ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxxi.

An Act to enable the *Midland* Railway Company to construct a Railway from *Gloucester* to *Stonehouse;* and for other Purposes connected with the *Bristol and Gloucester* Line of the *Midland* Railway. [14th *August* 1848.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the* North Midland, Midland Counties, *and* Birmingham and Derby Junction *Railways,* whereby the said Companies were united into One Company, under the Name of "The *Midland* Railway Company," and the said Railways and all Branches thereof respectively were vested in the said united Company under the Name of "The *Midland* Railway:" And whereas another Act was passed in the same Session of Parliament, intituled *An Act to enable the* Midland *Railway Company to extend the said Railway from* Nottingham *to* Newark *and* Lincoln: And whereas another Act was passed in the same Session of Parliament, intituled *An Act to empower the* Midland *Railway Company to make a Branch from the said Railway near* Syston *in the County of* Leicester *to the City of* Peterborough: And whereas another Act was passed in the Eight and Ninth Years of Her said present Majesty, intituled *An Act for authorizing the Consolidation of the* Sheffield and Rotherham *Railway with the* Midland *Railways, and for making a Branch Railway from and other*

7 & 8 Vict. c. 18.

8 & 9 Vict. c. 49.

8 & 9 Vict. c. 56.

8 & 9 Vict. c. 90.

Works in connexion with the said Sheffield and Rotherham *Railway*, whereby the said *Sheffield and Rotherham* Railway became and was consolidated with the *Midland* Railway: And whereas an Act was passed in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to authorize certain Alterations in the Line of the* Syston and Peterborough *Branch of the* Midland *Railway, and the Formation of certain other Branch Railways in connexion therewith:* And whereas another Act was passed in the same Session, intituled *An Act to empower the* Midland *Railway Company to make a Railway from* Pye Bridge *to the* Clay Cross *Station of the* Midland *Railway, and a Branch in the Parish of* Critch: And whereas another Act was passed in the same Session, intituled *An Act to empower the* Midland *Railway Company to make several Branches from the* Erewash Valley *Railway:* And whereas another Act was passed in the same Session, intituled *An Act to empower the* Midland *Railway Company to make a Railway from the* Midland *Railway at* Clay Cross *to join the* Nottingham and Lincoln *Railway, with Branches:* And whereas another Act was passed in the same Session, intituled *An Act to empower the* Midland *Railway Company to make a Railway from* Nottingham *to* Mansfield: And whereas another Act was passed in the same Session, intituled *An Act to enable the* Midland *Railway Company to make a Railway from* Burton-on-Trent *to* Nuneaton, *with Branches, and to purchase the* Ashby-de-la-Zouch *Canal:* And whereas another Act was passed in the same Session, intituled *An Act for vesting the* Leicester and Swannington *Railway in the* Midland *Railway Company:* And whereas another Act was passed in the same Session, intituled *An Act to empower the* Midland *Railway Company to extend their Line at* Birmingham, *and for other Purposes:* And whereas another Act was passed in the same Session, intituled *An Act to authorize the Purchase of the* Oakham *Canal by the* Midland *Railway Company:* And whereas another Act was passed in the same Session, intituled *An Act for enabling the* Midland *Railway Company to alter a Portion of the* Leicester and Swannington *Railway, and to make certain Branches:* And whereas another Act was passed in the same Session, intituled *An Act to consolidate the* Bristol and Gloucester *and* Birmingham and Gloucester *Railway Companies with the* Midland *Railway Company:* And whereas another Act was passed in the same Session, intituled *An Act for making a Railway from the* Birmingham and Gloucester *Railway at* King's Norton *in the County of* Worcester *to* Hales Owen *in the same County:* And whereas it would be attended with great public and local Advantage if a Railway were made from the *Birmingham and Gloucester* Line of the *Midland* Railway in the Parish of *Saint Mary de Lode* to the *Bristol and Gloucester* Line of the *Midland* Railway at or near the Junction of the said *Bristol and Gloucester* Line with the *Cheltenham and Swindon* Line of the *Great Western* Railway: And whereas the *Midland* Railway Company is willing to undertake the Execution of the said Railway, if authorized by Parliament to do so: And whereas it would be attended with public Advantage if a continuous Line of Narrow Gauge Railway Communication between *Birmingham* and the Northern Parts of *England* and the Port of *Bristol* were established; but the several 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

9 & 10 Vict. c. 51.
9 & 10 Vict. c. 102.
9 & 10 Vict. c. 156.
9 & 10 Vict. c. 157.
9 & 10 Vict. c. 163.
9 & 10 Vict. c. 203.
9 & 10 Vict. c. 243.
9 & 10 Vict. c. 254.
9 & 10 Vict. c. 255.
9 & 10 Vict. c. 311.
9 & 10 Vict. c. 326.
9 & 10 Vict. c. 340.

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 and Provisions of the said recited Acts, and of the several Acts therein referred to, so far as the same are or may be applicable, (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Powers and Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Acts and this Act shall be construed and read together as forming One Act.

Provisions of Midland Railways Acts extended to this Act.

II. And whereas the additional Capital which the Company will require for the Purposes of this Act is One hundred and ten thousand Pounds: Be it therefore enacted, That it shall be lawful for the Company to raise for the Purposes of this Act on the Credit of their Undertaking, and of the surplus Revenue arising therefrom any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and ten thousand Pounds.

Power to raise Money.

III. And be it enacted, That all the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the Company of all or any of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the Company to borrow on Mortgage for the Purposes of this Act any Sum or Sums of Money unless or until the whole of the Capital in Shares or Stock limited or authorized to be raised by the Company shall have been subscribed for, and One Half of such Capital paid up, or any Sum or Sums of Money which, together with such Sums as may be due and owing by the Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the Capital of the Company in Shares or Stock.

Provisions of 8 & 9 Vict. c. 16. as to borrowing Money to apply to this Act.

IV. 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 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: 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.

Interest not to be paid on Calls paid up.

V. 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 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

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

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.

Former Mortgages to have Priority.

VI. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgage or Bond to be created by virtue of this Act.

Power to make Railway according to deposited Plans.

VII. And whereas Maps or Plans and Sections showing the Line and Level of the said proposed Railway, together with Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Gloucester* and with the Clerk of the Peace for the City of *Gloucester* and County of the same City: Be it therefore enacted, That, subject to the Provisions in this Act and the said recited Acts, and the Acts incorporated therewith, it shall be lawful for the said Company to make and maintain the Railway and Works herein-after mentioned in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose; that is to say, a Railway commencing by a Junction with the *Birmingham and Gloucester* Line of the *Midland* Railway in the Township of *Wooton Saint Mary* in the Parish of *Saint Mary de Lode* in the County of *Gloucester* near to the Spot where the existing Line of the said Railway crosses a public Highway there called *Asylum Lane*, and terminating in the Parish of *Stonehouse* in the same County by a Junction with the *Bristol and Gloucester* Line of the *Midland* Railway near the Spot where the same now unites with the *Cheltenham and Swindon* Line of the *Great Western* Railway.

Power to cross Roads on the Level.

VIII. And be it enacted, That in making the Railway it shall be lawful for the Company to construct the Railway across and on the Level of the following Roads; that is to say,

In the Hamlet of *Barton* and Parish of *Saint Mary de Lode*, the Roads numbered 36 and 92 a on the said Plans:

In the intermixed Parishes of *Saint Mary de Lode*, *Whaden*, *Brockthorp*, *Harescourt*, *Quedgley*, and *Haresfield*, the Road numbered 6 on the said Plans:

In the Parish of *Haresfield*, the Road numbered 13 on the said Plans.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Commissioners of Railways.

IX. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and

and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

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, in addition to the Land authorized to be purchased for similar Purposes by the said recited Acts.

Period for compulsory Purchase of Lands limited.

XI. 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.

XII. And be it enacted, That the Railway 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 said recited Acts granted to the Company for executing the Railway shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Railway to form Part of the Midland Railway.

XIII. And be it enacted, That when the Railway or any Part thereof shall be completed the same shall form Part of the *Midland* Railway, and shall be subject to all the Provisions in the said recited Acts contained with reference to the Maintenance, Use, or Protection of the said *Midland* Railway, or otherwise, save so far as the said Provisions may be modified by this Act.

Company to take the same Tolls as on the Midland Railway.

XIV. And be it enacted, That the said Company may, subject to the Provisions in the said recited Acts contained, lawfully demand and receive, in respect of the Railway, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof, and for and in respect of locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the Railway or any Part thereof, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, an Amount of Rates, Tolls, or other Charges not exceeding the Amount which the said *Midland* Railway Company are or may be authorized to demand and receive upon or in respect of the said *Midland* Railway or any Part thereof; and all Provisions and Regulations of the said recited Acts contained relative to the Imposition, Collection, and Recovery of Tolls, and also any Power of leasing the same, shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Two Trains at least per Day to stop at all the Stations.

XV. And be it enacted, That the Company shall and they are hereby required to run such Number of daily Passenger Trains on the said Railway as to ensure that Two such Trains at the least in every

every Day shall stop at each of the Passenger Stations on the Railway; and the Station to be erected by the *Midland* Railway Company at the *Haresfield* level Crossing shall be deemed to be a Passenger Station.

Payments to the Great Western Railway Company in respect of the Bristol and Gloucester Railway to be made by the Midland Railway Company.

XVI. And whereas prior to the Sale of the said *Bristol and Gloucester* Railway to the said *Midland* Railway Company a certain Agreement bearing Date the Thirteenth Day of *April* One thousand eight hundred and forty-three was entered into on behalf of the *Great Western* Railway Company of the one Part, and of the *Bristol and Gloucester* Railway Company of the other Part, with reference to the Construction of Works and to the Use of the said *Bristol and Gloucester* Railway, and of the *Cheltenham and Great Western Union* Railway, and of the *Great Western* Railway at *Bristol*, and the Station there, and with reference also to other Matters relating to the Interest of the said respective Companies, which Agreement was subsequently confirmed at General Meetings of the Proprietors in the said Companies respectively, and the said *Midland* Railway Company since the Purchase by them of the said *Bristol and Gloucester* Railway have enjoyed and are still enjoying the Advantages of the said Agreement: Be it therefore enacted, That, notwithstanding the Formation of the Railway between *Gloucester* and *Stonehouse* authorized by this Act, or the Powers given in relation thereto, all Rents and other Payments secured or intended to be secured to the said *Great Western* Railway Company under the Provisions of the said Agreement relative to the existing Line of Railway between *Gloucester* and *Bristol* shall be paid by the said *Midland* Railway Company, as Assignees of the said *Bristol and Gloucester* Railway Company to the *Great Western* Railway Company, notwithstanding the Formation of the said Line between *Gloucester and Stonehouse* under this Act, and as though the said *Bristol and Gloucester* Railway Company had continued to use the Line belonging to the *Great Western* Railway Company between the Places aforesaid, the *Great Western* Railway Company performing the required Services for such Payments, and laying down at the Cost of the *Midland* Railway Company additional Rails to and at the said *Bristol* Passenger and Goods Stations, of the Gauge of Four Feet Eight Inches and a Half, suitable to the Traffic of the *Midland* Railway Company: Provided also, that, except as herein expressly enacted, nothing in this Act contained shall be held or construed to affect, vary, lessen, or increase the Force or Validity of the said Agreement.

Railway not to be laid down nearer to the Great Western Railway than Ten Feet.

XVII. And whereas the Line of Railway by this Act authorized to be made has been laid down for a considerable Extent closely adjoining to the Line of the *Great Western* Railway between *Gloucester* and *Stonehouse*, and the said *Midland* Railway Company are restricted from purchasing any Lands situated at a greater Distance than Thirty Feet from the Western Fence of the said *Great Western* Railway, without the Consent of the Owners of such Lands: And whereas it will be in consequence necessary to construct the said Railway, and the Works connected therewith, partly on Lands to be purchased from the *Great Western* Railway Company, and it is expedient to provide, so far as may be practicable, against any Injury to the said *Great Western* Railway, or Interruption to the Traffic thereon, by reason

reason of the Works hereby authorized, or the Prevention thereby of any Works which it may hereafter be desirable to construct for the Improvement of the said *Great Western* Railway, or the greater Accommodation of the Public using the same, or which which may be necessary for the due Maintenance of the said Railway: Be it therefore enacted, That it shall not be lawful for the said *Midland* Railway Company to lay down their Easternmost Line of Rails at a less Distance than Ten Feet from the Westernmost Rail of the Railway belonging to the *Great Western* Railway Company between *Gloucester* and *Stonehouse*.

Power to Great Western Railway Company to lay down Side Lines, &c.

XVIII. And be it enacted, That the said *Midland* Railway Company shall not, by the Exercise of any of the Powers of this Act or otherwise, impede or prevent the said *Great Western* Railway Company from hereafter laying down and maintaining any Side Lines or other Works necessary for the more efficient Use or Maintenance of the said Line of the *Great Western* Railway Company, nor impede or prevent the said *Great Western* Railway Company from obtaining, or conveying to their Railway, at all seasonable Times, across the Railway by this Act authorized to be made, any Materials or Ballast which under the Provisions of the Acts relating to the said last-mentioned Railway the said *Great Western* Railway Company are authorized or empowered to procure and convey from Lands adjoining or lying near to such Railway, or which, by the Consent of the Owners of such Lands, they may be enabled to procure therefrom: Provided always, that in case of any Difference between the Companies as to the Necessity of any such Side Lines or other Works, or of conveying such Materials or Ballast across the Line of such Railway, such Difference shall be determined by the Commissioners of Railways.

Junctions between the Railways to be made under Superintendence of Engineer.

XIX. And be it enacted, That all Junctions between the Line of Railway by this Act authorized and the said Line of the *Great Western* Railway Company, or between the Rails of the said Railways respectively, and all Points and Switches and other Conveniences which may be required to be made between the said Two Railways, shall be made and maintained under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said *Great Western* Railway Company.

Free Access to be allowed across the Railway to the Great Western Railway.

XX. And be it enacted, That free Access to the Line of the said *Great Western* Railway from Places lying on the Western Side thereof shall be allowed by the said *Midland* Railway Company across the Line of Railway by this Act authorized, and all such Bridges and other Communications as may be necessary for the Purpose shall be made and maintained by the said last-mentioned Company: Provided always, that if any Difference shall arise as to the Sufficiency of such Communications, or as to the Number or Position of any Bridges or other Passages across the said Railway by this Act authorized, for affording Access to the said *Great Western* Railway, it shall be lawful for the Commissioners of Railways, on the Application of the said *Great Western* Railway Company, to order and direct the said *Midland* Railway Company from Time to Time to erect and maintain such Bridges and other Communications as to the said Commissioners

sioners may seem necessary or expedient for the Purposes aforesaid; provided that the Cost of such Bridges, when across both the Lines of the *Midland* and *Great Western* Railway, shall be paid either wholly by the *Midland* Railway Company, or by that Company and the *Great Western* Railway Company in such Proportions as may be directed by the said Railway Commissioners; and if the said *Midland* Railway Company shall fail to construct such Bridges and Communications within the Period specified for the Purpose by the said Railway Commissioners, or shall at any Time permit the same to fall into Disrepair, or shall impede or prevent the Passage across the same, it shall be lawful for the said *Great Western* Railway Company to construct such Bridges or Communications, (or to repair the same, as the Case may be,) and to remove all Obstructions thereto, and to recover the Expense thereof against the said *Midland* Railway Company in any of the Superior Courts.

Midland Railway Company to maintain Drains necessary for the Protection and Use of the Great Western Railway.

XXI. And be it enacted, That the said *Midland* Railway Company shall and they are hereby required to construct and maintain all such Drains, Bridges, Culverts, and other Works as in consequence of the Construction of the said Railway by this Act authorized contiguous to the Line of the said *Great Western* Railway may become necessary for the Protection and convenient Occupation and Use of the said *Great Western* Railway, and of the Lands adjoining thereto on the Western Side thereof, and shall so construct the said Railway by this Act authorized as not in any Manner to interfere prejudicially with the Works connected with or cause any Interruption to the Traffic of the said *Great Western* Railway: Provided always, that if the said *Midland* Railway Company shall fail to construct and maintain such Drains, Bridges, Culverts, and other Works as aforesaid the said *Great Western* Railway Company may themselves enter upon the Lands of the said *Midland* Railway Company for the Purpose of constructing or repairing, and may construct or repair, as the Case may require, such Drains, Bridges, Culverts, and other Works and Conveniences, and may recover the Expense thereof against the said *Midland* Railway Company in any of the Superior Courts.

For Prevention of Trespass or Injury to Great Western Railway during Construction of Works.

XXII. And be it enacted, That the said *Midland* Railway Company shall and they are hereby required, as well during as after the Construction of the Works by this Act authorized, to adopt all such Precautions as may be necessary for the Prevention of Trespass on the Line, Lands, or Works of the said *Great Western* Railway Company, or the Interruption of the Traffic on the said *Great Western* Railway; and if any Interruption shall at any Time be occasioned to the said Traffic, or any Injury shall arise to the Works of the said *Great Western* Railway Company, by reason of the Default of the said *Midland* Railway Company in adopting such Precautions as aforesaid, the said last-mentioned Company shall, on Conviction of every such Default, forfeit and pay the Sum of Twenty Pounds in addition to such Compensation as under the Circumstances of the Case the said *Great Western* Railway Company may be entitled to recover, on account of any Loss, Damage, or Inconvenience which they may have sustained by reason of any such Default as aforesaid: Provided always, that during the Progress of the Works by this Act authorized

authorized it shall be lawful for the said *Great Western* Railway Company to appoint such Number of additional Constables as they may consider necessary for the Safety and Protection of the Public using their Line of Railway, owing to the Construction of such Works adjoining the same, the Expense of which additional Constables shall be defrayed by the said *Midland* Railway Company; and if any Difference shall arise between the said Two Companies as to the Amount of such Expense, such Difference may be determined by any Two Justices of the Peace, on the Application of either of the said Companies.

Company not to deviate from centre Line in passing through certain Lands.

XXIII. And be it enacted, That it shall not be lawful for the said Company in constructing the said Railway to deviate from the centre Line thereof as laid down on the said Plans (without the Consent in Writing of the Right Honourable Lord *Sherborne* and *Daniel John Niblett* Esquire, or their respective Heirs or Assigns) to the Westward thereof more than Two Yards; and the said Company shall and they are hereby required so to construct the Works of the said Railway as that they shall adjoin and abut upon the present Line or Works of the *Great Western* Railway, and no intervening Strip of Land or Space shall be left between such Line and Works and the Line and Works hereby authorized.

Company not to occupy such Lands temporarily without Consent of Owners.

XXIV. And be it enacted, That it shall not be lawful for the said Company to take or use for the Purposes of the said Railway and Works (without his or their Consent in Writing first obtained) any of the Lands of the said Lord *Sherborne* or the said *Daniel John Niblett*, or their or his respective Heirs or Assigns, adjoining or near the said Railway, but only such of the Lands as shall be permanently required for the necessary Purposes of the Construction of the Line of Railway hereby authorized as aforesaid.

As to Bridge over Road leading from Gloucester to Stonehouse.

XXV. And be it enacted, That in constructing the said Railway the said Company shall build a good and convenient Bridge of Brick or Stone, to be completed in a workmanlike Manner, with Approaches thereto, properly fenced to the Satisfaction of the said Lord *Sherborne*, his Heirs or Assigns, over the Railway, for the Turnpike Road leading from *Gloucester* to *Stonehouse*, in lieu of the present Wooden Bridge at that Point.

Company not to erect Buildings at Haresfield level Crossing, except, &c.

XXVI. And be it enacted, That the said *Midland* Railway Company shall not (without the Consent of the said *Daniel John Niblett*, his Heirs or Assigns, in Writing first had and obtained,) erect or build, upon any Portion of the Estate of the said *Daniel John Niblett*, any Erection or Building, except such as may be required for the safe Use of the level Crossing and Station at *Haresfield*, and such as may from Time to Time be required by the Commissioners of Railways.

Provisions relative to level Crossings

XXVII. And whereas the Line of the said *Great Western* Railway between *Gloucester* and *Stonehouse* has been laid down on the Level across certain public and private Roads, and other Crossings on the Level of the said Railway are allowed by the said *Great Western* Railway Company, for the convenient Occupation of the Lands

adjoining the said Railway: And whereas the Establishment of level Crossings of the Railway by this Act authorized immediately contiguous to the Points where the said *Great Western* Railway is so crossed on the Level might be attended with great Danger and Inconvenience to the Public, and to the Occupiers of the Lands adjoining the said Two Railways: For Prevention whereof be it enacted, That if at any Time after the Construction of the Railway by this Act authorized, or any Part thereof, it shall appear to the Government Railway Commissioners, expedient for the Safety or Convenience of the Public that the said Railway by this Act authorized should not be crossed on the Level at any Point or Points thereon contiguous to a level Crossing of the Line of the *Great Western* Railway, or that any other Precautions should be adopted at such Points of crossing, for the greater Security or Convenience of the Public, then and in such Case the said *Midland* Railway Company shall and they are hereby required to erect such Bridges across the Line of Railway by this Act authorized, and across the Line of the said *Great Western* Railway, or either of them, and to construct and maintain such other Works and to adopt such other Precautions as the said Government Railway Commissioners may require; and the said *Midland* Railway Company shall be liable for all Loss, Injury, or Damage which may arise from the crossing, as well of the said *Great Western* Railway as of the Line by this Act authorized, where such Loss, Injury, or Damage shall in any Manner have been occasioned by or owing to the Contiguity to the said *Great Western* Railway of the Line of Railway by this Act authorized; provided that the Cost of constructing and maintaining such Bridges and other Works shall be borne either wholly by the *Midland* Railway Company, or by that Company and the *Great Western* Railway Company in such Proportions as may be directed by the said Government Railway Commissioners.

Provision as to Passage on Bristol and Gloucester Railway of Engines and Carriages of the Great Western Railway Company in addition to Provisions of 9 & 10 Vict. c. 326.

XXVIII. And whereas by an Act of the Ninth and Tenth Years of Her present Majesty, intituled *An Act to consolidate the* Bristol and Gloucester *and* Birmingham and Gloucester *Railway Companies with the* Midland *Railway Company*, it was enacted, that the said *Midland* Railway Company should and they were thereby required at all Times thereafter to maintain on the Line of the *Bristol and Gloucester* Railway between the respective Points where the same formed a Junction with the *Great Western* Railway, namely, at *Bristol* and *Stonehouse*, Two Lines of Railway, on the same Gauge as the said *Great Western* Railway, and so as to admit the Passage to and from the same of Engines and Carriages of the Construction requisite for passing on the said *Great Western* Railway, and should permit of the Passage on the said *Bristol and Gloucester* Railway of such Engines and Carriages at all reasonable and proper Times: Be it enacted, That, in addition to the said recited Provisions, the said *Midland* Railway Company shall and they are hereby required at all Times hereafter to afford all proper and convenient Accommodations, in respect of Stations, Sidings, Waiting and Watering Places, and other Facilities for the Passage on the said *Bristol and Gloucester* Railway of such Engines and Carriages as aforesaid, upon such Terms and Conditions and subject to such Regulations as may be agreed upon between

between the said Two Companies, and in case of Difference the same shall be settled by the Commissioners of Railways.

Railway not to cross the Gloucester and Cheltenham Tramway without Consent.

XXIX. And whereas the Line of Railway by this Act authorized is proposed to be carried across the *Gloucester and Cheltenham* Tramway, constructed under the Powers of an Act of Parliament passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third: Be it enacted, That it shall not be lawful for the said Company to alter or interfere with the Rails or Levels of the said Tramway, without the Consent in Writing of the Owners thereof for that Purpose first had and obtained, excepting so far as they are authorized and empowered by the Act Eight and Nine *Victoria*, Chapter One hundred and eighty-three, intituled "The *Birmingham and Gloucester* Railway (*Gloucester* Extensions) Act, 1845."

Railway to be constructed parallel with the Great Western Railway as to Width of Land to be taken.

XXX. And be it enacted, That the said Company shall and they are hereby required so to construct the Works of the said Railway at every Place where the Line hereby authorized is laid out parallel to the present Railway of the *Great Western* Company as that they shall immediately adjoin and abut upon the present Line of the *Cheltenham and Great Western Union* Railway, and no intervening Strip of Land or Space shall be left between such Line and Works and the Line and Works hereby authorized, and that it shall not be lawful for the said Company, without Consent in Writing in that Behalf first obtained, to take a greater Width of Land than Thirty Feet from the Line of Fence of the *Great Western* Railway Company at any Place where the Line hereby authorized is laid out parallel to the present Railway of the *Great Western* Railway Company, through the Parishes and Places of *Stonehouse*, *Standish*, *Haresfield*, *Harescomb*, *Brockthorp*, *Whaddon*, *Tuffleigh*, *Hempstead*, *Barton Saint Mary*, and *Barton Saint Michael*, except at Places where it shall be necessary to erect Bridges over the said Railway, and for Works connected therewith, and except also for Sidings at Stations, and Conveniences connected therewith.

As to Gauge of Railway between Bristol and Stonehouse.

XXXI. And be it enacted, That in case it shall be considered expedient to lay down Rails on the Narrow Gauge of Four Feet Eight Inches and a Half upon that Portion of the *Bristol and Gloucester* Line of the *Midland* Railway which lies between the Terminus thereof at *Bristol* and the Point of Junction thereof with the *Cheltenham and Swindon* Line of the *Great Western* Railway Company, in the Parish of *Standish* in the County of *Gloucester*, within or in addition to the existing Lines of Railway between those Points, such laying down of the Narrow Gauge shall not be considered an Alteration of Gauge within the Meaning of the Provisions of the Act for regulating the Gauge of Railways, and such Narrow Gauge Rails shall be laid down and maintained in connexion with the Broad Gauge Rails in such Manner as may be approved in all respects by the Commissioners of Railways.

Expenses of Act.

XXXII. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company, *pari passu* with the Costs, Charges, and

and Expenses of any other Act of Parliament passed in the present Session of Parliament to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Railway 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.

XXXIII. 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 Acts passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railway from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future general Acts.

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

Interpretation of Act.

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

The Expression "the Railway" shall mean the Railway and Works by this Act authorized to be made:

The Expression "the Company" shall mean the *Midland* Railway Company.

Public Act.

XXXVI. 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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