ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. cxci.

An Act for making a Railway from *Monmouth* to *Hereford*, with Branches therefrom to *Westbury*, and to join the Forest of *Dean* Railway.

[4th *August* 1845.]

WHEREAS the making of a Railway from *Monmouth* to *Hereford*, with Branches to the Forest of *Dean*, and to *Westbury* in the County of *Gloucester*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas an Act has been passed in the present Session of Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature*, and called "The Companies Clauses Consolidation Act, 1845:" (8 & 9 Vict. c. 16.) And whereas another Act has been passed in the present Session of Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, and called "The Lands Clauses Consolidation Act, 1845:" (8 & 9 Vict. c. 18.) And whereas another

8 & 9 Vict. c. 20.

Act has been passed in the present Session of Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, and called "The Railway Clauses Consolidation Act, 1845:"- And whereas the Persons hereafter named are willing, at their own Expence, to carry such Undertaking into execution; but the same 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 the Provisions of the said recited Acts of Parliament, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands Cla uses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, save as to such Part thereof as may be modified by or be inconsistent with the Provisions of this Act.

Recited Acts incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Monmouth and Hereford* Railway Act, 1845."

Subscribers incorporated.

III. And be it enacted, That *George Jones*, *Peter Maze*, *John William Miles*, *Frederick Pratt Barlow*, *Henry Simonds*, and *Robert Frederick Gower*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway, as herein-after more particularly defined, together with such Works and Conveniences as may be necessary or proper in connexion therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Monmouth and Hereford* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be Five hundred and fifty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Eleven thousand, and the Amount of each Share shall be Fifty Pounds.

Calls.

VI. And be it enacted, That Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls.

VII. And

Interest to be paid on Calls until Railway completed.

VII. And be it enacted, That it shall be lawful for the Directors of the Company, until the Railway shall be completed and opened to the Public, to pay Interest not exceeding Four Pounds *per Centum per Annum* in respect of the Calls paid on every Share, from the Day on which such Calls shall have been so paid, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of such Share, or of any other Share held by the same Proprietor, during the Period while such Calls shall remain unpaid.

Extent of Liability of Shareholders.

VIII. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Power to borrow Money.

IX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and eighty-three thousand three hundred and thirty-three Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Five hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Mortgages to be payable at the Principal Office of the Company.

X. And be it enacted, That the Principal Monies which shall become payable in respect of any Mortgage or Bond by the Company by virtue of this Act shall, unless otherwise expressed in such Mortgage or Bond, be deemed to be payable at the Principal Office of the Company.

First Meeting of the Company.

XI. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

Power for the Great Western Railway to subscribe towards the Undertaking.

XII. And whereas the Formation of the Railway hereby authorized to be made would be beneficial to the Interests of the *Great Western* Railway Company; be it therefore enacted, That it shall be lawful for the said *Great Western* Railway Company to subscribe towards and become Shareholders in the Undertaking hereby authorived to any Extent, not exceeding Four hundred thousand Pounds, which may be agreed or resolved to be subscribed by them at any General Meeting specially convened for the Purpose.

Power for the Great Western Railway Company to raise Capital for the Purpose.

XIII. And be it enacted, That for such Purpose it shall be lawful for the *Great Western* Railway Company to raise the Sum which may be so agreed or resolved to be advanced by them, or any Part thereof, by the Creation of new Shares of such Amount, and upon such Terms and Conditions, as may be determined by a Majority of the Shareholders present at any General Meeting of the said *Great Western* Railway, or it shall be lawful for the said *Great Western* Railway Company, if they so think fit, to guarantee Interest out of their Corporate Funds or annual Revenue after a Rate not exceeding

exceeding Five Pounds *per Centum per Annum* on the Shares for which they are hereby empowered to subscribe as aforesaid, for such Periods, and upon such Conditions as to the Redemption of such Shares by the *Great Western* Railway Company, or otherwise, as the respective Holders for the Time being of such Shares, or Parties in whose Hands the same may be placed as Security, and the said *Great Western* Railway Company, may mutually agree upon.

Right of voting by the Great Western Railway Company.

XIV. And be it enacted, That at all General or Special General Meetings of the Company hereby incorporated the said *Great Western* Railway Company, in case they shall subscribe any Portion of the Capital, may vote in respect of the Shares or Stock held by them by any Person, being a Shareholder in the said last-mentioned Company, who may be deputed by them to attend such Meeting on their Behalf.

First Directors.

XV. And be it enacted, That the Number of Directors shall be Five, and that *George Jones*, *Peter Maze*, *John William Miles*, *Frederick Pratt Barlow*, and *Henry Simonds*, shall be the first Directors of the Company.

Election of Directors.

XVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Election of future Directors.

XVII. And be it enacted, That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation Act.

Power to vary the Number of Directors.

XVIII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Eight, and that the reduced Number be not less than Three.

Quorum of Directors.

XIX. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XX. And be it enacted, That it shall be lawful for the Directors to appoint Committees consisting of such Number of Directors, and to confide to them such of their Powers and Duties, as they may think fit.

XXI. And

Power to make Railway according to deposited Plans.

XXI. And whereas Plans and Sections of the Railway and Branch Railways hereby authorized to be made showing, the Line 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 *Gloucester*, *Hereford*, and *Monmouth*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway, Branch Railways, and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XXII. And be it enacted, That the said Railway shall commence at *Monmouth* by a Junction with the Line of the proposed *South Wales* Railway, and shall pass through the following Places or some of them; (that is to say,)

Dixton in the County of *Monmouth*;
English Bicknor in the County of *Gloucester*;
Goodrich, *Walford*, *Ross*, *Bridstow*, *Brampton Abbotts*, *Sellack*, *Fownhope*, *King's Caple*, *Ballingham*, *Little Dewchurch*, *Bolston*, *Holme Lacy*, *Dinedor*, and *Lower Bullingham*, in the County of *Hereford*; and *Saint Owen's* and *Saint Martin's* in the City or County of *Hereford*;

And shall terminate at or near to the City of *Hereford* in the said Parish of *Saint Owen's*; and the said Branch Railway to *Westbury* shall commence at a Point on the said Main Line in the said Parish of *Walford*, and shall pass through the following Places or some of them; (that is to say,)

Walford in the County of *Hereford*;
Hope Mansel in the Counties of *Hereford* and *Gloucester*;
Weston-under-Penyard in the County of *Hereford*;
Lea in the Counties of *Hereford* and *Gloucester*;
Newland in the County of *Gloucester*;
Aston Ingham in the County of *Hereford*;
Longhope, *Flaxley*, *Blaisdon*, and *Westbury*, in the County of *Gloucester*;

And shall terminate at or near a Road in the said Parish of *Westbury* numbered 135 on the said Plans.

Line of Branch Railway.

XXIII. And be it enacted, That the said Branch Railway to the Forest of *Dean* shall commence at or near a Point on the said last-mentioned Branch Railway called the *Moors* in the said Parish of *Lea*, and shall pass through the several Places following, or some of them; (that is to say,) *Lea* in the Counties of *Hereford* and *Gloucester*, *Newland*, *Weston-under-Penyard*, *Hope Mansel*, *Ruardean*, and *East Dean*, in Her Majesty's Forest of *Dean* in the County of *Gloucester*, and shall terminate by a Junction with the Line of the Forest of *Dean* Railway at a Point in the Township of *East Dean*.

Certain Roads may be crossed on the Level.

XXIV. And with respect to the crossing of Roads, be it enacted, That it shall be lawful for the Company, if they think fit, to carry the said Railway or Branch Railway across and on the Level of the Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

In the said Parish of *Longhope*, the Roads numbered respectively 68 and 121:

In the said Parish of *Dixton*, the Road numbered 45:

In the said Parish of *Walford*, the Roads numbered respectively 61, 75, and 80:

In the said Parish of *Holme Lacy*, the Road numbered 22:

In the said Parish of *Weston Penyard*, the Road numbered 61:

In the said Parish of *East Dean*, the Road numbered 39 *a*.

Lands for extraordinary Purposes.

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

Period within which Lands are to be purchased.

XXVI. 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.

Railway to be completed in Seven Years.

XXVII. 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 recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Commissioners of Woods empowered to contract with the Company for Property of the Crown.

XXVIII. And whereas the Queen's most Excellent Majesty in right of Her Crown is seised to Herself, Her Heirs and Successors, of a certain Forest or Tract of Land called *Dean Forest* in the County of *Gloucester*, and Her Majesty in right of Her Crown is also seised of divers other Lands proposed to be acquired and used by the Company for the Purposes of the said Railway or Branches; be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, Her Heirs and Successors, to contract and agree with the said Company for the Sale of all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, in and to such Portion of the said Forest as the Company are by this Act empowered to purchase, for such Price, and subject to such Conditions, Restrictions, and Reservations, as shall be settled and agreed upon between the said Commissioners and the Company; and upon Payment of such Sum of Money as shall be so agreed upon it shall be lawful for the said Commissioners for the Time being, on behalf of Her Majesty, by any Deed or Writing under their Hands and Seals, to convey to the Company for the Purposes of this Act such Portion of the said Forest so contracted to be sold as aforesaid; and every such Deed shall be

enrolled,

enrolled, entered, and perfected in such or the like Manner as Conveyances by the said Commissioners of Lands of Her Majesty (not being Part of any Royal Forest) are now by Law directed to be enrolled, entered, and perfected; and all Sums of Money to be paid for the same shall be paid by the Company into the Bank of *England*, to the Account of the said Commissioners, in the Manner prescribed by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in* England, *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney, with regard to the Payment of the Price or Consolidation for Lands of the Crown sold by the said Commissioners under the Authority of that Act: Provided always, that if the whole or any Portion of the Lands of Her Majesty in right of Her Crown which may be conveyed to the said Company should not be wanted for the Purposes of this Act, or shall not be used, or shall cease to be used for the Purposes of the said Railway or Branches, for the Space of any Two consecutive Years, then the whole or such Part or Portion (as the Case may be) which shall not be so used, or which shall cease to be so used as aforesaid, shall immediately thereafter revert to, and shall by virtue of this Act become again and be absolutely vested in, the Queen's most Excellent Majesty, Her Heirs and Successors, freed and discharged of and from all Claims and Demands of the Company, their Heirs, Successors, or Assigns, subject nevertheless to the same or the like Rights of Common (if any) as are now subsisting over the same, any thing which may be expressed in any Conveyance to the said Company to the contrary notwithstanding. 10 G. 4. c. 50.

Compensation to Commissioners of Woods, &c. for Loss occasioned in Construction of Railway.

XXIX. And be it enacted, as regards the Lands of Her Majesty in right of Her Crown, whether Part of the said Forest or otherwise, proposed to be required and used, and which may be permitted to be required or used, by the Company for the Purposes of this Act, That the said Company shall and they are hereby required to pay to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, a full and fair Price for the same, and also a full and fair Compensation for any Damage, Loss, Injury, or Inconvenience, whether temporary, perpetual, or recurring, and whether arising by means of Severance or otherwise, which any Lands of Her Majesty in right of Her Crown shall or may sustain by reason or in consequence of the Construction of the said Railway or Branches, or any Part thereof, or any Works, Matters, or Things appertaining thereunto, or in any way connected therewith; and it shall not be lawful for the said Company to enter upon, take, hold, or use any Lands of Her Majesty in right of Her Crown until the Price or Compensation to be paid by the said Company for the same shall have been settled and agreed upon between the said Commissioners for the Time being on behalf of Her Majesty and the said Company, and until such Price has been paid by the Company into the Bank of *England*

England as aforesaid, to the Account of the said Commissioners, and until the necessaryConveyances of the said Lands to the said Company have been duly executed, enrolled, and perfected, any thing in this Act or in the Acts incorporated herewith, or either of them, contained, notwithstanding: Provided always, that in case any Difference shall arise with regard to the Price to be paid by the said Company to Her Majesty, Her Heirs or Successors, then and in that Case the said Commissioners for the Time being shall, within One Month after they shall be required so to do by Writing under the Hands of any Two or more of the Directors for the Time being of the said Company, name Three Surveyors, and the said Company shall thereupon, within Ten Days from the Receipt of the Names of such Surveyors, give Notice in Writing to the said Commissioners, under the Hands of any Two or more of the Directors for the Time being of the said Company, which of such Surveyors the Company elect to be the Arbitrator, to whom the Matters in difference between the said Company and the said Commissioners shall be referred, whose Award or Determination thereon, if made in Writing and under his Hand and Seal, within Three Calendar Months from the Date of such Reference, shall be binding and conclusive on Her Majesty, Her Heirs and Successors, and also on the said Company.

Providing for Cases of Compensation in respect to Injury done to Mines of Her Majesty.

XXX. And be it enacted, That the Clauses and Provisions of "The Railway Clauses Consolidation Act 1845" with respect to Mines lying under or near the said Railway or Branches shall extend and apply to the Mines of Her Majesty in right of Her Crown: Provided always, nevertheless, that any Compensation to be paid or made by the said Company to Her Majesty for or in respect of such Mines, or any Injury done thereto, shall be settled and agreed upon between the said Company and the said Commissioners for the Time being; and in case any Dispute or Question shall arise between the Company and the said Commissioners as to the Amount of such Compensation, the same shall be settled in the same or the like Manner as is by this Act specially provided in the Case of Compensation to be paid by the said Company for any Lands of Her Majesty in right of Her Crown.

Certain Lands not to be used, except with Consent of Her Majesty.

XXXI. Provided always, nevertheless, and be it enacted, That it shall not be lawful for the said Company to make or construct the said Railway or any Part thereof, or any Works, Matters, or Things appertaining thereto, upon, through, or over any Part of the Lands of Her Majesty situate in the Parishes of *Dixton* and *English Bicknor*, or either of them, in the Counties of *Gloucester* and *Monmouth*, or one of them, nor to take or use any Portion of such last-mentioned Lands for any Purpose whatsoever, without the Licence and Consent of Her Majesty, Her Heirs or Successors, first had and obtained, and signified in Writing under the Hands and Seals of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, which Consent (if given) may be given either absolutely or contingently, and upon and subject to such Conditions, Stipulations, Reservations, and Restrictions, as the said Commissioners on behalf of Her Majesty may deem

necessary

necessary or expedient for the Preservation and Protection of the adjoining Lands of Her Majesty.

Company to construct Line through the Property of the Crown under Direction of the Commissioners of Woods, &c.

XXXII. And be it enacted, That it shall be lawful for the said Company and they are hereby required, at their own proper Costs and Charges, to arrange the Levels and Gradients of the Line of the proposed Railway and Branches where it is intended or may be permitted to pass through any Lands of Her Majesty in right of Her Crown, so as thereby effectually to provide for such Communications as may be deemed necessary by the said Commissioners for the Time being on behalf of Her Majesty, for the convenient Occupation and Enjoyment of the adjoining Lands of Her Majesty, and, if necessary, to deviate from the Line laid down on the Plans herein-before mentioned in such Direction, to such Extent, and in such Manner through the Lands of Her Majesty as may be deemed by the said Commissioners necessary or expedient; and the said Company shall, at their own proper Costs and Charges, from Time to Time, and when and so often as thereunto required so to do by any Notice in Writing from the said Commissioners for the Time being on behalf of Her Majesty, make, erect, and construct, and from Time to Time maintain and support, all such Gates, Bridges, Arches, Culverts, Tunnels, Openings, Roads, Ways, Passages, Drains, Fences, and Watering Places over or under or by the Side of the said Railway and Branches, of such Dimensions and Materials, in such Places, according to such Plans, and in such Manner in all respects, as the said Commissioners for the Time being shall deem requisite or proper for the convenient Enjoyment or Occupation of the adjoining Lands of Her Majesty, Her Heirs or Successors, or for preserving the same from permanent or temporary Injury or Damage; and all such Gates, Bridges, Arches, Culverts, Tunnels, Openings, Roads, Ways, Passages, Drains, Fences, and Watering Places so to be made shall at all Times thereafter be kept in good Order and Repair by the said Company to the Satisfaction of the said Commissioners for the Time being in all respects; and in case the said Company shall refuse or neglect so to do it shall be lawful for the said Commissioners for the Time being, on behalf of Her Majesty, to construct such Gates, Bridges, Arches, Culverts, Tunnels, Openings, Roads, Ways, Passages, Drains, Fences, and Watering Places, and to repair and support the same from Time to Time as occasion shall require, so that in the Construction or Repair thereof the said Railway or Branches shall not be obstructed for any longer Space of Time than shall be necessary for the doing thereof; and the Costs, Charges, and Expences incurred by the said Commissioners in regard thereto shall be repaid to them by the said Company within Ten Days after Demand thereof made in Writing by any Notice addressed to the said Company by the said Commissioners, and left at the principal Office or one of the Offices or usual Places of Business of the said Company; and in default of Payment within the Time aforesaid the Amount of such Costs, Charges, and Expences may be levied by Distress and Sale of any of the Goods and Chattels of the said Company, wherever the same may be found, for the Use of Her Majesty, Her Heirs or Successors, in the same or the like Manner, and with the same or the like legal Incidents, as any Rent due

due to Her Majesty is or may be by Law recoverable and recovered; or the Amount of such Costs, Charges, and Expences may, at the Option of the said Commissioners, be recoverable and recovered by and on behalf of Her Majesty, Her Heirs and Successors, in the same or the like Manner as any Debt of Record due and owing to Her Majesty is or may be by Law recoverable and recovered.

The Company to pay the Expences of settling the Price, and of the Conveyance.

XXXIII. And be it enacted, That all the Costs, Charges, and Expences incurred or to be incurred by or on behalf of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the Construction of the said Railway and Branches, or any Works, Matters, or Things appertaining thereto, through any Lands of Her Majesty in right of the Crown, or in ascertaining and settling the Price or Compensation to be paid to the said Commissioners on behalf of Her Majesty, as aforesaid, in respect of any Lands or Mines of Her Majesty, and the Costs of any Conveyance to the said Company, and of the Enrolment and Entry thereof, shall be borne and paid by the said Company.

General Saving of the Rights of the Crown.

XXXIV. And be it enacted, That, save as herein is specially provided and expressed, nothing in this Act or in any of the Acts herein recited or referred to contained shall extend or be construed to extend to lessen, prejudice, or derogate from any Estate, Right, Title, Interest, Franchise, Prerogative, Royalty, Jurisdiction, or Authority vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, or to lessen, prejudice, or derogate from any Power or Authority by Law vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Tolls.

XXXV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

1. In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices,

Vices, and Chains, *per* Ton *per* Mile Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares Merchandize, Fish, 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 Penny:

And for every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence:

And a further Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Two-pence:

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile not exceeding Three-pence; and for every Ox, Cow, Bull, or Neat Cattle, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, *per* Mile not exceeding One Penny; and for every Sheep, Lamb, or other small Animal, *per* Mile not exceeding Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for propelling Power.

XXXVI. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway 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.

Regulations as to the Tolls

XXXVII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, 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

there be a Fraction of a Quarter of 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 Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and great Weights.

XXXVIII. 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.

XXXIX. And be it enacted, That every Passenger travelling upon the Railway may take with him, at his own Risk, his ordinary Luggage, not exceeding One hundred Pounds in Weight for First Class Passengers, 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.

Maximum Rates of Charges for Passengers;

XL. And be it enacted, That the maximum Charge to be made by the Company for Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First Class Carriage, the Sum of Three-pence *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 Halfpenny *per* Mile.

for Cattle, Goods, &c.

XLI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rates of Charge

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 Expence incidental to such Conveyance (except the loading and unloading of Goods where such Service is performed by the Company), shall not exceed the following Sums:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Five-pence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Two-pence *per* Head *per* Mile:

For every Calf or Pig, the Sum of One Penny *per* Mile:

For every Sheep, Lamb, and other small Animals, the Sum of Three Farthings each *per* Mile:

For every Carriage, the Sum of Seven-pence *per* Mile:

For Manure and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For Coals, and other Articles herein-before classed therewith, the Sum of Two-pence *per* Ton *per* Mile:

For Sugar, and other Articles herein-before classed therewith, the Sum of Three-pence *per* Ton *per* Mile:

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Four-pence *per* Ton *per* Mile.

Foregoing Charges not to apply to special Trains.

XLII. 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 Train that may be required to run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreemen.

XLIII. Provided further, 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 Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Power to lease the Railways, &c.

XLIV. And be it enacted, That it shall be lawful for the Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to let on lease the Railway, Branch Railways, and Works hereby authorized to be made, or any Part or Parts thereof respectively, to the *Great Western* Railway Company, for such Term or Terms of Years, at such Rent or Rents, and on such Conditions as may be mutually agreed on; and it shall be lawful for the *Great Western* Railway Company, with the Approbation of Three Fifths of the Shareholders in the said last-mentioned Company present, personally or by Proxy, at some General Meeting specially convened for the Purpose, to accept and take such Lease.

Power to sell the Railway.

XLV. And be it enacted, That it shall also be lawful for the Company hereby incorporated, by and with the like Authority of the

the Proprietors therein, to sell and transfer to the said *Great Western* Railway Company the Railway, Branch Railways, and Works by this Act authorized to be made, or any Part thereof respectively, or any Share or Interest therein, together with all or any of their Powers, Rights, and Privileges in connexion therewith, and whether before or after the Completion thereof, and for the said *Great Western* Railway Company, by and with the like Authority on the Part of their Proprietors, to purchase the said Railway, Branch Railways, and Works, or any Part thereof, or any Share or Interest therein, as aforesaid (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase, of which Completion a Transfer or Conveyance under the Corporate Seal of the Company hereby incorporated shall be sufficient Evidence, the *Great Western* Railway Company may have and hold the said Railway, Branch Railways, and Works, or any Part thereof, or any Share therein, which may be purchased by them, and may use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all or any of the Rights, Powers, and Privileges conferred by this Act on the Company hereby incorporated in relation thereto.

Powers for Great Western Railway Company to raise Money for the Purpose.

XLVI. And be it enacted, That for such Purpose it shall be lawful for the *Great Western* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such additional Number of Shares in the Undertaking of the *Great Western* Railway, and to borrow upon Mortgage such a Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the said Railway, Branch Railways, and Works, or any Part thereof, which may be the Subject of such Purchase, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purpose of the said Undertaking, and that the Money so to be borrowed by the *Great Western* Railway Company in the event aforesaid shall not exceed One Third the Amount of the Capital to be raised by such additional Shares, and shall not be borrowed until One Half of the said Capital shall have been paid up.

After Purchase, Railway, &c. to be amalgamated with Great Western Railway.

XLVII. And be it enacted, That from and after such Purchase as aforesaid, if any such shall take place, the Railway, Branch Railways, and Works, or such Part thereof as may be so purchased, shall thenceforth be and become amalgamated with and form Part of the Undertaking belonging to the *Great Western* Railway Company, and from thenceforth all the Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in this Act or the said intended Acts in and relating to the Railway, Branch Railways, and Works hereby authorized to be made, which may so become amalgamated with the *Great Western* Railway, shall, with reference to all such Works, Matters, and Things as might have been made or done by the Company hereby incorporated, 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 written in lieu and stead of the *Monmouth and Hereford* Railway Company.

XLVIII. And

Power to enter into Contracts with the Great Western Railway.

XLVIII. And be it enacted, That it shall be lawful for the Company hereby incorporated, and for the *Great Western* Railway Company, or the Directors thereof, to make and enter into such Contracts and Agreements for effecting the Purposes aforesaid, or for otherwise working and using the said Railways or any of them, or any Part or Parts thereof respectively, or for the Maintenance and Repair thereof, or of any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable, and subject to such Terms and Conditions as may be mutually agreed on between them; and any Contract or Agreement made before the passing of the Act for all or any of the Purposes aforesaid by the Provisional Committee of the Company hereby incorporated, and the Directors of the *Great Western* Railway Company, shall be as valid and binding in every respect as if made subsequently to the passing of this Act.

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

XLIX. 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;* 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 as the same shall be applicable thereto.

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

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

Public Act.

LI. 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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