ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxlix.

An Act for enabling the *Birmingham, Wolverhampton, and Dudley* Railway Company to purchase Lands for additional Station Room at *Birmingham*, and for authorizing the Sale of the Undertaking of the said Company to the *Great Western* Railway Company. [9th *July* 1847.]

WHEREAS an Act called "The *Birmingham, Wolverhampton, and Dudley* Railway Act, 1846," was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty: And whereas it is expedient that the *Birmingham, Wolverhampton, and Dudley* Railway Company should be enabled to purchase, for the Purpose of additional Station Room, certain Lands and Hereditaments herein-after mentioned, adjoining to *Constitution Hill* in *Birmingham:* And whereas it is expedient that the *Birmingham, Wolverhampton, and Dudley* Railway Company should be empowered to sell, and the *Great Western* Railway Company should be empowered to purchase, the Undertaking of the *Birmingham, Wolverhampton, and Dudley* Railway Company, and also that some of the Powers and Provisions of the recited Act 9 & 10 Vict. c. 315.

relating thereto should be amended and enlarged; but 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 all the Powers, Provisions, Matters, and Things contained in "The *Birmingham, Wolverhampton, and Dudley* Railway Act, 1846," and in "The Lands Clauses Consolidation Act, 1845," and in "The Railways Clauses Consolidation Act, 1845," (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall, so far as the same are applicable to the Purposes of this Act, extend to this Act, and shall apply to the Lands and Hereditaments hereby authorized to be purchased, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto.

Provisions of recited Act and 9 & 10 Vict. cc. 18. and 20. extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, and in Proceedings at Law and in Equity, and in all other Proceedings, it shall be sufficient to use the Expression "The *Birmingham, Wolverhampton, and Dudley* Railway Amendment Act, 1847."

Interpretation of Act.

III. And be it enacted, That in this Act the Expression "the Company" shall be construed to mean the *Birmingham, Wolverhampton, and Dudley* Railway Company; and the Expression "the recited Act" shall be construed to mean the *Birmingham, Wolverhampton, and Dudley* Railway Act, 1846.

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the Company, by the Creation of new Shares, to raise a further Sum of Money not exceeding Fifty thousand Pounds, in addition to the Capital which they are at present to raise.

New Capital to form Part of original Capital.

V. And be it enacted, That the additional Capital hereby authorized to be raised shall be considered as forming Part of the general and original Capital of the Company, and shall as such be subject to the Provisions contained in "The *Birmingham, Wolverhampton, and Dudley* Railway Act, 1846," with regard to the original Capital and Shares thereby created, and to the Calls thereon, and to the Enforcement of such Calls, save as regards the Amount of such Shares and Calls, which it shall be lawful for the Company to fix as they may think fit: Provided always, that the Proprietor of any new Shares hereby authorized to be created shall be entitled only to such Number of Votes in respect thereof as the nominal Amount or Value of such Shares would have entitled him to if he had been possessed of original Shares in the Undertaking.

Interest not to be paid on Calls paid up.

VI. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder

holder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

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

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow, on Mortgage of the Undertaking authorized by this and by the recited Act, any Sum not exceeding in the whole the Sum of Sixteen thousand six hundred and sixty-six Pounds, exclusive of the Money authorized by the recited Act to be borrowed, but no Part of the Sum hereby authorized to be borrowed shall be borrowed until the whole of the additional Capital hereby authorized to be raised shall have been subscribed for, nor until One Half of the whole Capital of the Company authorized to be raised by this and the recited Act shall have been actually paid up; and all the Powers and Provisions in the recited Act, and in the Acts incorporated therewith, contained, relating to the borrowing of Money, and the Creation of new Shares and Augmentation of Capital instead of borrowing, and relating to or in anywise affecting Mortgages and Bonds, and Assignments and Transfers thereof, and the several Mortgagees and Bond Creditors and Transferees, shall extend and be applicable to the Sum hereby authorized to be borrowed, in the same Manner and to the same Extent as the same are applicable to the Monies authorized to be borrowed by the recited Act.

Provisions of recited Act as to borrowing Money, &c. to apply to this Act.

Mortgagees to be entitled rateably under this Act.

IX. And be it enacted, That the respective Mortgagees under this Act shall be entitled one with another, according to the respective Sums secured to them, to be repaid the Sums so secured, with Interest thereon, without any Preference one above another by reason of Priority of the Date of any Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Mortgages under recited Act to have Preference.

X. Provided always, and be it enacted, That all Mortgages already granted or hereafter to be granted under the Powers of the recited Act shall have Priority over any Mortgages to be granted under the Powers of this Act.

Power to purchase certain Property in Bir-

XI. And whereas a Plan of the Houses, Buildings, Lands, and Hereditaments adjoining to *Constitution Hill*, and lying between *Henrietta Street* and *Northwood Street*, in the Borough and Parish of *Birmingham*,

mingham for the Purpose of additional Station Room.

Birmingham, with a Book of Reference to such Plan containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands and Hereditaments intended to be taken, have been deposited with the Clerk of the Peace of the County of *Warwick*; be it enacted, That it shall be lawful for the Company to purchase by Compulsion, enter upon, take, and use the Lands and Hereditaments delineated on the same Plans and described in the same Book of Reference, or such of them as they may require for the Purpose of providing additional Station Room and other Accommodation at *Birmingham* connected with their Undertaking.

Period within which Lands are to be purchased.

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

Tolls.

XIII. And be it enacted, That it shall be lawful for the *Great Western* Railway Company to demand any Tolls for the Use of the *Great Western* Railway, or of the *Birmingham, Wolverhampton, and Dudley* Railway, in respect of Passengers, Cattle, and Goods, not exceeding the following; that is to say,

For Passengers.

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a First-class Carriage by any other Trains, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of Three Farthings *per* Mile:

For Cattle, Goods, &c.

And with respect to Horses, Cattle, Carriages, and Goods, as follows:

For every Horse, Mule, and other Beast of Draught or Burden, Two-pence *per* Mile:

For horned Cattle, the Sum of One Penny *per* Head *per* Mile; and if conveyed in Carriages belonging to the Company, and hired by One Party, an additional Sum of Sixpence for every Carriage capable of containing Six horned Cattle:

For Calves, Pigs, Sheep, and small Animals, One Halfpenny each *per* Mile; and if conveyed in Carriages belonging to the Company, and hired by One Party, an additional Sum of Sixpence for every Carriage capable of containing Twenty-five Sheep:

For every private Carriage, Three-pence *per* Mile:

Tonnage on Articles of Merchandize.

For all Coals, Coke, Culm, Cannel, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fire-clay, Cinders, Slag and Stone, *per* Ton *per* Mile One Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, Charcoal, Stones for building, pitching, and paving, Tiles, Slates, and Clay (except Fire-clay), and for Wrought Iron not otherwise specifically classified herein, and for heavy Iron Castings, including

Railway

Railway Chairs, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron, Nails, Anvils, Vices, and Chains), and for light Iron Castings, *per* Ton *per* Mile Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For Cotton and other Wools, Drugs, and manufactured Goods, the Sum of Two-pence Halfpenny *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For Fish, and all other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny.

Tolls for propelling Power.

XIV. And be it enacted, That the Toll which the *Great Western* Railway Company may demand for the Use of Engines for propelling the Carriages of other Parties on the said Railways as aforesaid shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken for the Use of the said Railways.

Maximum Rates of Charges.

XV. And be it enacted, That the maximum Rate of Charge to be made by the *Great Western* Railway Company for the Conveyance of Passengers along the said Railways as aforesaid, including the Tolls for the Use of the said Railways, and of Carriages and for locomotive Power, and every other Expence incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums; (that is to say,)

For Passengers.

For every Passenger conveyed in a First-class Carriage by an Express Train, the Sum of Two-pence Halfpenny *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any Express Train, the Sum of One Penny Three Farthings *per* Mile:

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per* Mile.

For Cattle, Goods, &c.

And with respect to the Conveyance of Goods, the maximum Rates of Charge to be made by the *Great Western* Railway Company for the Conveyance thereof along the said Railways as aforesaid, including the Tolls for the Use of the said Railways and Waggons or Trucks, and locomotive Power, and every Expence incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services, or

any of them, are or is performed by the same Company, shall not exceed the following Sums; (that is to say,)

For every Horse, Mule, and other Beast of Draught or Burden, Three-pence *per* Mile:

For horned Cattle, the Sum of One Penny Three Farthings *per* Head *per* Mile:

For Calves, Pigs, Sheep, and small Animals, One Halfpenny each *per* Mile:

For every private Carriage, Four-pence *per* Mile:

For all Coal, Coke, Ironstone, and other Articles herein-before classed therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of One Penny and One Eighth *per* Ton *per* Mile; and the Sum of Seven Eighths of a Penny *per* Ton *per* Mile for the whole Distance travelled, if conveyed a Distance exceeding Fifty Miles:

For all Dung, Compost, and other Articles herein-before classed herewith, conveyed any Distance not exceeding Fifteen Miles, the Sum of One Penny Halfpenny *per* Ton *per* Mile; and the Sum of One Penny and One Eighth *per* Ton *per* Mile for the whole Distance travelled if conveyed a Distance exceeding Fifteen Miles:

For all Sugar, Grain, and other Articles herein-before classified therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of Two-pence Halfpenny *per* Ton *per* Mile; and the Sum of Two-pence *per* Ton *per* Mile for the whole Distance travelled if conveyed a Distance exceeding Fifty Miles:

For all Cotton, and other Articles herein-before classified therewith, conveyed any Distance not exceeding Fifty Miles, the Sum of Three-pence *per* Ton *per* Mile; and the Sum of Two-pence Halfpenny *per* Ton *per* Mile for the whole Distance travelled if conveyed a Distance exceeding Fifty Miles:

For Fish, and all other Wares, Merchandize, Articles, Matters, and Things, conveyed any Distance not exceeding Fifty Miles, the Sum of Three-pence Halfpenny *per* Ton *per* Mile; and the Sum of Three-pence *per* Ton *per* Mile for the whole Distance travelled if conveyed a Distance exceeding Fifty Miles.

Regulating Charge where Distance exceeds Fifteen Miles or Fifty Miles.

XVI. And be it enacted, That where any such Articles, Matters, or Things shall be carried a Distance exceeding Fifteen Miles or Fifty Miles respectively, as herein-before provided, the *Great Western* Railway Company are hereby empowered to demand and receive at the least the Rates, Tolls, or Charges herein-before specified as for Fifteen Miles or Fifty Miles respectively.

Regulations as to the Tolls.

XVII. And be it enacted, That the following Provisions and Regulations, save as herein-after provided, shall be applicable to the fixing of all the Tolls and Charges under the Act authorized; (that is to say,)

For Persons, Animals, and Goods (except Coal, and the other Articles herein-before classed therewith,) conveyed on the Railways for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles; for all Coal, and other Articles herein-before classed therewith, conveyed on the Railways

Railways for a less Distance than Two Miles, the Company may demand Tolls and Charges as for Two Miles: Provided always, that in respect of Coal, and other Articles herein-before classed therewith, conveyed on the said Railways in Carriages and by Engines not belonging to the Company, the Company may not demand Tolls and Charges for more than One Mile when such Articles are so conveyed for a less Distance than One Mile along the Railway; provided that the said Company shall not be required to convey a smaller Quantity in the aggregate than Fifty Tons of Coals, or other Articles herein-before classed therewith, for a less Distance than Four Miles, unless the Parties sending the same shall be willing to pay Tolls and Charges thereon as for Four Miles:

For a Fraction of a Mile beyond Four Miles, Two Miles, or One Mile respectively, as the Case may be, or beyond any greater Number of Miles respectively, the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Weight of Carriages not to be included in Charge for Conveyance of Goods.

XVIII. Provided always, and be it enacted, That in calculating the Weight of Goods conveyed on the said Railways in Carriages not belonging to the Company for the Purpose of charging Tolls thereon, the Weight of such Carriages shall not be charged with Toll; but this Provision shall be without Prejudice to the Power of the Company to make Regulations as to the using of such Carriages, and as to the loading and unloading of such Carriages, and as to the loading and Quantities of Goods so from Time to Time carried in separate Carriages, or for other Purposes; also that no Toll or Charge shall be made for the passing along the Railways of any locomotive Engine and Tender conveying Goods along the said Railway, or returning after having conveyed Goods along the same; provided that no Train so conveyed along the same shall contain less than Twenty Tons Weight net, exclusive of the Weight of the Engine and Carriages.

As to empty Carriages.

XIX. Provided also, and be it enacted, That in respect of empty Waggons which have been conveyed with Goods on the said Railways, and also in respect of empty Waggons which may be sent along the said Railways for the Purpose of being loaded at any Point thereon, or on any Line of Railway connected therewith, the said Company may not demand any Toll or Charge for the Return of such empty Waggons to the Place whence they shall have been conveyed, or, as the Case may be, for the Passage of such empty Waggons to the Point on such Railways at which they are to be loaded, or at which they

they may diverge for the Purpose of being loaded, the Time or Mode of such Return or Passing being subject to the Bye Laws and Regulations of the Company, and the said Company having the Privilege of loading and using such empty Waggons as they shall themselves convey without Payment for the same, so that no Goods likely to damage such Carriages more than their accustomed Load would shall be placed therein, and so that no such Carriage shall be delayed longer than the Space of Forty-eight Hours on its Return to the Place from whence it is sent.

Tolls for small Parcels and Articles of great Weight.

XX. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; that is to say,

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit; provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

XXI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passenges, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Company may take increased Charges by Agreement.

XXII. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Restriction as to the Charges not to apply to Special Trains.

XXIII. Provided also, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains that may be required upon the said Railways, but shall apply only to the ordinary Trains appointed or to be appointed from

from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railways.

Power to sell the Railways.

XXIV. And whereas by certain Articles of Agreement bearing Date the Twelfth Day of *November* One thousand eight hundred and forty-six, and entered into between the Directors of the *Great Western* Railway Company, the Directors of the *Birmingham and Oxford Junction* Railway Company, and the Directors of the Company incorporated by the recited Act, and which Agreement has been approved of and confirmed by the Shareholders in the last-mentioned Company, and also by the Shareholders in the *Great Western* Railway Company, present at Meetings of those Companies respectively specially convened for the Purpose, it has been agreed that the Undertaking authorized by the recited Act, as well as the further Works which may be authorized by this Act, shall be sold and transferred to the *Great Western* Railway Company on the Terms and Conditions mentioned in the said Agreement; be it therefore enacted, That it shall be lawful for the Company to sell and transfer to the *Great Western* Railway Company, and for such last-mentioned Company to purchase, the Undertaking authorized by the recited Act and by this Act; and on the Completion of such Purchase, (of which Completion a Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seal of the *Birmingham, Wolverhampton, and Dudley* Railway Company, shall be sufficient Evidence,) the *Great Western* Railway Company may have and hold the said Undertaking, and may use, exercise, and enjoy all the Rights, Powers, and Privileges conferred by the recited Act and by this Act on the *Birmingham, Wolverhampton, and Dudley* Railway Company in relation thereto; and from and after such Purchase all the Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in this Act or the recited Act relating to the Undertaking shall, with reference to all such Railways, Works, Matters, and Things as might have been constructed, maintained, used, made, or done by the said *Birmingham, Wolverhampton, and Dudley* Railway Company, be applied and applicable to the *Great Western* Railway Company, their Officers, Agents, and Servants, in every respect as if the *Great Western* Railway Company had been in every Case in this Act and in the recited Act written or referred to in lieu and stead of the *Birmingham, Wolverhampton, and Dudley* Railway Company.

Powers of Sale not to be exercised without Certificate of Commissioners of Railways.

XXV. Provided always, and be it enacted, That it shall not be lawful for the said *Birmingham, Wolverhampton, and Dudley* Railway Company, by virtue of the Powers herein-before contained, to transfer, nor for the said *Great Western* Railway Company to accept the Transfer of the said Undertaking, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale by Transfer, that One Half of the whole Amount of the Capital, exclusive of Loans by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

Power for the Great Western Railway Company to raise Capital for effecting Purchase.

XXVI. And be it enacted, That for the Purpose of effecting the Purchase of the said Undertaking it shall be lawful for the *Great Western* Railway Company to raise by the Creation of new Shares in their Undertaking, subject to such Conditions as they may think fit, and in addition to the other Sums which they are authorized to raise by virtue of the several Acts relating to their Undertaking, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, such Sum of Money as they have agreed to pay for the Undertaking authorized by the recited Act, as well as such Sum of Money as the Company incorporated by such Act are by this Act empowered to raise for the Purposes herein-before mentioned; and it shall also be lawful for the *Great Western* Railway Company, after the said Undertaking shall have become vested in them, and after the whole of the Capital by this Act authorized to be raised by them shall have been subscribed, and One Half thereof paid up, to raise by Mortgage or Bond on the Credit of their Undertaking any Sum of Money not exceeding in Amount the Sums which by the recited Act and this Act the *Birmingham, Wolverhampton, and Dudley* Railway Company are authorized to raise by Mortgage of their Undertaking.

Interest not to be paid by Great Western Railway Company on Calls paid up.

XXVII. Provided always, and be it enacted, That it shall not be lawful for the said *Great Western* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised by the said *Great Western* Railway Company, save and except on the Sum of Seven hundred thousand Pounds which was authorized to be raised in Shares by the said first-recited Act: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Power to enter into Contracts with the Great Western Railway Company.

XXVIII. And be it enacted, That it shall be lawful for the *Birmingham, Wolverhampton, and Dudley* Railway Company, and for the *Great Western* Railway Company, to make and enter into any Contracts or Agreements relating to the Sale of the said Undertaking to the last-mentioned Company, or for otherwise working or using the said Undertaking or any Part thereof, for the Maintenance and Repair thereof or any Part thereof, as the said Companies may respectively deem advisable, and subject to such Terms and Conditions as may be mutually agreed on between them; and the said Articles of Agreement for Sale of the said Railway herein-before referred to shall be as valid and binding in every respect as if the same had been made subsequently to the passing of this Act, and in conformity with the Provisions thereof.

Power for Great Western Railway

XXIX. And be it enacted, That it shall be lawful for the *Great Western* Railway Company to subscribe all or any Part of the Capital by

by this Act authorized to be raised by and to purchase and hold Shares in the *Birmingham, Wolverhampton, and Dudley* Railway Company, and to use, exercise, and enjoy all the Rights, Powers, and Privileges belonging to the Owners or Proprietors of Shares in such last-mentioned Company. Company to hold Shares.

XXX. And be it enacted, That at all Ordinary and Extraordinary Meetings of the *Birmingham, Wolverhampton, and Dudley* Railway Company the *Great Western* Railway Company, in case they shall subscribe any Portion of the Capital of the said Company, or be the Holders of any Shares therein, may vote by any Person, being a Shareholder in the last-mentioned Company, who may be deputed by the Directors of such Company to attend such Meeting on their Behalf. Right of voting by the Great Western Company.

XXXI. 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 Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto. Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXII. 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 Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rate of Fares and Charges authorized by the recited Act as extended to this Act. Railways subject to Provisions of any future general Acts.

XXXIII. And be it enacted, That all Monies raised by the Company under the Authority of this Act shall be applied firstly in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory and relating thereto; and secondly in carrying the Purposes of the Company into execution. Expences of Act.

XXXIV. And

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

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