



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap. cccxix.*

An Act to authorize Deviations in the Line of the *Gloucester Extension of the Worcester, Dean Forest, and Monmouth Railway Company*; and to enable the Company to raise additional Capital; and for other Purposes. [5th July 1865.]

WHEREAS the *Worcester, Dean Forest, and Monmouth Railway Company* (in this Act called the Company), incorporated by "The *Worcester, Dean Forest, and Monmouth Railway Act, 1863*," in this Act called the Act of 1863, were empowered to make Railways from the *Worcester and Hereford Line of the Great Western Railway Company* through the *Forest of Dean* to the *Coleford, Monmouth, Usk, and Pontypool Railway*, and were authorized to raise Four hundred and fifty thousand Pounds by Shares and One hundred and fifty thousand Pounds by borrowing: And whereas by "The *Worcester, Dean Forest, and Monmouth Railway (Extension to Gloucester) Act, 1864*," in this Act called the Act of 1864, the Company were empowered to make a Railway, in this Act called the "*Gloucester Extension*," from the Railway authorized to be made by the Act of 1863 in the Parish of *Newent* in the County of *Gloucester* to the *Gloucester and Dean Forest Railway* of the *Great Western Railway Company* near *Gloucester*, and were authorized to raise One hundred and fifty thousand Pounds by Shares and Fifty thousand Pounds by borrowing: And whereas by

27 & 28 Vict.  
c. ccxcv.

[Local.]

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the

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the Act of 1864 the Powers of constructing the *Gloucester* Extension were suspended in the event of a Bill, under the short Title of the *Gloucester and Ledbury* Railway Bill, passing into a Law in the Session of Parliament holden in the Year 1864, but inasmuch as such Bill did not pass into a Law the Powers of the Company, both of constructing the *Gloucester* Extension and of raising Money for such Purpose, are no longer contingent: And whereas it is expedient that the Company be authorized to make the Deviations herein-after described in the Line of the *Gloucester* Extension: And whereas it is expedient that the Company should be authorized to construct, if they find it necessary so to do, Portions of their Railway with a Double Line of Railway, and they will require further Sums of Money for such Purpose, and for the Construction of Sidings, Stations, and Works for the Development of the Mineral Traffic of the *Forest of Dean*: And whereas it is expedient that such Powers as the Company have under the Act of 1864 of using the Line of the *Great Western* Railway into *Gloucester*, from the Junction therewith of the *Gloucester* Extension authorized by the Act of 1864, shall extend and apply to the further Portion of that Line which is situate between that Junction and the Junction with the *Great Western* Railway of the Deviation secondly described in this Act: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with 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 any Purpose as "*The Worcester, Dean Forest, and Monmouth* Railway Act, 1865."

8 & 9 Vict.  
cc. 18. & 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. in-  
corporated.      2. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Parts of  
8 & 9 Vict.  
c. 16. and  
26 & 27 Vict.  
c. 118. in-  
corporated.      3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," (to wit,)  
With respect to the Distribution of the Capital of the Company into Shares;  
With respect to the Transfer or Transmission of Shares;  
With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;  
With respect to the Forfeiture of Shares for Nonpayment of Calls;

With



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With respect to the Remedies of Creditors of the Company against the Shareholders ;  
 With respect to the borrowing of Money by the Company on Mortgage or Bond ;  
 With respect to the Conversion of the borrowed Money into Capital ;  
 With respect to the Consolidation of the Shares into Stock ;  
 With respect to the Provision to be made for affording Access to the Special Act by all Parties interested ;  
 and Part I. and Part II. of "The Companies Clauses Act, 1863," are incorporated with this Act.

4. The several Words and Expressions to which by the several Acts incorporated wholly or partially with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Interpretation of Terms.

5. In addition to the Sum or Sums of Money which the Company are authorized to raise by the Act of 1863 and the Act of 1864, the Company may from Time to Time raise, by the Creation of new Shares of the nominal Value of Ten Pounds each, any Sums not exceeding in the whole One hundred and twenty thousand Pounds, and the Company may create and issue such Shares at such Times and to such Persons as the Company from Time to Time may think fit.

Power to raise additional Capital by new Shares.

6. The new Share Capital created by virtue of this Act shall be considered as Part of the General Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company, subject as herein mentioned, from Time to Time to fix as they shall think fit.

New Capital to be subject to same Incidents as Capital authorized by recited Act.

7. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Restriction as to Issue of Shares.

8. The new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

Votes and Qualifications in respect of

9. It new Shares.

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Power to  
borrow on  
Mortgage.

**9.** It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Forty thousand Pounds, in addition to the Sums authorized to be borrowed by the Act of 1863 and the Act of 1864, but no Part of such additional Sum of Forty thousand Pounds shall be borrowed until the whole of the Share Capital of the Company under this Act shall have been subscribed for or taken, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital authorized to be raised by this Act are 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 has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith, and are held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matter the Certificate of the Justice shall be sufficient Evidence).

Priority of  
existing  
Mortgages.

**10.** All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages granted by virtue of this Act.

Application  
of Capital.

**11.** All Monies raised under the Powers of this Act by Shares or by borrowing shall be applied for the Purpose of constructing a Double Line of Railway on such Portions of the Railway of the Company as they think necessary, and in providing additional Sidings, Stations, and Works, and other Purposes of the Company.

Power to  
make De-  
viations.

**12.** And whereas Plans showing the Deviations or substituted Lines in the *Gloucester* Extension, and the Lands in or through which the same may be made, and Sections showing the Levels of the Deviations, and a Book of Reference to the said Plans, have been deposited with the Clerk of the Peace for the County of *Gloucester*: Therefore, subject to the Provisions of this Act, the Company may make and maintain the Deviations or substituted Lines of Railway herein-after described, with all proper Stations, Sidings, Cranes, Machinery, Works, and Conveniences connected therewith, in the Lines and upon the Lands delineated upon the Plans and described in the Book of Reference, and according to the Levels described on the Sections deposited as aforesaid, and may enter upon, take, and use such of the said Lands as the Company may deem requisite for such Purpose.

**13.** The



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13. The Powers for the compulsory Purchase of Lands given by this Act shall not be exercised after the Twenty-ninth Day of *July* One thousand eight hundred and sixty-seven.

Powers for compulsory Purchases limited.

14. The Deviations and Works by this Act authorized are the following :

Describing Deviations.

1. A Deviation or substituted Line to commence from and out of the authorized Line of Railway in the Parish of *Rudford* in the County of *Gloucester* at or about the Point marked on the Plans and Sections deposited in respect of the *Gloucester* Extension, and referred to in the Act of 1864, Four Miles Five Furlongs and Four Chains from the Commencement thereof, and terminating in the Parish of *Churcham* and County of *Gloucester* by a Junction with the said authorized Line at or about a Point marked on the said Plans and Sections Seven Miles and Six Furlongs :

2. A Deviation or substituted Line to commence from and out of the authorized Line at or near the Point marked on the Plans and Sections deposited in respect of the *Gloucester* Extension Railway, and referred to in the Act of 1864, Seven Miles and Six Furlongs from the Commencement thereof, which said Point is in the Parish of *Churcham* in the County of *Gloucester*, and terminating by a Junction with the *Gloucester* and *Dean Forest* Line of the *Great Western* Railway Company at or about Forty Yards to the Westward from the Centre of the Iron Girder Bridge carrying such last-mentioned Railway over the River *Severn*.

15. Notwithstanding the Powers of Deviation contained herein and in the Acts incorporated with this Act, or any of them, it shall not be lawful for the Company to construct the Deviation or substituted Line secondly above authorized nor any of the Works connected therewith (except such as may be necessary for raising and altering the Turnpike Road) nearer to the Bridge carrying the Road over the River *Severn* called "*Over Bridge*" than Twenty Feet from the Centre Line as shown on the said Plans on the River Side thereof, without the previous Consent of the Justices of the Peace for the County of *Gloucester* in Quarter Sessions assembled.

For Protection of Over Bridge.

16. And whereas the Deviation or substituted Line of Railway first herein-before described in this Act is intended to traverse Lands and cross Works of Drainage under the Jurisdiction of the *Leadon Valley* Drainage Commissioners constituted by virtue of a Commission dated the Tenth Day of *May* in the Twenty-fourth Year of the Reign of Her present Majesty, and it is expedient to make Provision for preventing Injury to the Works of the said Commissioners, and the Drainage of the District under their Superintendence: Therefore any Works to be constructed by the Company which will cross or

As to Works affecting Leadon Valley Commissioners.



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interfere with any of the Rivers, Streams, Cuts, Dams, or Banks under the Jurisdiction of the said Commissioners shall be laid out, designed, and executed in such Manner as shall be agreed upon between the Company and the Commissioners; and if any Dispute shall arise between the Company and the Commissioners with reference to the Works necessary for preventing Injury to the Drainage, or as to the Designs or the Execution of any such Works, such Dispute shall be settled, on the Application of either Party, by the Board of Trade, or an Arbitrator appointed by that Board.

Saving  
Rights of  
Commis-  
sioners.

**17.** Nothing in this Act contained shall extend or be construed to extend to diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said Commissioners, or to authorize or empower the Company, or any of their Agents, Servants, or Workmen, to alter, divert, or obstruct the Course or Channel of any Rivers, Streams, Cuts, or Dams under the Jurisdiction of the Commissioners, or to destroy or injure any Banks or other Works belonging to the said Commissioners, without the previous Consent of the said Commissioners or their Engineer for the Time being, save and except for the Purpose of carrying into effect the Powers and Authorities given by this Act.

As to an  
Agreement  
with T. G.  
Parry, Esq.

**18.** Nothing in this Act contained shall prejudice or affect a certain Agreement made between the Company and *Thomas Gambier Parry*, and dated the Eleventh Day of *June* One thousand eight hundred and sixty-four.

Not to take  
Lands or in-  
terfere with  
Railway of  
Great West-  
ern Rail-  
way Com-  
pany, except  
for the Pur-  
pose of a  
Junction.

**19.** Nothing herein or in the incorporated Acts contained shall authorize the Company, or any Person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the Lands, Works, or Property of the *Great Western Railway Company*, or in any Manner to alter, vary, or interfere with their Railway or Works, without the Consent of that Company under their Common Seal, save only for the Purpose of effecting the Junction and Communication by this Act authorized.

Power to  
relinquish  
Portions of  
Extension  
Railway.

**20.** The Company may and shall relinquish the Construction of such Portions of their *Gloucester Extension* as is authorized to be made by the Act of 1864 between the Point of Commencement and Termination of the First Deviation herein-before described, and the Point of Commencement of the Second Deviation herein-before described and the Termination of the *Gloucester Extension* authorized by the Act of 1864.

Compensa-  
tion to be  
made where  
Contracts  
have been  
entered into  
or Notices  
given.

**21.** In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portions of the *Gloucester Extension*, in lieu of which the said Deviations respectively are made,  
the



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the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or pursuant to such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

**22.** If the Deviations or substituted Lines shall not be completed within the Period limited by the Act of 1864 for the Completion of the *Gloucester Extension*, then, on the Expiration of such Period, the Powers by this Act granted to the Company for making and completing the Deviations or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for  
Completion  
of Works.

**23.** The Deviations or substituted Lines by this Act authorized shall for all Purposes be deemed Part of the *Gloucester Extension*, as if the same had been authorized to be made by the Act of 1864, in lieu of the Portions of the *Gloucester Extension* by this Act authorized to be relinquished, and the Company may apply any Money authorized to be raised by that Act for the Purposes of the Deviations or substituted Lines.

Deviation to  
be Part of  
*Gloucester  
Extension.*

**24.** The Company may demand and take, upon, for, and in respect of the Deviations or substituted Lines of Railway, the like Tolls, Rates, and Charges as they are for the Time being authorized to take for and in respect of the Railways by the Act of 1863 authorized to be made, and, in the same Manner, and with, under, and subject to the same Powers and Provisions in all respects, as if the Deviations formed Part of the Railways authorized by the Act of 1864.

Tolls on  
*Extension  
Railway.*

**25.** Sections Thirty-one to Thirty-six, both inclusive, of the Act of 1864, shall extend and apply to the Portions of the Lines of the *Great Western Railway Company* between the Junction therewith of the

Certain Pro-  
visions of  
Act of 1864  
extended.

the

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the Deviation secondly described in this Act, and *Gloucester*, as fully and effectually as they would have applied if the *Gloucester* Extension had been authorized by that Act to join the *Gloucester* and *Dean Forest* Line of the *Great Western* Railway at the Point mentioned in this Act as the Termination of the Deviation secondly described in this Act, and as if such Point of Junction had been the Point of Junction referred to in the Thirty-first Section of such Act.

Interest on  
Calls not to  
be paid out  
of Capital.

**26.** The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, 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 Interest on Money paid in anticipation of Calls, in conformity with "The Companies Clauses Consolidation Act, 1845."

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

**27.** The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, 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 Company to construct any other Railway, or execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions of  
present and  
future Gene-  
ral Acts.

**28.** Nothing in this Act contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or to the better and 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 and Alteration, under the Authority of Parliament, of the Rates for small Parcels, or of the maximum Rates of Fares and Charges authorized by this Act or the recited Acts.

Expenses of  
Act.

**29.** All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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