ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxxiv.

An Act for making a Railway from the *Berks and Hants* Railway at *Hungerford* to join the Line of the *Wilts, Somerset, and Weymouth* Railway at *Westbury* and *Devizes*. [22d *July* 1848.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making a Railway from* Bristol *to join the* 5 & 6 W.4.
London and Birmingham *Railway near* London, *to be called The* c. 107.
Great Western *Railway, with Branches therefrom to the Towns of* Bradford *and* Trowbridge *in the County of* Wilts, whereby several Persons were incorporated by the Name and Style of the "*Great Western* Railway Company:" And whereas the Provisions of the said Act were amended and enlarged by several subsequent Acts passed respectively in the Sixth Year of the Reign of His said Majesty, and in the First, the Second, the Seventh, the Ninth, and Tenth and Eleventh Years of the Reign of Her present Majesty Queen *Victoria*: And whereas an Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the* 8 & 9 Vict.
Great Western *Railway at or near* Reading *to the Towns of* Newbury c. 40.
and Hungerford, *and also to join the* South-western *Railway at or near* Basingstoke, whereby certain Persons were incorporated under the Style of the "*Berks and Hants* Railway Company:" And whereas under and by virtue of certain Provisions contained in the said last-recited Act the said *Great Western* Railway Company have purchased the said Undertaking, and the same now forms Part of the *Great Western* Railway: And whereas the making of a Railway from the Line of the *Berks and Hants* Railway as at present authorized to be

made, at or near *Hungerford* in the County of *Berks*, to join the Line of the *Wilts, Somerset, and Weymouth* Railway in the Parish of *Westbury* and County of *Wilts*, with a Branch from such intended Railway in the Parish of *All Cannings* in the County of *Wilts* to join the Line of the *Wilts, Somerset, and Weymouth* Railway in the Parish of *Saint John the Baptist, Devizes*, and County of *Wilts*, would be of great public Advantage: And whereas the *Great Western* Railway Company are willing to construct the said Railways, if authorized by Parliament so to do: 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 Provisions, Matters, and Things contained in the said several Acts relating to the *Great Western* Railway Company, so far as the same are now unrepealed and in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the Provisions of the "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto, and the several Railways and Works by this Act authorized to be made by the said *Great Western* Railway Company shall, when so made, form a Part of the Undertaking of the said *Great Western* Railway Company.

Provisions of recited Acts extended to this Act.

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

II. And be it enacted, That the Provisions of the "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," in so far as the same may be applicable, and are not inconsistent with the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Great Western* Railway, *Berks and Hants* Extension Act, 1848."

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That for making and working the Railway and Branch by this Act authorized it shall be lawful for the said *Great Western* Railway Company from Time to Time to raise, by creating new Shares or Stock, in addition to the Sums of Money which they are authorized to raise under and by virtue of the Acts relating to their Undertaking herein-before recited, or any of them, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of Six hundred thousand Pounds, which Sum, save as herein-after is otherwise specially provided, may be raised by the said Company in the like Way, and with the like Powers, and subject to the like Restrictions and Conditions, as the Capital authorized to be raised by the said Company under the Powers of the said recited Act passed in the Seventh Year of the Reign of Her present Majesty.

V. And

Part of Shares created for the Purposes of this Act to be Preference Shares.

V. And be it enacted, That of the Shares to be created for the Purposes of this Act Ten thousand shall be Shares of Fifty Pounds each, to be called *Berks and Hants* Preference Shares, on which Shares a fixed Rate of Interest after the Rate of Five Pounds *per Centum per Annum*, payable half-yearly in perpetuity, shall be paid by the said *Great Western* Railway Company: Provided always, that the said Shares shall not entitle the Holders thereof to participate in any Dividends of the said *Great Western* Railway Company over and above the Rate of Interest to be paid as aforesaid, nor to vote at any Meetings of the said *Great Western* Railway Company, nor shall the Holders of the said Shares, their Executors, Administrators, or Assigns, be liable as such for any of the Debts, Liabilities, or Engagements of the *Great Western* Railway Company: Provided also, that the whole Sum of Fifty Pounds in respect of each of the said Preference Shares shall be called up by the said *Great Western* Railway Company *pari passu* with the other Shares created under the Powers of this Act, but so that the whole Sum of Fifty Pounds in respect of the said Preference Shares shall be called up before the Railways by this Act authorized shall be opened for the Purposes of public Traffic: Provided always, that any Guarantee of Dividend which may be granted in respect of such new Shares by virtue of this Act shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by the said Company by or in pursuance of any Act of Parliament passed prior to the passing of this Act.

Mode in which Preference Shares to be allotted.

VI. And be it enacted, That the said Preference Shares shall be allotted amongst such of the Subscribers, or the Executors, Administrators, or Assigns of the Subscribers, to the Undertaking by this Act authorized, as have already subscribed or may hereafter subscribe the Parliamentary Subscription Contract relating thereto, under Agreement with the said *Great Western* Railway Company as Shareholders in a lately projected Undertaking called or known by the Name of "The *London, Newbury, and Bath Direct* Railway."

As to Calls on Preference Shares.

VII. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on such Preference Shares, and there shall be an Interval of Three Calendar Months at the least between the Time fixed for the Payment of one Call and the Time fixed for the Payment of the next succeeding Call.

No Call to be made payable for 12 Months, without Consent.

VIII. And be it enacted, That no Call shall be made payable on such Preference Shares for Twelve Calendar Months after the passing of this Act, unless made with the Consent in Writing of the Proprietors of One Half in Amount at the least of such Preference Shares.

Power to borrow Money on Mortgage.

IX. And be it enacted, That after the whole of the Sums by this and the said Act relating to the *Great Western* Railway passed in the Ninth Year of the Reign of Her present Majesty authorized to be raised by Shares shall have been subscribed, and One Half of the same paid up, it shall be lawful for the Directors of the said *Great Western* Railway Company to borrow on Mortgage, and if subsequently paid off again to reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding

exceeding in the whole the Sum of Two hundred thousand Pounds, in addition to the Sums which they are authorized to borrow by the said last-mentioned Act, or which they may be authorized to borrow by any other Act to be passed in the present Session of Parliament, and for securing the Repayment of the Sum so borrowed, with Interest, to mortgage the Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company: Provided always, that all and every Part of the Monies borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes of this Act.

Rights of Mortgagees.

X. And be it enacted, That the respective Mortgagees shall be entitled to the same Rights and Privileges, and the said Mortgages shall be subjected to the same Restrictions and Conditions, as are provided in the recited Act relating to the *Great Western* Railway passed in the Seventh Year of the Reign of Her present Majesty with respect to the Mortgages thereby authorized to be granted.

Power to convert Loan into Capital.

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

As to Votes of Proprietors of new Shares.

XII. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act, with the Exception of the Proprietors of the said Preference Shares herein-before authorized to be created, shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking: Provided always, that if any of the Capital by this Act authorized to be raised shall be converted into Stock, upon which a specified Amount of annual Dividend shall be limited at the Time of the Creation thereof, the Proprietors of such Stock shall not be entitled to any Vote in respect thereof at any of the Meetings of the said Company.

Mortgages under former Acts to have Priority.

XIII. Provided always, and be it enacted, That all Mortgages or Bonds which may have been already created under the Powers of the said recited Acts shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Interest not to be paid on Calls paid up.

XIV. And be it enacted, That it shall not be lawful for the said 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

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

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

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

Railway to be made according to deposited Plans.

XVI. And whereas Plans and Sections of the said proposed Railways, showing the respective Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Wilts* and *Berks* respectively: Be it enacted, That, subject to the Provisions in this and the said Lands Clauses Consolidation Act and the said Railway Clauses Consolidation Act, as extended to this Act contained, it shall be lawful for the said Company to make and maintain the said Railways and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described in the said Sections, and to enter upon, take, and use such of the said Lands as for such Purposes they shall consider necessary.

Line of Railway.

XVII. And be it enacted, That the first-mentioned intended Railway shall commence from the Line of the *Berks and Hants* Railway at or near the Town of *Hungerford* in the Parish of *Hungerford* in the County of *Berks*, and shall terminate by a Junction with the Line of the *Wilts, Somerset, and Weymouth* Railway in the Parish of *Westbury* in the County of *Wilts;* and the said proposed Branch Railway to *Devizes* shall commence from and out of the said first-mentioned intended Railway in the Parish of *All Cannings* in the County of *Wilts*, and shall terminate by a Junction with the Line of the said *Wilts, Somerset, and Weymouth* Railway in the Parish of *Saint John the Baptist, Devizes*, in the County of *Wilts*.

As to Gauge of Railway.

XVIII. And be it enacted, That the said Railways shall be constructed on the Broad Gauge of Seven Feet, so as to admit of the same being worked continuously with the *Great Western* Railway, and with the *Wilts, Somerset, and Weymouth* Railway.

Lands for extraordinary Purposes.

XIX. And be it enacted, That it shall be lawful for the Company to purchase or take any Quantity of Land for extraordinary Purposes, not exceeding Fifty Acres.

Period for compulsroy Purchase of Lands limited.

XX. 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.

Period for Completion of Works.

XXI. And be it enacted, That the Railways hereby authorized to be made shall be completed within Seven Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the Acts herein-before referred to granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

Certain Property not to be taken without Consent.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Company to take or use certain Pieces of Ground, and the Buildings thereon, numbered on the Plan herein-before referred to 50, 51, 52, 53, 54, 55, and 56 in the Parish of *Bishops Cannings*, or any Part thereof, without the Consent in Writing of the Owner or Owners thereof for the Time being.

For Protection of the Property of the Ecclesiastical Commissioners.

XXIII. And whereas certain Lands or Premises to which the Ecclesiastical Commissioners for *England* are entitled, or in which the said Commissioners are interested, situate and being in the Parish of *Westbury*, or some Part of the said Lands or Premises, are proposed to be taken or affected under the Powers of this Act: Be it enacted, That no Bargain, Arrangement, Contract, Agreement, or Conveyance, either now made or to be made between the said Company, or between any Person or Persons on their Behalf, and any other Person or Persons, in any way relating to the said Lands or Premises, shall be binding at Law or in Equity upon the said Commissioners, without their Assent being first thereto had, to be signified under their Common Seal: Provided always, that nothing herein contained shall hinder or prevent or be construed to hinder or prevent the said Company from proceeding to take such Lands and Premises as aforesaid under the compulsory Powers of this Act, or the Acts therein recited, upon giving Notice of their Intention so to do to the said Commissioners, and to all other necessary Parties, in manner by the said recited Act provided.

Tolls.

XXIV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railways or either of them by this Act authorized, and for the Use of Engines and Carriages to be employed by them thereon, not exceeding the Tolls which the said Company may be authorized to demand and receive for the Use of the *Great Western* Railway, and the Engines and Carriages employed by them thereon.

Maximum Rates of Charges for Passengers.

XXV. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways and Works by this Act authorized, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For

For every Passenger conveyed in a First-class Carriage, the Sum of Two-pence Halfpenny *per* Mile:
For every Passenger conveyed in a Second-class Carriage, the Sum of Two-pence *per* Mile:
For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

Maximum Rates of Charges for Cattle, Goods, &c.

XXVI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance (except a reasonable Sum for the loading and unloading the 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 performed by the Company, shall not exceed the following Sums:

For every Horse, or other Beast of Draught or Burthen in the said recited Acts classed with Horses, the Sum of Five-pence *per* Mile:
For Cattle, the Sum of One Penny Three Farthings *per* Head *per* Mile:
For Calves and Pigs, One Halfpenny each *per* Mile:
For Sheep and small Animals, One Halfpenny each *per* Mile:
For every Carriage, the Sum of Sixpence *per* Mile:
For Coals, Coke, Ironstone, and other Articles classed therewith, the Sum of One Penny Farthing *per* Ton *per* Mile:
For Manure, and other Articles classed therewith, the Sum of Two-pence *per* Ton *per* Mile:
For Sugar, and other Articles classed therewith, the Sum of Three-pence *per* Ton *per* Mile:
For Cotton, and other Goods and Articles classed therewith, the Sum of Four-pence *per* Ton *per* Mile.

Company may take increased Charges by Agreement.

XXVII. 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.

Passengers Luggage.

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

Restriction as to Charges not to apply to Special Trains.

XXIX. Provided always, 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 to be run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be

be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Same Tolls to be demanded as on the Great Western Railway.

XXX. And whereas an Act was passed in the last Session of Parliament providing for the Revision of the Tolls and Charges leviable in respect of the Use of the *Great Western* Railway in the event of the Transfer of the Undertakings of the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railway Companies, or any Part of such Undertakings, to the *Great Western* Railway Company: Be it enacted, That from and after such Transfer as aforesaid it shall not be lawful for the *Great Western* Railway Company to demand and receive, in respect of the Traffic passing to and from the *Great Western* Railway upon the Railway by this Act authorized, any Rates, Tolls, and Charges exceeding the Rates, Tolls, and Charges which they may be authorized to demand and receive under and by virtue of the Provisions of the said last-mentioned Act for the Use of the *Great Western* Railway.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

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 Tenth Year of the Reign of Her said Majesty, one thereof, intituled *An Act for regulating the Gauge of Railways,* and the other thereof, intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway 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 Railway and Company, so far the same shall be applicable thereto.

Railways not exempt from Provisions of future general Acts.

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

Public Act.

XXXIII. 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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