CHAPTER liii.

An Act to authorise the construction of the Severn Tunnel Railway; and for other purposes in connexion therewith. A.D. 1872.

[27th June 1872.]

WHEREAS the construction of a railway under the Severn to connect the Bristol and South Wales Union Railway with the South Wales Railway would be attended with great local and public advantage:

And whereas the persons herein-after named, with others, are willing, at their own expense, to construct the railway:

And whereas plans and sections of the proposed railway showing the line and levels thereof, with a book of reference to the plans containing the names of the owners and lessees, or reputed owners and leesees, and of the occupiers of the lands through which the said railway will pass, have been deposited with the respective clerks of the peace for the counties of Gloucester and Monmouth, and are herein-after referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the powers herein-after contained should be conferred upon the Great Western Railway Company with reference to the railway:

And whereas the objects aforesaid cannot be accomplished 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, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Severn Tunnel Railway Act, 1872."

Provisions of general Acts herein

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," (relating respectively

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named incorporated.

to "cancellation and surrender of shares" and to "debenture stock"), "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" shall mean the company incorporated by this Act; and the words "the undertaking" or "the railway" shall mean the undertaking and the railway and the works connected therewith by this Act authorised to be constructed; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated therewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Subscribers incorporated.

4. John William Miles, Richard Bassett, Elisha Smith Robinson, 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 the railway and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Severn Tunnel Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act and other purposes, and their undertaking shall be called "The Severn Tunnel Railway."

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for the purposes of the railway.

The railway herein-before referred to and authorised by this Act is—

1. A railway, seven miles seven furlongs and two and a quarter chains in length, commencing in the parish of Almondsbury, in the county of Gloucester, by a junction with the Bristol and South Wales Union Railway, passing under the Severn, and terminating in the parish of Rogiet, in the county of Monmouth, by a junction with the South Wales Railway.

Capital.

6. The capital of the Company shall be seven hundred and fifty thousand pounds, in seventy-five thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to Great Western Railway Company to subscribe and to apply funds for that purpose.

9. The Great Western Railway Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said company specially convened for the purpose, from time to time subscribe any sum which they think fit, not exceeding the amount of share capital by this Act authorised, towards the undertaking hereby authorised, and the said company may, with the like authority, contribute and apply in payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise, and the said company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided,) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the Great Western Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Great Western Railway Company may guarantee.

10. The Great Western Railway Company may guarantee the payment, after the railway has been completed and opened to the public, of interest upon so much of the share capital by this Act authorised as may not have been or may not be subscribed for by the said Great Western Railway Company.

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Power to borrow.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two hundred and fifty thousand pounds, but no part thereof shall be borrowed until the whole capital of seven hundred and fifty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of such receiver the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

13. The Company may create and issue debenture stock.

Application of moneys.

14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

15. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March and of August or September in every year.

Quorum of general meetings.

16. The quorum of general meetings of the Company shall be five shareholders present in person or by proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of directors.

17. The number of directors shall be three, but the Company may from time to time increase the number, provided that the number be not more than seven.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

19. The quorum of a meeting of directors shall be two whilst the number of directors is three, and three when their number is more than three.

First directors.

20. John William Miles, Richard Bassett, and Elisha Smith Robinson shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and may elect additional directors; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," 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 same Act.

Election of directors.

Lands for extraordinary purposes.

21. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed ten acres.

Powers for compulsory purchases limited.

22. 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.

Power to cross certain roads on the level.

23. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next hereinafter mentioned; (that is to say,)

Number on deposited Plans.	Parish.	Description of Road.
31a	Almondsbury - - -	Public road.
11a	Almondsbury - - -	Public road.

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Provided always, that in the case of each of the said roads, so long as it is crossed on the level by the existing Bristol and South Wales Union Railway, such road shall not be crossed on the level by the railway hereby authorised; and provided also, that the Company shall in respect of the first-mentioned road afford all such additional facilities for the carrying of traffic under the railway by an archway as may be required by the Board of Trade.

Company to keep shafts lighted.

24. The Company shall, during the construction and after the completion of the railway, or any shaft or shafts which may be connected with the tunnel under the river Severn, exhibit and keep burning from sunset to sunrise such lights (if any) as the Elder Brethren of the Trinity House of Deptford Strond shall from time to time direct. If the Company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

For the protection of the navigation.

25. For the protection of the navigation the following provisions shall have effect:

The Company shall not sink or construct in the bed or on the shores of the river Severn below high-water mark more than two permanent nor more than four temporary shafts:

One month before they commence any such shaft, or any work connected therewith, they shall deposit with the Severn Commissioners, and with the Gloucester and Berkeley Canal Company, at their respective offices, plans and sections of the shafts, and showing where they are proposed to be made:

The situation of the said shafts shall be determined by the engineers for the time being of the Commissioners and of the Gloucester and Berkeley Canal Company on the one hand, and the engineer for the time being of the Company on the other, or, in case of difference between the said engineers, by the Board of Trade at the cost of the Company, on the application of the Commissioners or of the Gloucester and Berkeley Canal Company and of the Company, or either of them:

All expenses which may be incurred by the Severn Commissioners under or with reference to this enactment shall be paid by the Company.

Saving the rights of the commissioners of sewers for the lower level of the county of Gloucester.

26. Except as by this Act otherwise expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the rights, privileges, powers, and authorities of the commissioners of sewers for the lower level of the county of Gloucester by virtue of their commission and the general laws relating to sewers or otherwise, but such

rights, privileges, powers, and authorities of the same commissioners shall remain, continue, and be in full force and effect.

As to the construction of works affecting sea walls and the drainage under the jurisdiction of the commissioners.

27. All works to be constructed under this Act affecting the watercourses, sea walls, or other works under the jurisdiction or management of the commissioners of sewers for the lower level of the county of Gloucester shall be made and executed so as not to injure or impede the drainage of any lands within the said level, or to injuriously affect any sea walls or other protections against the sea; and if not previously agreed upon or consented to by the said commissioners, the manner in which the same shall be made and executed for this purpose shall be determined upon by two engineers, one to be appointed by the Company and the other by the said commissioners; and if such engineers shall not agree in the premises, the matter shall be referred to a third engineer to be named as umpire by the said two engineers, and the decision of such umpire shall be final, and the Company shall bear the expense of such reference, and the said works shall for ever afterwards remain under the jurisdiction of the said commissioners, and shall be maintained, cleansed, and kept in repair by and at the expense of the Company, unless when the same shall have been constructed by the Company in lieu and substitution of other works previously existing under the jurisdiction of the said commissioners, or by addition to or enlargement of such works, in which cases the said commissioners of sewers may direct, by inquiry and presentment of a jury, by whom and in what manner and proportions, having regard to previous liabilities, such last-mentioned works so constructed by the Company shall be maintained, cleansed, and kept in repair, in like manner in all respects as commissioners of sewers are empowered to do by any law relating to sewers.

Commissioners of sewers not to interrupt execution of Act.

28. Nothing herein contained shall extend or be construed to extend to enable the said commissioners of sewers to interrupt or hinder the execution of this Act, the Company from time to time maintaining all such works and doing all such other things as may be necessary, and as may be lawfully required by the said commissioners of sewers under the powers and authorities vested in them by their commission and the general laws relating to sewers or otherwise, or by the provisions of this Act, to be made, erected, done, and executed for preventing the drainage or sewage of any lands within the said lower level from being injured or impeded by means of the making and maintaining the railway and for preventing the said lands from being injured by the influx of the sea.

Provision against damage to the

29. The Company shall, in the construction of the works to be made under this Act, make due and proper provision for preventing

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level by inundation.

by reason of such works the influx of the sea or tidal waters of the river Severn in or upon any of the lands within the level under the jurisdiction of the said commissioners; and in case of the influx of the sea or tidal waters of the river Severn in or upon any of the lands within the said level through or by means of any of the works to be made under this Act, the Company shall be liable to make good to the owners and occupiers of the said lands the damage that may be occasioned thereby.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

30. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of thirty-seven thousand five hundred pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, subject to the provisions herein-after contained enabling the Company in a certain event to abandon the railway, notwithstanding anything contained in the said recited Act, the said sum of thirty-seven thousand five hundred pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

31. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of

the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them; provided that until the said sum of money shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of railway.

32. The railway shall be completed within five years from the passing of this Act, and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company to proceed in first instance with tunnel under the Severn, and if it fails railway may be abandoned.

33. The Company or the Great Western Railway Company, as the case may be, may, in the first instance, proceed with that part of their undertaking which is proposed to be made in tunnel under the Severn, and if it shall be found in the progress of the work that from the nature of the rock or other formation in the bed of the said river, or from any other cause, that the expense of constructing the railway, and of making the tunnel and excluding the waters of the said river therefrom, would be likely to far exceed the estimated cost of the railway, then upon the certificate of the Board of Trade to that effect (which certificate the Board of Trade are hereby authorised to grant upon the application of the Company or the Great Western Railway Company) it shall not be incumbent upon the Company to proceed any further with the making of the railway, but the same shall be abandoned: Provided always, that until the tunnel shall have been made the borrowing powers by this Act authorised shall not be exercised.

Compensation for damage to

34. The abandonment by the Company or by the Great Western Railway Company, as the case may be, under the authority of this

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land by entry, &c.

Act, of the railway, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company or the Great Western Railway Company on such land, for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company or the Great Western Railway Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such lands of any of the powers contained in this Act.

Court of Chancery to repay deposit money if railway abandoned.

35. The Court of Chancery shall upon the production of the said certificate of the Board of Trade, and notwithstanding anything in this Act contained to the contrary, by order direct the sum of money deposited as aforesaid with the said Court to be paid in accordance with the fifth section of the said Act of the ninth and tenth years of the reign of Her present Majesty, chapter twenty, and the production of the said certificate of the said Board of Trade shall be sufficient authority for the making of the said order, anything in the said last-mentioned Act to the contrary notwithstanding.

Power to take tolls.

36. The Company may demand and take for the use of the railway, and for the supply of carriages, waggons, or trucks, any tolls not exceeding the following; (that is to say,)

For passengers.

First. In respect of passengers conveyed upon the railway or any part thereof, as follows:

For every person, twopence per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

For animals.

Second. In respect of animals conveyed upon the railway or any part thereof, as follows:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or neat cattle, twopence per head per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, and other small animal, one penny each per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile:

Third. In respect of goods and other things conveyed upon the railway or any part thereof, as follows: Tonnage on articles of merchandise.

Class 4. For all coals, coke, culm, cannel, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, limestone, chalk, lime, bricks, salt, sand, fireclay, cinders, slag, and stone, per ton per mile twopence;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, charcoal, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile threepence;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile;

And a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

37. The Company may demand for the use of engines for propelling carriages on the railway any sum not exceeding one penny Tolls for propelling power.

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per mile for each passenger or animal, or for each ton of goods or other articles.

Maximum rates of charge.

38. The maximum rates of charge to be made by the Company for the conveyance of passengers along the railway, including the tolls for the use of the railway and of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums; (that is to say,)

For passengers.

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny farthing per mile:

For animals and goods.

And the maximum rates of charges to be made by the Company for the conveyance of animals and goods, including the tolls for the use of the railway and waggons or trucks, and for locomotive power, and every other expense incidental to such conveyance (except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the duty or business of a carrier, where such services, or any of them, are or is performed by the Company), shall not exceed the following sums; (that is to say,)

For every animal in Class 1, fourpence per mile:

For every animal in Class 2, threepence per mile:

For every animal in Class 3, one penny halfpenny per mile:

For everything in Class 4, one penny halfpenny per ton per mile:

For everything in Class 5, twopence per ton per mile:

For everything in Class 6, threepence per ton per mile:

For everything in Class 7, fourpence per ton per mile:

And for every carriage of whatever description, 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 sixpence.

Regulations as to the tolls.

39. The following provisions and regulations shall be applicable to the fixing of such tolls and charges; (that is to say,)

Fractional part of a mile.

For a fraction of a mile the Company may demand tolls on animals and merchandise for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if

there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

Weight of stone and timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton, and so on in proportion for any smaller quantity:

Terminal station.

No station shall be considered a terminal station in regard to any goods conveyed on the railway which have not been received thereat direct from the consignor of such traffic, or are not directed to be delivered thereat to the consignee.

Tolls for small parcels and great weights.

40. And with respect to small packages and single articles of great weight, notwithstanding the rates of tolls prescribed by this Act, the Company may lawfully demand the tolls following; (that is to say,)

For the carriage on the railway or any part thereof of any parcel not exceeding seven pounds in weight, fourpence:

For the carriage of any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, eightpence:

For the carriage of any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, one shilling:

For the carriage of any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, one shilling and sixpence:

And for the carriage of any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, 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 one shilling 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.

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Passengers luggage.

41. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Company may take increased charges by agreement.

42. Provided always, that nothing herein contained shall be held to prevent the 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 (except small parcels) by passenger trains, or by reason of any other special service performed by the Company in relation thereto.

Foregoing charges not to apply to special trains.

43. Provided also, that the restriction as to the charges to be made for passengers shall not extend to any special train that may be required upon the railway, but shall apply only to the ordinary and express trains appointed or to be appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Tolls may be taken by other companies subject to working agreements.

44. If under the provisions of this Act or of "The Railways Clauses Consolidation Act, 1845," or any contract or agreement authorised by this Act, the Company agree with any other company for the use by any such other company of the railway, then and in such case during such contract or agreement toll and charges not exceeding such as are authorised by this Act may be demanded and taken by such other company upon or in respect of the railway in accordance with the terms and stipulations of such contract or agreement, and such tolls and charges or any agreed proportionate part thereof shall be paid over to the Company or be retained by such other company for their own use or benefit, subject to such deductions, payments, or liabilities as may be provided for in such contract or agreement.

Tolls for tunnel under the Severn.

45. Whereas the railway will be carried under the river Severn by means of a tunnel, and the Company will incur a great expense in constructing the said tunnel, and a mere mileage toll for the use thereof will not be remunerative to the Company: Therefore, in addition to the other tolls, rates, and charges demandable by the Company for or in respect of the carriage of passengers, animals, carriages, and goods, articles, matters, or things on the railway, the Company may lawfully charge for or in respect of all passengers, animals, carriages, goods, or other articles, matters, or things conveyed through the said tunnel such sum as the Company would by this Act

be authorised to charge for or in respect of the conveyance of such passengers, animals, carriages, goods, or other articles, matters, or things over twelve miles of railway, and the tunnel shall for all purposes of tolls, rates, and charges, or for accounting by or between railway companies, or for the apportionment of the receipts of traffic interchanged with any railway company, be taken and considered as twelve miles of railway.

Power to Great Western Railway Company to raise money by creation of shares or stock.

46. The Great Western Railway Company may from time to time raise for the purposes of their subscription to the undertaking hereby authorised any sums of money not exceeding in the whole the amount which the said Company may as aforesaid agree to subscribe, by the creation and issue of new ordinary shares or stock and new preference shares or stock in their capital, or, at the option of the said Company, by any of those modes; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters, (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends; and

The giving of notices;

and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Great Western Railway Company, and to the additional capital which they are by this Act authorised to raise.

Shares of Great Western Company not to issue until one fifth paid up.

47. The Great Western Railway Company shall not issue any share under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Application of moneys raised by Great WesternCompany.

48. All moneys which the Great Western Railway Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned contribution only.

Great Western Railway Company as

49. The Great Western Railway Company, so long as they shall hold not less than one hundred thousand pounds of the capital of the Company, may from time to time appoint two directors of the

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subscribers may appoint directors;

Company, and every such appointment shall be made in writing under the seal of the said Company, and shall be deposited with the secretary of the Company, and may in like manner be revoked and renewed, and every director so appointed shall enter upon office immediately on his appointment, and shall remain in office until his appointment be revoked as aforesaid, or until he die or resign.

and vote at general meetings of the Company.

50. The Great Western Railway Company, as shareholders of the Company, may by writing under their common seal from time to time appoint some person to attend any meeting of the Company, and each such person shall have all the privileges and powers attaching to other shareholders at such meetings, and may vote thereat in respect of the capital held by the said company upon all questions excepting the election of directors of the Company: Provided always, that the directors or director of the Company appointed by the said company shall be capable of being appointed by such company to attend any meeting of the Company as aforesaid, and in the event of no special appointment by such company being produced at any such meeting the directors or director present at such meeting shall be deemed to hold such appointment, and in the event of there not being any director or other representative of the said company present at any such meeting, the said company may exercise the rights, powers, and privileges of voting at such meeting by proxy in the mode prescribed by "The Companies Clauses Consolidation Act, 1845:" Provided nevertheless, that so long as the said company shall retain the right of directly appointing directors of the Company under the provisions herein-before contained, the said company shall not be entitled to vote at any meeting of the Company in regard to the election of directors.

Providing for Great Western Railway Company undertaking to make the railway themselves.

51. If the Great Western Railway Company subscribe the whole of the capital by this Act authorised to be raised, then the following provisions shall be in force:

All the powers, rights, privileges, and authorities granted to the Company by this Act shall be transferred to the Great Western Railway Company, and the last-named company may exercise all the powers, and shall, subject to the provisions of this Act, be subject to the duties and liabilities conferred on or imposed upon the Company by this Act:

The Company shall thereupon be dissolved:

Subject to the provisions herein-before contained enabling the railway in a certain event to be abandoned, if the Great Western Railway Company fail within the period limited by this Act to complete the railway, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and

opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this enactment, and in the same manner as the penalty provided in the third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Great Western Railway Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control:

Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the dissolved Company or the Great Western Railway Company, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Great Western Railway Company:

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The money deposited with the Court of Chancery in respect of this Act shall forthwith be, if the Great Western Railway Company subscribe the whole of the capital by this Act authorised, repaid in accordance with the provisions of the ninth and tenth Victoria, chapter twenty, anything in this Act contained to the contrary notwithstanding.

Power to enter into agreements with Great Western Railway Company.

52. The Company on the one hand and the Great Western Railway Company on the other hand may from time to time enter into and make any contract or agreement with respect to all or any of the following matters; (that is to say,)

The use and working of the railway or any part thereof, and the use of the works and conveniences belonging thereto:

The conveyance, conduct, and management of traffic upon or over the railway:

The supply of any rolling or working stock required for working the traffic of the Company:

The forwarding, interchange, transmission, collection, delivery, and general conduct of traffic:

The maintenance and repair of the railway of the Company:

The apportionment and payment of the costs and expenses of such working, maintenance, and repair:

The division between the Companies parties to the agreement of the receipts arising from the traffic of the railway.

Differences to be settled by arbitration.

53. In the event of any such agreement being entered into and any dispute or difference arising thereon, such dispute or difference shall be settled by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859."

Interest not to be paid on calls paid up.

54. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital.

55. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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Railway not exempt from provisions of present and future general Acts.

56. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Expenses of Act.

57. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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