ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxli.

An Act to authorize a certain Alteration in the Line of the *Reading, Guildford, and Reigate* Railway, and to amend the Act relating thereto. [22d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from* Reading *to* Guildford *and* Reigate: And whereas it is expedient that some Part of the Line of Railway authorized by the said Act should be altered, and that some of the Powers and Provisions of the said recited Act should be amended and altered, but the said Objects 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 "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," shall respectively, so far as the same are applicable, and except in so far as the same may be inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

9 & 10 Vict. c. 171.

8 & 9 Vict. cc. 18. and 20. extended to this Act.

Powers of first-recited Act extended to this Act.

II. And be it enacted, That all the Provisions contained in the said first-recited Act, so far as the same are now unrepealed and in force, and except such as are inapplicable to the Purposes of this Act, or are inconsistent with the Provisions thereof or of the said "Lands Clauses Consolidation Act," or of the said "Railways Clauses Consolidation Act," shall extend to this Act, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Objects and Purposes.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Reading, Guildford, and Reigate* Railway Amendment Act, 1847."

Power to alter Railway.

IV. And be it enacted, That it shall be lawful for the *Reading, Guildford, and Reigate* Railway Company to alter the Line of Railway authorized to be made by the said first-recited Act, and to construct the new or altered Line of Railway herein-after mentioned; that is to say, a new or altered Line of Railway, commencing in or near a certain Enclosure numbered 40 in the Parish of *Ash* in the County of *Surrey* on the Plans referred to in the said first-recited Act, and terminating in or near a certain Enclosure numbered 70 in the Parish of *Worplesdon* in the County of *Surrey* on the Plans referred to in the "*London and South-western, Farnham and Alton* Branch, Act, 1846."

Power to abandon Parts of original Line.

V. And be it enacted, That the said new or altered Line of Railway shall be and become Part of the Undertaking of the *Reading, Guildford, and Reigate* Railway, and shall as such be subject to all the Provisions of the said first-recited Act as extended to this Act, and the Company shall abandon the Formation of so much of the Line of Railway authorized to be made by the said first-recited Act as by reason of the Alterations therein by this Act authorized may in the Judgment of the Company be rendered unnecessary.

Railway to be made according to deposited Plans.

VI. And whereas Plans and Sections showing the Line and Levels of the said proposed new or altered Railway by this Act authorized, 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 respectively are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Surrey;* be it enacted, That, subject to the Powers of Deviation in the said Railways Clauses Consolidation Act, 1845, contained, the said new or altered Railway shall be made according to the Lines and Levels thereof as defined on the said Plans and Sections, and it shall be lawful for the Company to enter upon, purchase, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for the Purposes of such new or altered Railways or either of them.

VII. And

Period within which Lands are to be taken.

VII. 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.

Limiting Period for Execution of Works.

VIII. And be it enacted, That the said new or altered Railway by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said new or altered Railway as shall then be completed.

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

IX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by the said recited 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.

Tolls.

X. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the said new or altered Railway by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Tolls and Charges limited by the said first-recited Act.

Altering Provisions of former Act restraining the Company from making the Line between Gomshall and Dorking.

XI. And whereas by the first-recited Act the Company were restricted from making that Part of the *Reading, Guildford, and Reigate* Railway which lies between *Gomshall* and *Dorking*, if the *Direct London and Portsmouth* Railway Company should make such Part of the *Direct London and Portsmouth* Railway as is situate between the same Points within Three Years after the passing of the said Act, but Powers for using such Part of the said Railway, when made, were conferred upon the *Reading, Guildford, and Reigate* Railway Company: And whereas it is expedient that such Provisions should be altered and modified as herein-after mentioned; be it enacted, That so much of the said recited Act as restricts the *Reading, Guildford, and Reigate* Railway Company from making the Portion of their said Railway lying between *Gomshall* and *Dorking* as aforesaid shall be and the same is hereby repealed: Provided always, that in case the whole of the Railway between *Epsom* and *Havant* authorized to be made by an Act passed in the last Session of Parliament, intituled *An Act for making a Railway from the* Croydon and Epsom *Railway at* Epsom *to the Town of* Portsmouth, *to be called "The* Direct London and Portsmouth *Railway*," shall, with the Exception of that Portion thereof which is situate between *Gomshall* and *Dorking*, be completed and open for public Traffic within the Time limited in such Act for the Completion thereof, and the *Direct London and Portsmouth* Railway Company shall be desirous of holding such Portion of the said *Reading, Guildford, and Reigate* Railway lying between *Gomshall* and *Dorking* as aforesaid, the

9 & 10 Vict. c. 83.

the *Reading, Guildford, and Reigate* Railway Company shall, upon Request under the Seal of the *Direct London and Portsmouth* Railway Company, transfer such Portion of their said Railway to the *Direct London and Portsmouth* Railway Company, upon being reimbursed by such Company the whole Amount (to be ascertained in manner herein-after mentioned) of their Outlay in making the said Portion of their said Railway, and purchasing Lands for that Purpose, and otherwise in relation thereto; and the *Reading, Guildford, and Reigate* Railway Company shall, in the event of such Transfer taking effect, have all the Powers for using the said Portion of their said Railway when so transferred, and otherwise in relation thereto, which were secured to them by the first-recited Act over and along that Portion of the *Direct London and Portsmouth* Railway which is situate between *Gomshall* and *Dorking* and shall be subject to all such Regulations with reference to the Amount of Toll to be paid by them in respect of the Use of the said Portion of their Railway, when so transferred, as are contained in the said first-recited Act with reference to the aforesaid Portion of the *Direct London and Portsmouth* Railway between *Gomshall* and *Dorking*.

Mode of ascertaining the Cost of constructing the Portion of Railway between Gomshall and Dorking.

XII. And be it enacted, That for the Purpose of ascertaining the Cost which shall be incurred by the said *Reading, Guildford, and Reigate* Railway Company in the Construction of the aforesaid Portion of their Railway between *Gomshall* and *Dorking*, and in the Purchase of Lands for the Purposes thereof, and otherwise in relation thereto, the said Company shall and they are hereby required to cause proper Books of Accounts to be kept containing accurate Statements of their Expenditure in and about the Construction of the said Portion of Railway, and the Purchase of Lands for the Purposes thereof, or otherwise in relation thereto, and such Books of Accounts shall be verified in such Manner as shall be directed by the Commissioners of Railways, and shall when so verified be deemed and taken to be conclusive Evidence of the Cost incurred by the said *Reading, Guildford, and Reigate* Railway Company in and about the Construction of the said Portion of Railway, and in purchasing Lands for the Purposes thereof, or otherwise in relation thereto.

Disputes to be referred to Commissioners of Railways.

XIII. Provided always, and be it enacted, That if any Dispute shall arise between the *Reading, Guildford, and Reigate* Railway Company and any Person or Corporation as to the Propriety of any Amount which shall have been expended by the said *Reading, Guildford, and Reigate* Railway Company in the Construction of the said Portion of their Railway between *Gomshall* and *Dorking*, the said Dispute shall be referred to the Commissioners of Railways, whose Decision upon the Subject shall be final.

Powers of Act to cease as to Portion of Line if not completed in Two Years.

XIV. And be it enacted, That if the said Portion of the *Reading, Guildford, and Reigate* Railway between *Gomshall* and *Dorking* shall not be completed before the Expiration of Two Years from the passing of this Act, the Powers by this and the said firstly-recited Act given for the Construction of the said Railway between *Gomshall* and *Dorking* shall cease and determine.

XV. And

Direct Portsmouth Company to have Use of Station at Dorking.

XV. And be it enacted, That the *Direct London and Portsmouth* Railway Company shall, if they shall require it, have the reasonable Use of any Station which may be constructed by the *Reading, Guildford, and Reigate* Railway Company at *Dorking*, upon such Terms and Conditions, in respect of the Use of the said Station, as shall be settled by Agreement between the said Companies, or, in case of Disagreement, as shall be settled by the Commissioners of Railways, or by an Umpire appointed by them.

Indemnifying London and Portsmouth Railway Company from certain Contracts.

XVI. And be it enacted, That the said *Reading, Guildford, and Reigate* Railway Company shall save harmless and indemnify the said *London and Portsmouth* Railway Company from all legal or equitable Contracts *bonâ fide* entered into by the said *Direct London and Portsmouth* Railway Company prior to the Fourth Day of *June* One thousand eight hundred and forty-seven with reference to the Purchase of Lands between *Gomshall* and *Dorking*, and which Lands may not be required to be purchased by the said Company owing to the Repeal by this Act of the Restrictions imposed on the said *Reading, Guildford, and Reigate* Railway Company as to the Construction of their Railway between the said Points: Provided always, That the said *Reading, Guildford, and Reigate* Railway Company shall have full Notice of all Claims which may be made under such Contracts, and the sole Right of resisting or negociating a Settlement thereof, as to them may seem expedient.

Accommodation to be afforded for Direct London and Portsmouth Traffic.

XVII. And be it enacted, That until such Purchase, or if such Purchase as aforesaid shall not be required by the *Direct London and Portsmouth* Railway Company, Accommodation shall be given for the Passage of the Traffic of the *Direct London and Portsmouth* Railway Company over and along the Part of the *Reading, Guildford, and Reigate* Railway between *Gomshall* and *Dorking*, upon such Terms and Conditions as shall be settled by Agreement between the Two Companies, or by the Commissioners of Railways in case of Dispute.

As to Junctions with London and Portsmouth Railway.

XVIII. And be it enacted, That the Junction with and Crossings of the *Direct London and Portsmouth* Railway, and all Works necessary for effecting such Junctions and Crossings, and all such Openings in the Ledges or Flanches of the *Direct London and Portsmouth* Railway, or of the *Reading, Guildford, and Reigate* Railway, as may be necessary or expedient for effecting such Junctions and Crossings, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the *Direct London and Portsmouth* Railway Company at the Expence of the *Reading, Guildford, and Reigate* Railway Company, and shall be for ever afterwards maintained and kept in perfect Order and Repair by and at the Expence of the last-mentioned Company: Provided always, that if any Difference shall arise between the Engineer of the said *Direct London and Portsmouth* Railway Company and the Engineer of the said *Reading, Guildford, and Reigate* Railway Company touching the Matters aforesaid the same shall be referred to some independent Engineer agreed on between the Parties, or appointed by the Railway Commissioners.

Regulating Traffic at certain Points.

XIX. And be it enacted, That in those Places where the said *Direct London and Portsmouth* Railway and the *Reading, Guildford, and Reigate* Railway shall join or cross each other the Regulation of the Traffic shall be under the Control of the Engineers for the Time being of the *Direct London and Portsmouth* Railway Company and of the *Reading, Guildford, and Reigate* Railway Company, and if any Difference shall arise between them the same shall be referred to and settled by the Commissioners of Railways, or some Person appointed by them.

No Interference with Direct London and Portsmouth Railway.

XX. And be it enacted, That it shall not be lawful for the *Reading, Guildford, and Reigate* Railway Company to impede or interfere with the Construction of the said *Direct London and Portsmouth* Railway, or any Part thereof, or any Station to be constructed by the *Direct London and Portsmouth* Railway Company, or for the said *Direct London and Portsmouth* Railway Company to impede or interfere with the Construction of the said *Reading, Guildford, and Reigate* Railway, or any Part thereof, or any Station to be connected therewith; and in any Case in which the said Two Companies shall be ready and desirous to construct any Portions of their respective Railways which might interfere with each other, or to purchase any Lands for the Purposes thereof, the Mode of such Construction, and the Lands to be occupied by the said Companies respectively, in case of Difference between them, and the relative Position of the said Lines of Railway with reference to each other, and of the Stations connected therewith, shall be settled and determined by the Railway Commissioners, or some competent Engineer to be appointed by them.

Expences of Direct London and Portsmouth Railway Company as to Surveys.

XXI. And be it enacted, That if at any Time within One Year from the passing of this Act the *Direct London and Portsmouth* Railway Company shall, by Notice to the *Reading, Guildford, and Reigate* Railway Company, intimate their Intention to abandon the Formation of that Part of their Line between *Gomshall* and *Dorking*, then and in such Case the *Reading, Guildford, and Reigate* Railway Company shall pay to the *Direct London and Portsmouth* Railway Company all such Costs and Expences as the *Direct London and Portsmouth* Railway Company shall have incurred in Surveys and serving Notices upon Owners and Occupiers, and otherwise incident to the Preparations for the Construction of the Portion of Railway between *Gomshall* and *Dorking*, prior to the passing of this Act, the Amount of such Costs and Expences to be settled by Arbitration in case of Difference about the same.

Saving Rights of Direct London and Portsmouth Railway Company.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to alter, diminish, prejudice, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the said *Direct London and Portsmouth* Railway Company, otherwise than is hereby expressly provided.

Railway Company to be subject to Provisions of

XXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act*

for regulating Railways; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said new or altered 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 new or altered Railway and Company so far as the same shall be applicable thereto.

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.

Railway to be subject to Provisions of any future general Act.

XXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the new or altered Railway by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during 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.

XXV. 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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