ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxxxiii.

An Act to enable the *Birmingham and Gloucester* Railway Company to make Extension Lines at *Gloucester*, a Branch at *Stoke Prior*, and a Junction with the *Midland* Railway at *Aston juxta Birmingham*. [4th *August* 1845.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* Birmingham *to* Gloucester, *with a Branch therefrom*: And whereas another Act was passed in the Seventh Year of His said late Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament, for making a Railway from* Birmingham *to* Gloucester, *to extend the Line of the said Railway, and to make Branches therefrom to the City of* Worcester *and the Town of* Tewkesbury: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to enable the* Birmingham and Gloucester *Railway Company to raise a further Sum of Money; and for amending the Act relating to the said Company*: And whereas it would be of public Advantage to extend the Main Line of the *Birmingham and Gloucester* Railway to the *High Orchard* Basin of the *Gloucester* and *Berkeley* Canal at *Gloucester*; to divert a Portion of the

6 & 7 W. 4. c. 14.

7 W. 4. & 1 Vict. c. 26.

6 & 7 Vict. c. 53.

the *Gloucester and Cheltenham* Railway or Tramway at or near *Gloucester*; to extend the said Railway or Tramway to the *High Orchard* Dock of the *Gloucester* and *Berkeley* Canal at *Gloucester*; to extend the said Railway or Tramway to the Basin of the said *Gloucester* and *Berkeley* Canal at *Gloucester*; to make a Branch Railway from the Main Line of the *Birmingham and Gloucester* Railway to the Works of the *British* Alkali Company at *Stoke Prior* in the County of *Worcester*; and to extend the said Main Line to the *Midland* Railway in the Parish of *Aston juxta Birmingham* in the County of *Warwick*: And whereas it is expedient that the said recited Acts should be amended, altered, and extended: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, subject to the Provisions herein contained, it shall be lawful for the *Birmingham and Gloucester* Railway Company to make and maintain the Railways and Works hereby authorized in the Line and in the Manner herein-after provided.

Power to make Railway.

Provisions of recited Acts extended to this Act.

II. And be it enacted, That all Provisions, Matters, and Things contained in the said recited Acts or any of them (so far as the same are now unrepealed, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, and except such of the said Provisions, Matters, and Things as are with respect to the Purposes and Things hereby authorized to be done otherwise provided for by this Act, and by the Incorporation herein of "The Lands Clauses Consolidation Act, 1845," and "The Railway Clauses Consolidation Act, 1845,") shall extend to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same several Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes and Things.

Incorporation of 8 & 9 Vict. c. 18. with this Act.

III. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Incorporation of Part of 8 & 9 Vict. c. 20. with this Act.

IV. And be it enacted, That such only of the Provisions of the Railway Clauses Consolidation Act, 1845, as relate to the Construction of Railways and Works connected therewith, the temporary Occupation of Land near Railways during the Construction thereof, to the Works for the Accommodation of Lands adjoining Railways, and, save as herein-after provided, the Provisions as to crossing of Roads and other Interference therewith, shall be incorporated with this Act.

Power to make Railways according to deposited Plans.

V. And whereas Plans and Sections of the Railways, showing the Lines and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, or Occupiers of the Lands through which the same are intended

intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Gloucester*, *Worcester*, and *Warwick*, of the County of the City of *Gloucester*, and of the Borough of *Birmingham;* be it enacted, That, subject to the Provisions herein-after contained, it shall be lawful for the Company to make and maintain the said Railways and Works between and through the Places herein-after mentioned in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lines of Railway.

VI. And be it enacted, That the said Extension of the Main Line of the *Birmingham and Gloucester* Railway to the *High Orchard* Basin of the *Gloucester* and *Berkeley* Canal shall commence at or near to the Goods Sheds of the *Birmingham and Gloucester* Railway Company at their Station at *Gloucester*, and shall terminate at or near to the Junction of the *Gloucester* and *Berkeley* Canal with the Basin of the said Canal called the *High Orchard* Basin at *High Orchard* in the said *South Hamlet;* and the said Diversion of the *Gloucester and Cheltenham* Railway or Tramway shall take place between the Point where the same intersects the Line of the *Birmingham and Gloucester* Railway at or near to the *Asylum Lane* and the Basin of the said *Gloucester* and *Berkeley* Canal; and the Extensions of the *Gloucester and Cheltenham* Railway or Tramway to the *High Orchard* Dock of the *Gloucester* and *Berkeley* Canal shall commence on the said Tramway near a certain Cottage called *Green Cottage*, situate near to the *Gloucester* Infirmary, and shall terminate near the Junction of the *Gloucester* and *Berkeley* Canal with the said *High Orchard* Dock at *High Orchard;* and the said Extension of the *Gloucester and Cheltenham* Railway or Tramway to the Basin of the said *Gloucester* and *Berkeley* Canal shall commence on the said Tramway near the said *Green Cottage*, and shall terminate at or near the said Basin on the Eastern Side thereof; and which said several Works shall pass through the following Places; that is to say, *Saint Catherine*, *Saint Owen*, *Littleworth*, *South Hamlet*, *Longford Saint Mary*, *Barton Saint Michael*, and *Barton Saint Mary*, or some of them, in the County of *Gloucester* and County of the City of *Gloucester*, or one of them; and the said Branch Railway from the Main Line of the *Birmingham and Gloucester* Railway to the Works of the *British* Alkali Company at *Stoke Prior* shall commence at or near the Station of the said Railway at *Stoke Prior*, and shall terminate at or near the said Works, and shall pass through or into the Parish of *Stoke Prior* in the County of *Worcester;* and the said Extension of the Main Line of the *Birmingham and Gloucester* Railway to the *Midland* Railway shall commence at or near the Junction of the said *Birmingham and Gloucester* Railway with the *London and Birmingham* Railway in the Township of *Bordesley* in the Parish of *Aston juxta Birmingham*, and shall terminate at or near the Station of the said *Midland* Railway Company, and shall pass through the following Places, that is to say, *Aston juxta Birmingham*, *Bordesley*, *Saltley*, and *Washwood*, and *Duddeston* and *Nechells*, in the said Parish of *Aston juxta Birmingham*, and *Birmingham*, or some of them, in the said County of *Warwick*.

VII. And

Company not to erect Buildings or lay down Railway on any legal Quay, without Consent of the Lords of the Treasury or Commissioners of Customs.

VII. And be it enacted, That it shall not be lawful to erect any Buildings or lay down any Railway or Tramroad upon any legal Quay or Wharf appointed under any Law or Laws now in force or hereafter to be made, without the Consent and Approbation of the Lords Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs being first had and obtained; and the Position of any Railway or Tramroad now existing on any such Quay or Wharf shall be altered from Time to Time in such Manner as may be necessary for Convenience or Safety, within the Space of One Month after the Service upon the Secretary of the said Company of any Notice given under the Direction of the Lords Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs, by their Solicitors respectively.

Certain Roads may be crossed on a Level.

VIII. And be it enacted, That it shall be lawful for the said Company to construct the said Railways across and on the Level of the following Turnpike Roads and public Carriage Roads; (that is to say,)

In the Parish of *Barton Saint Mary*, the Turnpike Road numbered 11 on the said Plan:

In the *South Hamlet*, the Turnpike Road numbered 5 on the said Plan:

In the Hamlet of *Littleworth*, the Turnpike Road numbered 42 on the said Plan:

In the Parish of *Barton Saint Mary*, the public Carriage Roads numbered 17 and 24 on the said Plan:

In the *South Hamlet*, the public Carriage Roads numbered 12, 17, 26, and 35 on the said Plan.

Restriction against using locomotive Power in crossing Roads, except in certain Cases.

IX. And be it enacted, That it shall not be lawful for the said Company to use locomotive Power in crossing any of the Turnpike Roads or public Carriage Roads herein-before authorized to be crossed on a Level, save and except the said Turnpike Road in the *South Hamlet* numbered 5 on the said Plan, the said Turnpike Road numbered 11 on the said Plan, in the Parish of *Barton Saint Mary*, and the said public Carriage Road in the last-named Parish numbered 24 on the said Plan; and that the Provision of the said Railway Clauses Consolidation Act, 1845, with respect to the Erection, Maintenance, and Care of Gates where the Railway shall cross any Turnpike Road or Carriage Road on a Level, shall apply only to the Turnpike Roads and public Carriage Roads lastly herein-before mentioned and referred to.

Lands for extraordinary Purposes.

X. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Railway to be completed in Five Years.

XI. And be it enacted, That the Railways and Works hereby authorized to be made shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers granted to the Company for executing the Railways hereby authorized to be made, or otherwise in relation thereto, shall cease to be exercised,

exercised, except as to so much of the said Railways as shall then be completed.

Company to take same Tolls as on Main Line.

XII. And be it enacted, That the Company may, subject to the Provisions in this and in the recited Acts contained, lawfully demand and receive, in respect of the said Railway hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railway or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Tolls or other Charges and at the same Rate and in the same Proportion as by the said recited Acts or any of them the Company are authorized to demand and receive in respect of the Main Line of Railway; and all the Provisions and Regulations in the said recited Acts or any of them contained relative to the charging, levying, Collection, and Recovery of Tolls, and for the Regulation of Toll Collectors, and also the Powers for leasing the same, shall extend and be applicable to the Tolls to be leased by virtue of this Act.

Gloucester and Cheltenham Tramway, when diverted, to be subject to same Provisions as before Diversion. 49 G. 3. c. 23.

XIII. And whereas the said *Gloucester and Cheltenham* Railway or Tramway was constructed under the Authority of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Railway or Tramroad from the River* Severn *at the Quay in the City of* Gloucester *to or near to a certain Gate in or near to the Town of* Cheltenham *in the County of* Gloucester *called the* Knap *Toll Gate, with a collateral Branch to the Top of* Leckhampton Hill, *in the Parish of* Leckhampton *in the said County;* be it enacted, That, notwithstanding any thing in this Act contained, the Diversion hereby authorized to be made of the said Railway or Tramway shall, when completed, form Part of the same Railway or Tramway, and shall be subject to all Powers and Provisions affecting the same, in like Manner, and as fully and effectually to all Intents and Purposes, as if such Diversion had formed Part of the original Line of the said Railway or Tramway, and had been constructed under the Authority of the said lastly recited Act.

Provision as to Formation and Use of Branch Railway to Stoke.

XIV. And whereas a Bill is now pending before Parliament for making a Railway from *Oxford* to *Worcester* and *Wolverhampton*, and by the said Bill Power is given to the Company to be thereby incorporated to make a Branch Railway to the said *Stoke* Works: And whereas by the said Bill the said *Birmingham and Gloucester* Railway Company are empowered to use that Portion of the Railway to be thereby authorized which lies between *Abbot's Wood* and *Stoke Prior*, subject to certain Payments and Conditions therein specified, and the Company to be thereby incorporated are willing, in case the said Bill shall pass into a Law during the present Session, that the said *Birmingham and Gloucester* Railway Company should have the like

Power of using the Branch Railway to the said *Stoke* Works to be authorized by the said Bill, on the same Terms and Conditions; be it therefore enacted, That the said *Birmingham and Gloucester* Railway Company shall have Power to use the Branch Railway to the said *Stoke* Works to be made under the Powers of the said Bill (if the same shall pass into a Law during the present Session), subject to the same Payments and under the same Conditions under and subject to which they are thereby empowered to use the Line to be thereby authorized between *Abbot's Wood* and *Stoke Prior;* and in case the said Bill shall pass into a Law in the present Session, and the Company thereby incorporated shall construct the same Branch within Twelve Months afterwards, the Powers conferred by this Act upon the *Birmingham and Gloucester* Railway Company for making that Portion of the Branch to the *Stoke* Works which is marked upon the said deposited Plans (D, E, and C) shall cease, nor shall the *Birmingham and Gloucester* Railway Company possess or exercise any of the said last-mentioned Powers until the Expiration of the said Period of Twelve Months.

Reserving Rights of the Birmingham and Warwick Junction Canal.

XV. And whereas the said Extension Railway at *Aston juxta Birmingham* is intended to be carried over the Line of the *Birmingham* and *Warwick* Junction Canal, and it is expedient to make the following Provisions in consequence thereof; be it therefore enacted, That nothing in this Act contained shall take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the said *Birmingham* and *Warwick* Junction Canal Navigation, or authorize or empower the said Railway Company to alter the Line or Level of the said Canal or the Towing Path thereof, or any Part or Parts thereof respectively, or to obstruct the Navigation of the said Canal or any Part thereof, or to divert any of the Waters therein, or which may be taken for the Use of or which now supply the said Canal, or to injure any of the Works of the said Canal; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Railway as delineated on the Maps or Plans of the said Railway deposited with the Clerks of the Peace for the several Counties through which the said Railway is intended to pass, by which Deviation the said Canal, or any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works of or belonging to the said *Birmingham* and *Warwick* Junction Canal Company, or any Part thereof, shall be taken, used, damaged, or interfered with, without the Consent of said Company of Proprietors of the *Birmingham* and *Warwick* Junction Canal Navigation, under their Common Seal, first had and obtained.

Company to erect a Bridge over Birmingham and Warwick Junction Canal.

XVI. And be it enacted, That in carrying the said Extension Railway over the said *Birmingham* and *Warwick* Junction Canal the said Railway Company shall and they are hereby required, at their own Expence, to make, and at all Times for ever thereafter to maintain and keep in perfect Repair, a good and substantial Bridge over the said Canal and the Towing Path thereof, with proper Approaches, and that the Span of the said Bridge between the Abutments thereof shall not be less than Thirty Feet in the clear, so as

to include the Canal, the Towing Path, and the off Side Benching, and that no Part of the Soffit of the Arch of the said Bridge shall come within less than Ten Feet of the Top-water Level of the said Canal, and that no Part of the said Arch over the Towing Path shall be less than Eight Feet above the said Top-water Level of the said Canal.

Canal not to be obstructed during Works.

XVII. And be it enacted, That during the Erection of the said Bridge, and at all future Times during any Repairs thereof, no Obstructions shall be occasioned to the Boats or Barges passing along the said Canal, or to the Towing Horses drawing the same, but that at all Times during such Erection or Repairs a Waterway of not less than Sixteen Feet, a Towing Path of not less than Eight Feet, and a clear Height of not less than Ten Feet from the Top-water Level of the said Canal, shall be left for the Navigation of the said Canal, and that the said Bridge shall be constructed, as regards its Position, Form, and Dimensions, to the Satisfaction of the principal Engineer for the Time being of the said Company of Proprietors of the *Birmingham* and *Warwick* Junction Canal.

Penalty for such Obstructions.

XVIII. And be it enacted, That if by reason or in execution of any of the Works by this Act authorized to be made at *Aston juxta Birmingham*, or by reason of the bad State of Repair of any such Works or of the said Bridge, or if by any Act or Omission of the said Railway Company, or any of their Agents, Servants, or Workmen, the said *Birmingham* and *Warwick* Junction Canal at *Aston juxta Birmingham*, or the Towing Path thereof, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the same cannot pass, or shall be impeded in the Passage along the same, or in case the Space under the said Bridge shall at any Time be contracted so as to be less in Width or Height than is herein-before prescribed, then and in either of the said Cases the said Railway Company shall pay to the said Company of Proprietors of the *Birmingham* and *Warwick* Junction Canal Navigation, as or by way of ascertained Damages, the Sum of Five Pounds for every Half Hour during which the said Obstruction shall continue on the said Canal; provided always, that if such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Persons employed by the said Railway Company, then and in every such Case the said Railway Company shall pay to the said Company of Proprietors of the said *Birmingham* and *Warwick* Junction Canal Navigation the further Sum of Ten Pounds for every Half Hour during which such Obstruction shall continue, as or by way of ascertained Damages; and in default of Payment of such respective Sums, or such Proportion thereof as shall become due, on demand made of the Treasurer or any Officer of the said Railway Company, the said Company of Proprietors of the *Birmingham* and *Warwick* Junction Canal Navigation may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster;* and in case the said Bridge over the said *Birmingham* and *Warwick* Junction Canal, or any Part thereof, or the Approaches, Sides, Slopes, or Banks of the said

said Railway next the said Canal, or any of them, or any Part thereof respectively, shall not be kept in good and substantial Repair, it shall be lawful for the said Company of Proprietors of the said *Birmingham* and *Warwick* Junction Canal Navigations to do the needful Repairs, and to recover the Amount of the Expences from the said Railway Company by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Company not to interfere with the Worcester and Birmingham Canal.

XIX. And whereas the said intended Branch Railway from the Main Line of the *Birmingham and Gloucester* Railway to the Works of the *British* Alkali Company at *Stoke Prior* is intended to be carried over the Line of the *Worcester* and *Birmingham* Canal in the said Parish of *Stoke Prior*, and it is expedient to make the following Provisions in consequence thereof; be it therefore enacted, That nothing in this Act contained shall take away, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, or authorize or empower the said Railway Company to alter the Level of the said Canal or the Towing Path thereof, or any Part or Parts thereof respectively, or to obstruct the Navigation of the said Canal, or to divert any of the Waters therein, or any Brooks, Streams, Feeders, or Watercourses which now are or heretofore have been taken for the Use of or which now supply the said Canal, or to injure any of the Works thereof; and it shall not be lawful for the said Railway Company to make any Deviation from the Course or Direction of the said Branch Railway as delineated on the Maps or Plans thereof deposited with the Clerk of the Peace of the said County of *Worcester* beyond the Limits of Deviation marked on the Maps or Plans, by which Deviation the said *Worcester* and *Birmingham* Canal, or any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, or Feeders, or any other Works of or belonging to the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, or any Part thereof, shall be taken, used, damaged, or interfered with, without the Consent of the same Company of Proprietors under their Common Seal first had and obtained.

Company to erect a Bridge over the Worcester and Birmingham Canal.

XX. And be it enacted, That in carrying the said Branch Railway over the said *Worcester* and *Birmingham* Canal the said Railway Company shall and they are hereby required, at their own Expence, to make, and for ever thereafter to keep in perfect Repair, a good and substantial Bridge over the same Canal and the Towing Path thereof, with proper Approaches, and that the Span of such Bridge between the Abutments thereof shall be at least Twenty-four Feet in the clear, so as to include the Canal and the Towing Path thereof, and that such Towing Path under the Bridge shall be at least Six Feet in Width, and that no Part of the Soffit of the Arch of such Bridge shall come within less than Ten Feet of the Top-water Level of the Canal, and that no Part of such Arch over the Towing Path shall be less than Eight Feet over the Top-water Level of the Canal.

Company not to obstruct the Worcester

XXI. And be it enacted, That during the Erection of the said Bridge over the said *Worcester* and *Birmingham* Canal, and at all future Times during any Repairs thereof, no Obstruction shall be occasioned

occasioned to the Boats or Barges passing along the same Canal, or to the Towing Horses drawing the same, but that at all Times during such Erection or Repairs a Waterway of not less than Sixteen Feet, and a Towing Path of not less than Five Feet Six Inches in Width, and a clear Height of not less than Ten Feet from the Top-water Level of the Canal, shall be left for the Navigation thereof, and that such Bridge shall be constructed, as regards its Position, Form, and Dimensions, to the Satisfaction of the principal Engineer for the Time being of the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation.

and Birmingham Canal during Works.

XXII. And be it enacted, That if by reason of the Execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works or of the said Bridges over the said *Worcester* and *Birmingham* Canal, or if by any Act or Omission of the said Railway Company, or of any of their Agents, Servants, or Workmen, the said *Worcester* and *Birmingham* Canal or the Towing Path thereof shall be so obstructed that Boats, Barges, or other Vessels navigating or using the same cannot freely pass or shall be impeded in their Passage along the same, or in case the Space under such Bridges shall at any Time be contracted so as to be less in Width or Height than is herein-before prescribed, then and in any of the said Cases the said Railway Company shall pay to the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, as or by way of ascertained Damages, the Sum of Five Pounds for every Half Hour during which any such Obstruction or Contraction shall be continued; provided always, that if such Obstruction or Contraction shall be continued beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Persons employed by the said Railway Company, then and in every such Case the said Railway Company shall pay to the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation the further Sum of Ten Pounds for every Half Hour during which such Obstruction or Contraction shall be continued, as or by way of ascertained Damages; and in default of Payment of any Sum or Sums which shall so become due as or by way of ascertained Damages, on demand made of the Treasurer or any Officer of the said Railway Company, the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Penalty for such Obstruction.

XXIII. And be it enacted, That in case it shall happen at any Time during the making of the said Branch Railway, or the constructing of such Bridge over the said *Worcester* and *Birmingham* Canal, or in the Use thereof respectively, at any Time or Times after the same shall have been so respectively made and constructed, that any Injury shall be done or occasioned thereby to the said *Worcester* and *Birmingham* Canal, or to any of the Locks, Side Ponds, Towing Paths, Bridges, Banks, Feeders, or any other of the Works of or belonging thereto, or in case such Bridge, or the Approaches, Side Slopes, or Banks of the said Branch Railway next the said *Worcester* and

In case of Injury to Canal, Worcester and Birmingham Canal Company to do needful Repairs at Expence of Railway Company.

and *Birmingham* Canal, shall not be kept in good and substantial Repair, then and in every such Case it shall be lawful for the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation to do the needful Repairs; and that all Costs, Charges, and Expences to be incurred or occasioned in or about such Repairs, together with all Damages whatsoever which shall be sustained by the same Company by reason of any such Injury as aforesaid, or by reason of any Loss of Water out of or from the said Canal, in consequence of the making of the said Branch Railway or the constructing of the said Bridges, shall be paid and defrayed by the said Railway Company to the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, and in default of Payment thereof, on demand made of the Treasurers or any Officer of the said Railway Company, the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

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

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

Railway not to be exempt from the Provisions of any future general Act.

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

Short Title of Act.

XXVI. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments, and for all other Purposes, it shall be sufficient to use the Expression "The *Birmingham and Gloucester* Railway (*Gloucester* Extensions, &c.) Act, 1845."

XXVII. And

XXVII. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other Division of a County:

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not only in one County, City, Liberty, or Place, shall mean a Justice acting for the County, City, Liberty, or Place where such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions:

The Expression "the Railway" shall mean the Railways and Works hereby authorized to be made:

The Expression "the Company" shall mean the *Birmingham and Gloucester* Railway Company.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.