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 enter into and carry into effect agreements with reference to the working maintenance management and use of the railways and works of the Whitland and Cardigan Railway Company including the Whitland and Taff Vale Railway and the Whitland and Taff Vale Cardigan Extension Railway and with respect to the regulation management and transmission of traffic on or beyond the railways of the Whitland and Cardigan Railway Company and the railways of the Company respectively and the collection payment division apportionment appropriation and distribution of the tolls rates and charges arising in respect of any such traffic and the Company may work and use the railways and works of the Whitland and Cardigan Railway Company and receive and levy rates and tolls in respect thereof.

Power to enter into working agreements with Whitland and Cardigan Company.
36 & 37 Vict. c. 76.

42. Whereas it is provided by the Great Western Railway (West Midland Amalgamation) Act 1863 and the Great Western Railway (South Wales Amalgamation) Act 1863 that the ordinary meetings of the Company shall be held in the months of March and September in each year or at such other stated periods as shall from time to time be appointed for that purpose by an order of a general meeting and it is also provided by the said Great Western Railway (West Midland Amalgamation) Act 1863 the Great Western Railway (South Wales Amalgamation) Act 1863 and the Great Western Railway (Vale of Neath Amalgamation) Act 1866 that the revenue account shall be made up half-yearly to the thirty-first day of January and the thirty-first day of July both inclusive respectively in each year or to such other days or times as the Company shall from time to time fix and appoint and it is also provided by the Great Western and Bristol and Exeter Railways Amalgamation Act 1876 the Great Western and South Devon Railways Amalgamation Act 1878 and the Great Western and Monmouthshire Railways Amalgamation Act 1880 that notwithstanding anything in any Act or Acts contained the dividends on all the stocks and shares of the Company other than debenture stocks shall after the respective amalgamations therein provided for be calculated for payment to the thirty-first day of July and the thirty-first day of January in each year or to such other date or dates as the Company shall from time

Alteration of periods on which interest on rent-charge stock is paid.
26 & 27 Vict. c. cxiii.
26 & 27 Vict. c. cxcviii.
29 & 30 Vict. c. cclvi.

39 & 40 Vict. c. lxxiv.
41 & 42 Vict. c. ccvii.
43 & 44 Vict. c. cx.

[Ch. ccviii.] *Great Western Railway Act, 1881.* [44 & 45 Vict.]

A.D. 1881.
30 & 31 Vict.
c. cl.

to time fix and appoint and it is provided by the Great Western Railway (Various Powers) Act 1867 that the dividends on the rent-charge stock of the Company shall be calculated to the thirty-first day of January and the thirty-first day of July in each year and shall be payable on the first day of March and the first day of September then next following and in the scheme for the consolidation of separate classes of guaranteed preference and annuity stocks of the Company into a less number of stocks pursuant to the provisions of the Great Western Railway Act 1869 it was provided that the consolidated preference stock therein mentioned should be entitled out of the profits of each year ending the thirty-first day of January (as provided by section 14 of the Companies Clauses Act 1863) to a perpetual fixed preferential dividend at the rate of five per centum per annum calculated to the thirty-first day of January and the thirty-first day of July in each year and to rank for dividend next after the consolidated guaranteed stock and whereas at a general meeting of the proprietors of the Company held on the third day of March one thousand eight hundred and eighty-one a resolution was passed altering to the thirtieth day of June and the thirty-first day of December in each year the periods to which the half-yearly accounts of the Company are to be made up and the dividends calculated and paid Therefore the dates on which the interest on the rent-charge stock of the Company shall be payable to the proprietors whose names are registered in the books of the Company on the thirtieth day of June and the thirty-first day of December respectively shall be the first day of August and the first day of February in each year (except when those days fall on a Sunday and then on the following day) the first of such payments being made on the first day of August one thousand eight hundred and eighty-one and the period out of the profits of which the holders of the consolidated preference stock shall be entitled to a perpetual fixed preferential dividend at the rate of five per centum per annum next after the consolidated guaranteed stock shall be each year ending the thirty-first day of December.

32 & 33 Vict.
c. cix.

Alteration of
days of pay-
ment of
dividend on
Shrewsbury
and Hereford
stocks.
33 & 34 Vict.
c. cxii.

43. Subject as hereinafter provided and notwithstanding anything contained in section 81 of the London and North-Western Railway (Additional Powers) Act 1870 the dividends on the Shrewsbury and Hereford Railway six per cent. rent-charge stock and the Shrewsbury and Hereford Railway four-and-a-half per cent. rent-charge stock shall fall due on and be calculated up to the thirtieth day of June and the thirty-first day of December in each year and shall be payable on the first day of February and the first day of August in each year (except when those days fall on a Sunday and then on the following day) to the proprietors in

whose names such stocks are registered on such first-mentioned days respectively and the first of such payments shall be made on the first day of February one thousand eight hundred and eighty-two Provided always that within four months after the passing of this Act the Company shall give notice in writing to each of the holders of the said stocks requesting them within twenty-eight days after the date of such notice to assent to or dissent from the alterations provided for in this section and if within the said period of twenty-eight days the holders of one-fourth of the total amount of such stocks shall signify their dissent to such alterations such alterations shall not be carried into effect. A.D. 1881.

44. The Company from time to time by the order of any general meeting of the Company may create and issue new shares or stock for such additional capital as they shall think necessary not exceeding three hundred thousand pounds exclusive of the other capital and other moneys which they are or may be authorized to create and issue by this Act or by any other Act or Acts of Parliament and the Company may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit. Power to raise additional capital.

45. Notwithstanding anything contained in Part II. of the Companies Clauses Act 1863 the Company may from time to time in issuing any portion of the additional capital by this Act authorized dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company. Disposal of new shares or stock.

46. If the Company after having created any new shares or stock under the provisions of this Act or any other Act or Acts of Parliament relating to the Company or to any Company amalgamated therewith determine not to issue the whole of the shares or stock so created they may cancel the unissued shares or stock and may from time to time thereafter create and issue instead thereof other new shares or stock of an aggregate amount not exceeding the aggregate amount of the shares or stock so cancelled and in like manner the Company may create and issue new shares or stock in lieu of any new shares or stock which may have been issued and redeemed or in lieu of any certificate entitling the holder to be registered in respect of shares or stock. Power to cancel unissued shares or stock.

47. The Company shall not issue any share nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Shares not to be issued until one-fifth paid.

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[Ch. ccviii.] *Great Western Railway Act, 1881.* [44 & 45 VICT.]

New shares or stock to be subject to same incidents as other shares or stock.

48. Except as by or under the provisions of this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be entitled and subject to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company and the new shares or stock were shares or stock in that capital:

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

49. Every person who becomes entitled to new shares or stock under this Act shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time paid on such new shares or stock.

Restriction as to votes in respect of preferential shares or stock.

50. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock issued under this Act and any other Act of past or present sessions may be of same class.

51. Subject to the provisions of any Act already passed by which the Company are authorized to create new shares or stock not already issued and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorized to create and issue capital by new shares or stock the Company may if they think fit create and issue new shares or stock of one and the same class for all or any part of the aggregate capital which they are by such other Act and this Act respectively authorized to create and issue by the creation and issue of new shares or stock.

Power to borrow.

52. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorized to create and issue from time to time borrow on mortgage any sum not exceeding in the whole one hundred thousand pounds but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted and one-half of such capital is paid up and the Company 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 the whole of that capital have been issued and accepted and that one-half of that capital has been paid up and that not less than one-fifth part of the amount of each separate share in that capital has been paid on account thereof before or at the time of the

issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be created by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bona fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same And upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1881.

53. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 But notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by mortgages granted after the passing of this Act.

Debenture stock.

54. Notwithstanding anything in this Act contained no person or corporation shall become entitled under this Act to any fractional part of a pound of stock of any denomination (including debenture stock) in the capital of the Company but in every case in which any such person or corporation would but for this enactment have become entitled to a fractional part of a pound of any such stock the Company may at their option receive from such person or corporation such a further sum in cash as will make up an even pound or pay to such person or corporation in cash the amount of such fractional part.

Fractional parts of a pound of stock.

55. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall unless otherwise provided by this Act be applied to the purposes of this Act and subject thereto to the general purposes of the undertaking of the Company and to no other purpose whatever.

Application of moneys.

56. The Company may from time to time apply to all or any of the purposes of this Act any moneys from time to time raised by them and which are not by any of the Acts relating to the Company made applicable to any special purpose or which being so made applicable are not required for the special purpose And the Company may from time to time for the general purposes of their undertaking and for the more efficient working of their traffic issue

Company may apply corporate funds to purposes of Act.

A.D. 1881. any shares or stocks which under the authority of any Act passed prior to the present session of Parliament the Company may have created or may hereafter create but which are not or may not be required for the special purposes for which such shares or stocks respectively were authorized to be created.

Existing mortgages to have priority.

57. All mortgages or bonds granted before the passing of this Act by the Company or by or in the name of any company whose undertaking is under the powers of this Act or of any prior Act of Parliament purchased by or amalgamated with or vested in the undertaking of the Company shall during the continuance of such mortgages or bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over all mortgages granted after the passing of this Act by the Company but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Certain companies may apply corporate funds to purposes of Act.

58. The Metropolitan Railway Company the Coleford Railway Company and the Bala and Festiniog Railway Company respectively may from time to time apply to the purposes of this Act which may be carried into effect by them respectively any moneys from time to time raised by them respectively and which are not by any Act relating to them made applicable to any special purpose or which being so made applicable are not required for the special purpose.

Saving rights of Crown in the foreshore.

59. Nothing contained in this Act shall authorize the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's Most Excellent Majesty in right of her crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Interest not to be paid on calls paid up.

60. The Company shall not out of any money authorized to be raised by them pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholders such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

61. The Company shall not out of any money by this Act authorized to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorizing them to construct any other railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

62. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorized to be taken by the Company.

Provision as to general railway Acts.

63. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Expenses of Act.

A.D. 1881.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the 5th day of July 1881 between the Great Western Railway Company (hereinafter called the Railway Company) of the first part John Arthur Herbert of Llanarth Court in the county of Monmouth Esquire of the second part the Newport Dock Company (hereinafter called the Dock Company) of the third part the Right Honorable Godfrey Charles Lord Tredegar Charles Octavius Swinnerton Morgan of Newport in the said county of Monmouth Esquire Samuel Homfray of Glen Usk in the said county of Monmouth Esquire and the Reverend Watkin Homfray of West Retford Rectory in the county of Nottingham (acting in co-partnership and trading under the name or style of the Tredegar Wharf Company by which name they are hereinafter called or referred to) of the fourth part and the Mayor Aldermen and Burgesses of the borough of Newport in the said county of Monmouth (hereinafter called the Corporation) of the fifth part.

Whereas a Bill is now pending in Parliament intituled "An Act for conferring
" upon the Great Western Railway Company further powers in connection
" with their own and other undertakings and for conferring upon other
" companies further powers in connection with undertakings in which they
" are jointly interested with the Company for vesting in the Company the
" undertakings of the Bristol and North Somerset and Coleford Monmouth
" Usk and Pontypool Railway Companies and certain powers of the Ross
" and Ledbury and the Newent Railway Companies for the abandonment of
" the Fal Valley Branch Railway and for other purposes."

And whereas by clause 11 of the said Bill power is sought to enable the Railway Company to stop up and discontinue the following among other portions of footpaths and roads or level crossings over the Eastern Valleys Railway of the Railway Company in the parish of Saint Woollos in the borough of Newport in the said county of Monmouth that is to say the Llanarth Street level crossing the Granville Street level crossing the Lower George Street level crossing and the Dock Head level crossing and in lieu of the said Llanarth Street Granville Street and Lower George Street level crossings respectively to make footbridges over the said railway at or near the sites of the said respective level crossings and to substitute a carriage road bridge over the said railway for the before-mentioned Dock Head level crossing and by clauses 16 and 17 of the said Bill the Railway Company

[44 & 45 VICT.] *Great Western Railway Act, 1881.* [Ch. ccviii.]

provide for the vesting of the site of the portions of road proposed to be stopped as aforesaid in the Railway Company and for the extinguishment of rights of way thereon And whereas the said John Arthur Herbert is the owner as tenant for life of extensive and valuable wharves buildings places of business and other property adjoining or near the River Usk in the said parish of St. Woollos in the said borough of Newport on the eastern side of the said Eastern Valleys Railway of the Railway Company and the same are now in the possession or occupation of himself or his lessees or tenants And whereas the Dock Company are the owners of extensive and valuable floating docks railway sidings buildings places of business and other property adjoining or near the said Dock Head level crossing And whereas the Tredegar Wharf Company hold either as freeholders or leaseholders a very large portion of the said borough of Newport And whereas the corporation of Newport are the urban sanitary authority for the said borough of Newport and the public streets and thoroughfares within the said borough are vested in them and are under their control and management and the Corporation allege (but it is denied by the said John Arthur Herbert and the Railway Company) that the public have acquired and exercise a right of way over the said Llanarth Street Granville Street and Lower George Street level crossings And whereas the said John Arthur Herbert the Dock Company the Tredegar Wharf Company and the Corporation are or allege that they are injuriously affected by the said Bill and have petitioned against the same for the reasons set forth in their respective petitions And whereas the Railway Company in order to meet so far as possible the various objections raised by the said several petitioners against the said Bill have agreed to modify their original scheme so far as it affects the interest of the said petitioners and have undertaken to carry out in lieu thereof the works hereinafter specified and the said petitioners in consideration thereof have agreed to withdraw their petitions against the said Bill Now these presents witness that in pursuance of the said agreement and in consideration of the premises it has been mutually agreed by and between the several parties hereto their heirs executors administrators successors or assigns as the case may be in manner following that is to say:—

1. The Railway Company within twelve calendar months after the said Bill shall have passed into law at their own cost in every respect in lieu of making the bridge over the said Eastern Valleys Railway at or near the site of the said Dock Head level crossing and the approaches thereto according to the deposited plans referred to in the said Bill shall commence to construct and thereafter proceed with all reasonable despatch to complete the said bridge and approaches including a convenient footway thereon and a convenient flight of steps of not less than eight feet between the parapets opposite Dolphin Street upon the site specified in and in accordance with the plan hereto annexed and thereon coloured pink (the gradients for all such approaches to be not steeper than one foot in thirty feet and the width of such approaches to be not less than twenty-five feet between the parapets) the approach to the bridge on the western side thereof to be constructed to the reasonable satisfaction of the surveyor of the Corporation and the Railway Company will from time to time and at all times hereafter maintain in good repair the said bridge and approaches and will permit the use thereof for ever

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hereafter free of charge by the parties hereto of the second third fourth and fifth parts respectively (including in the term "parties of the second part" wherever the same appears not only the said John Arthur Herbert but also his heirs and assigns and other the person or persons for the time being entitled to the freehold reversion or inheritance of his said wharves buildings places of business and property or any of them immediately or in succession to the said John Arthur Herbert) and the public generally with or without horses carts carriages or otherwise.

2. The Railway Company within the time aforesaid shall commence to construct and thereafter proceed with all reasonable despatch to complete at their own cost in every respect a good and substantial macadamized cart and carriage roadway on the level of the width of twelve feet from the point marked A on the said plan to the boundary of the Dock Company's property at the point marked B and will continue the same of the like width to the point marked C and of the width of fourteen feet from the point marked C to the point marked D opposite Lower Cross Street (such road being coloured pink on the said plan) and will from time to time and at all times hereafter maintain in good repair the said road save and except that part which lies between the points marked A and B which is to be maintained by the Dock Company (such road without prejudice to the right (if any) of the said parties hereto of the fifth part and of the public generally) to be for the use and convenience free of charge of the said parties hereto of the second third and fourth parts respectively and their lessees and tenants and others going to and from their respective properties with or without horses carts and carriages or otherwise.

3. The Railway Company within the time aforesaid shall commence to construct and thereafter proceed with all reasonable despatch at their own costs in every respect to complete the continuation of the said roadway referred to in article 2 of this agreement as a pitched roadway from the point marked D on the said plan to the point marked E though of the width of twelve feet only instead of fourteen feet (such continuation of roadway being also coloured pink on the said plan) and will from time to time and at all times hereafter maintain in good repair the said roadway and shall so far as they can legally do so permit the exclusive user thereof for ever hereafter free of charge by the said John Arthur Herbert his heirs and assigns and other the person or persons for the time being entitled as aforesaid and his and their lessees tenants and occupiers of his said wharves and property.

4. The Railway Company within the time aforesaid shall at their own cost in every respect commence to construct and thereafter proceed with all reasonable despatch to make and at all times hereafter maintain in good repair and keep open free of charge in lieu of the said Llanarth Street Granville Street and Lower George Street level crossings respectively the footbridges over the said railway upon or near to the sites specified in and otherwise in accordance with the said plan hereto annexed, and shall connect the said footbridges with the said road referred to in articles 2 and 3 of this agreement by proper footpaths as shewn by the said plan.

5. The Railway Company shall continue to allow the user of the said Granville Street level crossing by the said John Arthur Herbert his heirs and assigns and other the person or persons for the time being entitled as afore-

said and his and their lessees tenants and occupiers of his said wharves and property for the purpose of vehicular traffic carrying long timber and other special articles which cannot with reasonable convenience be carried over the other crossings.

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6. The Railway Company within the time aforesaid shall at their own cost in every respect commence and thereafter proceed with all reasonable despatch to deviate make lay down and construct all the sidings and branch railways and accommodation works and to re-erect the weighing machines upon the Dock Company's property shewn and delineated on the said plan hereto annexed and therein hatched purple and shall connect and keep connected the said sidings and branch railways with the Railway Company's railway as shewn by the said plan.

7. The Railway Company within the time aforesaid shall at their own cost in every respect commence and thereafter proceed with all reasonable despatch to deviate make lay down and reconstruct the sidings branch railways and accommodation works as shewn and delineated on the said plan hereto annexed and thereon coloured yellow in connection and communicating with the said wharves and property of the said John Arthur Herbert and the Railway Company's railway as shewn by the said plan and shall for ever hereafter maintain the same in good repair up to the boundary line of the said wharves and shall allow the exclusive use and enjoyment thereof free of charge by the said John Arthur Herbert his heirs and assigns and other the person or persons for the time being entitled as aforesaid and his and their lessees tenants and occupiers of his said wharves and property.

8. Save and except as herein expressly mentioned agreed and provided nothing herein contained shall as between the Railway Company and the said John Arthur Herbert in anywise prejudice or affect a certain agreement dated the twenty-first day of April one thousand eight hundred and fifty-two made between the said John Arthur Herbert of the one part and the Monmouthshire Railway and Canal Company (hereinafter called the Monmouthshire Company) of the other part or two certain indentures of conveyance bearing date respectively the twenty-fourth day of September one thousand eight hundred and fifty-two the one made between the Right Honorable Patrick James Herbert Crichton Stuart commonly called Lord James Stuart the Right Honorable Arthur James Plunkett commonly called Lord Killeen and John Francis Vaughan esquire of the first part the said John Arthur Herbert of the second part and the Monmouthshire Company of the third part and the other made between the Monmouthshire Company of the first part the said Lord James Stuart Sir Henry Ferguson Davie Lord Killeen and John Francis Vaughan of the second part and the said John Arthur Herbert of the third part or a certain agreement dated the thirty-first day of December one thousand eight hundred and fifty-eight and made between the said John Arthur Herbert of the one part and the Monmouthshire Company of the other part or an agreement dated the thirty-first day of December one thousand eight hundred and fifty-eight and made between Edward Jones and Charles Blount and the Blaenavon Iron Company of the one part and the said John Arthur Herbert and the Monmouthshire Company of the other part or any agreement entered into by the said John Arthur Herbert or his predecessors in title or any or either of the lessees tenants or occupiers of the said wharves

A.D. 1881. — and lands of the said John Arthur Herbert with the Monmouthshire Company and save and except as herein expressly mentioned agreed and provided nothing herein contained shall as between the Railway Company and the Dock Company in anywise prejudice or affect a certain agreement dated the fourteenth day of June one thousand eight hundred and eighty and made between the Monmouthshire Company of the first part the Railway Company of the second part and the Dock Company of the third part or any other agreement entered into between the Railway Company or the Monmouthshire Company and the Dock Company.

9. The said John Arthur Herbert in consideration of the benefits to be derived by his estate from the construction of the works hereinbefore provided for hereby grants and conveys to the Railway Company free of charge upon so much of the lands and property belonging to him or to which he is entitled as tenant for life as may be required for that purpose full power and authority to make and construct and for ever hereafter maintain and repair the cart and carriage road described in articles 2 and 3 of this Agreement and situated between the points marked with the letters B and E in the said plan annexed hereto and also upon so much of the lands and property belonging to him or to which he is entitled as tenant for life as aforesaid as may be required for that purpose full power and authority to make and construct and for ever hereafter to maintain and repair the sidings branch railways footbridges and accommodation works referred to in article 7 of this Agreement and coloured yellow on the said plan.

10. The Dock Company hereby grant and convey to the Railway Company free of charge upon so much of the lands or property belonging to them as may be required for that purpose full power and authority to make and construct and for ever hereafter maintain and repair the branch railway or siding into the yard now occupied by the trustees of the late Tom Benjamin Batchelor and the branch railways or sidings into the yard and premises of the Newport Dry Dock Company (such branch railways or sidings being respectively coloured yellow in the said plan annexed hereto) and the approaches to the bridge referred to in article 1 of this Agreement.

11. The Tredegar Wharf Company hereby transfer and assign to the Railway Company free of charge all their rights and interests in over and upon so much of the lands and property leased to or occupied by them as may be required for the purpose of making and constructing and thereafter maintaining and repairing the approaches to the bridge referred to in article 1 of this Agreement.

12. The Corporation on being required to do so by the Railway Company shall so far as may be necessary give their consent to the Railway Company taking using or occupying free of charge for the purposes of the said bridge referred to in article 1 of this agreement and the approaches thereto including the flight of steps opposite Dolphin Street for the purposes of the said road referred to in articles 2 and 3 of this Agreement and for the purposes of the said Llanarth Street Granville Street and Lower George Street level crossings and footbridges and for the filling up of Jacks Pill all or any interest which they may have in any lands or property belonging to them or over which they have any control and which are required for the purposes of the said works or any or either of them: Provided always that the public sewer discharging

into the said Jacks Pill shall at the expense of the Railway Company be prolonged and continued under the portion to be filled up so as to continue discharging into the said Jacks Pill with a proper tidal valve or door to the reasonable satisfaction of the surveyor of the Corporation.

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13. The Railway Company so far as the said John Arthur Herbert hath power and authority so to sanction and empower the same shall be at liberty at their costs in every respect to fill up and close and at all times hereafter to keep filled up and closed the cut or canal lying between the Blaina Wharf and the Clyaach Wharf shewn on the said plan annexed hereto.

14. All existing lines of rails and other materials belonging to any of the parties hereto of the second third fourth and fifth parts which may require to be removed or altered in the construction of the works or any of them hereinbefore provided for may be used by the Railway Company free of charge on the construction of the said works or if not so used shall belong to the Railway Company.

15. Any dispute or difference between any of the parties hereto as to the true intent and meaning of these presents or any clause or provision herein contained or as to any other matter arising under these presents shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

16. This agreement is conditional on the Bill passing into law so far as respects the matters aforesaid in the present session of Parliament and shall be scheduled to the Bill and shall be subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to any party hereto to withdraw the same.

17. All costs charges and expenses of the parties hereto of the second third fourth and fifth parts of and in reference to their petitions against the said Bill and to the preparation settlement and execution of these presents and of and in reference to any petitions against alteration in the said Bill which the said parties or any of them may be advised to present to the House of Lords shall be borne and paid by the Railway Company which costs charges and expenses have been assessed and fixed at the sum of forty pounds for each such party and that amount is to be paid to the solicitor of each of the said four parties within six months from the date hereof.

[Ch. ccviii.] *Great Western Railway Act, 1881.* [44 & 45 VICT.]

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IN WITNESS WHEREOF the said parties hereto of the first third and fifth parts have hereunto affixed their respective common seals and the said parties hereto of the second and fourth parts have hereunto set their hands and seals the day and year first above written.

HENRY R. FOOTE, *Secretary.*



G. COTTMAN, *Assistant Secretary.*



The Common Seal of the Mayor Aldermen and Burgesses of the Borough of Newport in the County of Monmouth was hereunto affixed in pursuance of a Resolution duly passed at a meeting of the Council held on the 28th day of June 1881 by
ALBERT A. NEWMAN,
Deputy Town Clerk.



Signed Sealed and Delivered by the said } JOHN ARTHUR HERBERT. L.S.
JOHN ARTHUR HERBERT in the presence of
HORACE S. LYNE
Clerk to MR. C. R. LYNE Solicitor Newport (Mon.).

Signed Sealed and Delivered by the said } TREDEGAR. L.S.
GODFREY CHARLES LORD TREDEGAR in the presence of
CHAS. A. MARSHALL
Clerk to Messrs. CARLISLE & ORDELL Solicitors Lincoln's Inn.

Signed Sealed and Delivered by the said } C. OCTAVIUS S. MORGAN. L.S.
said CHARLES OCTAVIUS SWINNERTON MORGAN in the presence of
JOHN ORDELL
Lincoln's Inn Solicitor.

Signed Sealed and Delivered by the said } SAML. HOMFRAY. L.S.
SAMUEL HOMFRAY in the presence of
HENRY JOHN DAVIS,
Solicitor Newport.

Signed Sealed and Delivered by the said } WATKIN HOMFRAY. L.S.
said WATKIN HOMFRAY in the presence of
WATKIN HOMFRAY Junr.
West Retford.

SECOND SCHEDULE.

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Describing Lands Buildings and Manufactories of which Portions only are required to be taken.

Township or parish.	Numbers on deposited plans.
FOOTBRIDGE over Llanarth Street Level Crossing Newport and stopping up of road there.	
Saint Woollos - - -	3.
FOOTBRIDGE over Granville Street Level Crossing Newport and stopping up of road there.	
Saint Woollos - - -	1 3.
FOOTBRIDGE over Lower George Street Level Crossing Newport and stopping up of road there.	
Saint Woollos - - -	3.
BRIDGE and approaches at Dock Head Level Crossing Newport and stopping up of road there.	
Saint Woollos - - -	10 11 12 13 14 19.

THIRD SCHEDULE.

Superfluous Lands of the Company.

County.	Parish.
Gloucester - - - -	Keynsham
Warwick - - - -	Old Stratford

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FOURTH SCHEDULE.

*Superfluous Lands of the Company and the London and North
Western Railway Company.*

County.	Parish.
SHREWSBURY AND HEREFORD RAILWAY.	
Salop - - - -	Holy Cross and Saint Giles
	Condover and Saint Julian
	Condover
	Stapleton
	Leebotwood
	Church Stretton
	Onibury
Herefordshire - - -	Eye
WREXHAM AND MINERA EXTENSION RAILWAY.	
Denbigh - - - -	Wrexham