

ANNO VICESIMO TERTIO & VICESIMO QUARTO

# VICTORIÆ REGINÆ.

# Cap. cxcix.

An Act to extend the Time for the Completion of the Forest of Dean Central Railway, and for other Purposes. [20th August 1860.]

HEREAS by "The Forest of Dean Central Railway Act, 19 & 20 Vict. 1856," the Forest of Dean Central Railway Company were c. c. incorporated, and were authorized to construct the Forest of Dean Central Railway, with Branches: And whereas the said Company have acquired the Land necessary for the Construction of the said Railway, Branches, and Works, and have proceeded with the Construction thereof, but the same have not yet been completely constructed: And whereas the said Company have expended for the Purposes of the said recited Act a Sum equal to One Half of the Capital by the said recited Act authorized to be raised by Shares: And whereas the Time limited by the said recited Act for the Completion of the Railway, Branches, and Works by that Act authorized expired on the Fourteenth Day of July One thousand eight hundred and sixty, and it is expedient that such Time should be extended: And whereas by an Indenture bearing Date the Nineteenth Day of January One thousand eight hundred and sixty, and made between the Queen's most Excellent Majesty of the First Part, the Honourable Charles Alexander Gore, the Commissioner of Her Majesty's Woods, Forests, and Land Revenues to whom had been 34 Y[Local.] assigned

assigned the Management and Direction of certain Parts of the Land Revenue of the Crown, including the Land therein-after demised, and Powers thereto appertaining, on behalf of Her Majesty, of the Second Part, and the said Company of the Third Part, certain Lands therein described, situate in the Parish of Awre in the County of Gloucester, containing Twenty-one Acres and Two Roods, were demised to the said Company, for the Purposes of the said recited Act, for the Term of Nine hundred and ninety-five Years and One hundred Days, at the yearly Rent therein mentioned, and in the said Indenture is contained a Covenant that the said Company would before the Fourteenth Day of July One thousand eight hundred and sixty make and complete, to the Satisfaction of the Commissioners of Woods, Forests, and Land Revenues, the Railway Works authorized by the said recited Act, and would before the same Day permanently open such Railway for public Traffic throughout the entire Length thereof, and in the same Indenture is contained a Power of Re-entry on Nonpayment of Rent and Nonperformance of Covenants: And whereas it is expedient that the said Company and the South Wales Railway Company should be enabled to enter into Arrangements for the Maintenance and working of the said Railway when completed: And whereas it is expedient that the said Company should be authorized to purchase further Land for Sidings: 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.

I. In citing or referring to this Act for any Purpose it shall be sufficient to use the Expression "The Forest of Dean Central Railway Act, 1860."

8 & 9 Vict. cc. 18. & 20. incorporated. II. "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," are hereby incorporated with this Act.

Interpretation of Terms. III. In this Act the Expression "the Company" shall mean the Forest of Dean Central Railway Company, and the Expression "the Railway" shall mean the Railway, Branches, and Works by the said recited Act authorized.

Extending
Time for
Completion
of Forest
of Dean
Central
Railway.

IV. The Time limited by "The Forest of Dean Central Railway Act, 1856," for the Completion of the Railway, shall be extended unto the Fourteenth Day of July One thousand eight hundred and sixty-two, and the said recited Act shall be read and construed as if such extended Period had been inserted therein as the Period for the Completion of the Railway; and after the Expiration of such Period the Powers by the said

Act

Act granted to the Company for making the Railway shall cease, except as to so much thereof as shall then be completed; and the said recited Lease of the Nineteenth Day of January One thousand eight hundred and sixty shall be read and construed as if the Fourteenth Day of July One thousand eight hundred and sixty-two had been inserted therein as the Time before which the Railway was to be completed and opened, instead of the Fourteenth Day of July One thousand eight hundred and sixty.

V. The Company and the South Wales Railway Company may from Power to Time to Time enter into Agreements with respect to the following Pur- enter into Traffic Arposes or any of them; (that is to say,)

rangement with South

The Use and working by the South Wales Railway Company of all or Wales any Part of the Railway, and the Use of the Works and Con-Company. veniences belonging thereto:

The Conveyance by the South Wales Railway Company of the whole or any Part of the Traffic upon the Railway:

The Supply of any Rolling or Working Stock required for such Purposes:

The Management, Maintenance, and Repair of the Railway:

The Costs and Expenses of such working, Management, Maintenance, and Repair:

The Collection, Delivery, and general Conduct of such Traffic:

The fixing, Collection, taking, and levying of the Tolls, Rates, and Charges:

The Division and Apportionment between the said Companies of the Receipts arising from the Traffic upon the Railway or any Part thereof.

VI. No such Agreement or Renewal thereof shall be for more than Duration of Ten Years; and no such Agreement shall have any Operation until the Agreement; same shall have been approved of by the Board of Trade; and no such approved by Agreement shall in any Manner alter, affect, increase, or diminish any of Board of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized or entitled to demand and receive from Persons any Person or any other Company, but all other Persons and Companies not Parties shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railway upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

to be Trade; not to affect

Joint Committee for carrying Agreement into effect.

VII. The said Companies may by any such Agreement as aforesaid appoint a Joint Committee, composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement; and every such Joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them, in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Agreement
may be renewed, with
Approval
of Board
of Trade.
Notice to be
given of
intended
Agreements.

VIII. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided that before such Companies shall enter into any such further Agreement they shall give Notice of their Intention to enter into such Agreement by Advertisement in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in the County of Gloucester, and in every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Working
Arrangements, &c.
not to take
effect unless
approved by
Three Fifths
of the Shareholders.

Meeting, how to be convened. IX. No such Agreement shall have any Operation or Effect unless and until the same shall have been submitted to and approved by a Majority of not less than Three Fifths of the Shareholders respectively present, personally or by Proxy, at Meetings of the Companies Parties to such Agreement respectively, specially convened for that Purpose.

X. Such Meetings shall respectively be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in London, and in some Newspaper of the County in which the principal Office of each of the said Companies respectively is situate, the last of which Advertisements shall be published not less than Seven Days before such Meetings respectively, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the said Companies respectively, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices required to be served by the Company upon the Shareholders.

XI. In estimating the Tolls or Charges to be paid during the Con- During tinuance in force of any such Contract or Agreement as aforesaid, in respect of Passengers or Goods conveyed for short Distances partly upon the Railway and partly upon the South Wales Railway, the Distance traversed shall be reckoned continuously on such Railways, as if the Railway were Part of the Line of the South Wales Railway Company.

Agreement Railways to be treated as One in estimating Tolls and Charges.

XII. Whereas Plans and Sections of certain additional Sidings for the Purposes of the Railway, showing the Lines and Levels of such Sidings respectively, and a Book of Reference thereto, containing the and to take Names of the Owners or reputed Owners, Lessees or reputed Lessees Lands for and Occupiers of the Lands in which the said Sidings are intended to be made, 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 said Sidings in the Lines and according to the Levels shown by the said Plans and Sections respectively, and on the Lands delineated on the said Plans, and may purchase, enter upon, take, and use such of those Lands as they think necessary for such Purposes.

Power to make additional Works, the Purpose.

XIII. The Commissioners or Commissioner of Her Majesty's Woods, Commission-Forests, and Land Revenues for the Time being having the Management ers of Woods, of the Estate belonging to Her Majesty called the Hagloe Estate, situate powered to in the Parish of Awre in the County of Gloucester, may, with the Consent demise cerof the Commissioners of Her Majesty's Treasury, demise or lease, or to the enter into any Contract for demising or leasing, to the Company and their Company. Successors, any Part or Parts of the said Estate which may be required for the Purposes of the Works of the Company by this Act authorized, for any Term or Number of Years not exceeding Nine hundred and ninety-five Years, upon such Terms generally, and subject to such Covenants, Conditions, Restrictions, and Regulations, as may be agreed upon; and the Exemption from Stamp Duty created by the Seventyseventh Section of an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, Chapter Fifty, shall apply to any Lease or Contract to be granted or entered into under the Authority of this Act.

&c. emtain Land

XIV. Nothing contained in this Act or in any of the Acts herein Saving referred to shall extend to authorize the Company to take, use, or in Rights of the Crown. any Manner interfere with any Land, Soil, Forestal or other Rights, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners or Commissioner are hereby respec-[Local.] 34 Z

tively

tively authorized to give,) or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Level Crossing.

XV. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Sidings and Works aforesaid to carry the same across and upon the Level of the public Road numbered on the Plans as follows:

No. on Plan.	Parish.	Description of Road.
7	West of South Wales Railway,	Public Road.

but no more than a Double Line of Railway shall be laid down at such level Crossing.

Company to erect Station or Lodge at Points of Crossing, and abide by Rules, &c. of Board of Trade.

XVI. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times to maintain such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall be continued after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges in lieu of level Crossing. XVII. It shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the said Sidings and Works shall have been completed and open for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the said Sidings and Works by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

XVIII. It shall not be lawful for the Company in shunting Trains to Not to shunt or from any Siding near the said level Crossing to pass any Trains over the same, or to allow Trains to stand over the same.

Trains over level Crossing.

XIX. The Powers of the Company for the compulsory Purchase Land for the said Sidings shall not be exercised after the Expiration of Two Years from the passing of this Act.

of Limiting Time of Company to purchase.

XX. The said Sidings shall be completed within Two Years from the Period for passing of this Act, and on the Expiration of such Period the Powers granted to the Company for making the said Sidings shall cease to be exercised.

Completion of Sidings.

XXI. Nothing in this Act shall authorize or empower the Company to enter upon, take, use, or occupy, either temporarily or permanently, Railway not to be interfor any Purpose whatever, the Railway or other the Land and Property fered with. of the South Wales Railway Company, without the Consent in Writing of that Company being first had and obtained.

South Wales

XXII. Nothing in this Act contained shall prejudice, diminish, alter, or affect any of the Rights, Privileges, Powers, or Authorities vested in the South Wales Railway Company.

Saving Rights of South Wales Railway Company.

XXIII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, deposited in Chapter Twenty, the Sum of Eighty Pounds has been deposited, pursuant to the said Act, in respect of the Application to Parliament for this Act, being Eight per Centum upon One thousand Pounds, the estimated Cost of the said Sidings and Works: Be it enacted, That, not- Event. withstanding anything contained in the said recited Act, the said Sum of Eighty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Eighty Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 said Sidings and Works either open the same for the public Conveyance of Traffic, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 said Sidings and Works for the public Conveyance

Money Court of Chancery to be forfeited to the Crown in a certain

Conveyance of Traffic, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Eighty Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Eighty Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eighty Pounds if the Company shall not, within the Time limited for the Completion of the said Sidings and Works, either open the said Sidings and Works for the public Conveyance of Traffic, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Additional Capital.

XXIV. The Company may raise by Shares the Sum of One thousand Pounds, in addition to the Sums which they are authorized to raise by Shares by "The Forest of Dean Central Railway Act, 1856;" and any such Shares shall be deemed to be Part of the original Capital of the Company, and no Dividend shall be paid thereon until the Railway shall have been opened for public Traffic Six Months.

XXV. The Company may demand and take, in respect of the said Tolls in Sidings and Works, the same Tolls and Charges as by "The Forest of respect of Sidings and Dean Central Railway Act, 1856," they are authorized to demand and Works. take for the Railway; and the said Sidings and Works shall for the Purposes of such Tolls and Charges be deemed to be Part of the Railway, as if the said Sidings and Works had been authorized by that Act as Part of the Railway.

XXVI. And whereas by "The Forest of Dean Central Railway Power to Act, 1856," it is provided that the Commissioners of Her Majesty's Commission-Woods, Forests, and Land Revenues may, out of the annual Income and Forests of the Possessions and Land Revenues of the Crown, advance to the to extend Company, for the Purpose of making their Railway, any Sums of Repayment Money not exceeding in the whole the Sum of Twenty thousand Pounds, of Advances by Instalments as therein mentioned, and with such Interest as therein made by them to the mentioned; and it is provided that the Payment of any Principal Monies Company. advanced by the said Commissioners as aforesaid, with Interest, should be secured by a Bond to the Crown under the Hands and Seals of Four of the Subscribers to the Company, to be approved by the Commissioners of Her Majesty's Treasury, and that such Bond should be void if the Railway was completed and opened for Traffic within the Period limited by the said recited Act for the Completion thereof; and it is provided that any such Advance should have Priority over all other Debts of the Company, and that on the First Instalment being paid to the Company by the said Commissioners the Undertaking authorized by "The Forest of Dean Central Railway Act, 1856," and all Tolls and Sums of Money arising under that Act, should vest in the Crown as a Security for the Repayment of all such Advances as might be made by the said Commissioners, not exceeding Twenty thousand Pounds and Interest, as before mentioned, and that every Instalment, with Interest, should be deemed to be repayable at the Expiration of Twelve Calendar Months fron the Date of its being advanced, and that if Default should be made in Payment of any Instalment or Interest at the Expiration of such Period of Twelve Months as aforesaid the said Commissioners might sell any Premises vested in the Crown as aforesaid in manner therein mentioned: And whereas, under the Power contained in the said recited Act, the said Commissioners have advanced to the Company the Sum of Three thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, and a Bond under the Hands and Seals of Four Subscribers of the said Company has been given to the said Commissioners for securing the same: And whereas it is desirable that the said Commissioners should have Power to extend the Period for Repayment of the said Advance, and that the Periods for the Repayment of any future Advances should be extended as after mentioned: Be it enacted, That in lieu of the Direction in the said recited Act contained that every Instalment of the said Sum of Twenty thousand Pounds so authorized to [Local.] 35 A be:

be advanced as aforesaid should be repayable at the End of Twelve Calendar Months from the Date of its Advancement, every such Instalment hereafter to be advanced may be made payable at any Time not exceeding Five Years from the Date of its being advanced: And further be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues at any Time hereafter, by an Endorsement to be made under the Hand of One of the said Commissioners on the said Bond which has been given for the Security of the said Sum of Three thousand three hundred and thirtythree Pounds Six Shillings and Eightpence, and Interest, as aforesaid, to declare that the Principal Money secured by such Bond shall be deemed to be repayable at such Time, not exceeding Five Years from the Date of the Advance of such Principal Money, as shall be mentioned in such Endorsement, with Interest thereon in the meantime, as in the said Endorsement shall be mentioned, and thereupon, and notwithstanding the Provisions contained in the said recited Act, the Principal Money secured by such Bond shall be deemed to be repayable at the Time mentioned in such Endorsement; and if Default is made in Payment of any periodical Payment of Interest for Twenty-one Days after the Time appointed for Payment thereof in such Endorsement, or if Default is made in Payment of the Principal Money at the Time mentioned in such Endorsement, or if Default shall be made in Payment of the Principal Money to be secured by any Bond hereafter to be given at the Time mentioned in any such Bond, or if Default shall be made in any periodical Payment of Interest mentioned in any such last-mentioned Bond for Twenty-one Days after the Time appointed for the Payment thereof, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, in lieu of the Power of Sale given by the said recited Act, sell and convey to a Purchaser for an absolute Estate and Interest any Premises vested in the Crown in any such Event as aforesaid, and may apply the Monies arising from such Sale in satisfying any Sum for the Time being due from the Company in respect of any such Advance or Advances or the Interest thereon respectively, rendering the Surplus (if any) to the Company; the Receipt of any One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be an effectual Discharge to any Purchaser of such Premises as aforesaid, and Evidence of such Default having been made; and all Monies to be repaid or recovered in respect of any Advances to be made to the Company by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be deemed to be Part of the annual Income of the Possessions and Land Revenues of the Crown.

Future Quorum of Directors. XXVII. Clause Twelve of the said recited Act (which provides that the Quorum of a Meeting of Directors should be Four, except when the Number of Directors should be Four or a less Number, and then Two,) is hereby repealed.

XXVIII. It

XXVIII. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital; but nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid

XXIX. It shall not be lawful for the Company, out of any Money by Deposits for any Act relating to the Company authorized to be raised for the Purposes of such Act, 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 Company to construct any other Railway or execute any other Work or Undertaking.

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

XXX. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or 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 ral Acts. Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of Rates for small Parcels.

Railway not exempt from Provisions of present and future Gene-

XXXI. The Costs, Charges, and Expenses of and attending the Expenses of passing of this Act, or incidental or preliminary thereto, shall be paid by Act. the Company.

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