



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. CCXCV.

An Act to enable the *Worcester, Dean Forest, and Monmouth* Railway Company to extend their Railway to the *Great Western* Railway near *Gloucester*; and for other Purposes.

[29th July 1864.]

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* Railway, now Part of the Undertaking 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 the making of a Railway from the authorized Railway of the Company, 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*, would be attended with great local and public Advantage: And whereas it is expedient to make Provision for Access to the *Gloucester* Station of the *Great Western* Railway Company at *Gloucester* on the

26 & 27 Vict.
c. clxxxv.

[Local.]

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Narrow

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Narrow Gauge, and for enabling the Company to run their Engines and Carriages from the Junction of the intended Railway into *Gloucester*; but the Purposes 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 any Purpose as "*The Worcester, Dean Forest, and Monmouth Railway (Extension to Gloucester) Act, 1864.*"

Interpretation of Terms.

2. The Expression "the Extension Railway" used in this Act means the Railway and other Works by this Act authorized to be made, and the several other Words and Expressions to which by the several Acts incorporated with and extended to 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.

8 & 9 Vict. cc. 18. & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. "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.

4. 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 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 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.

5. And

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5. And whereas Plans showing the Lines of the Extension Railway and the Lands in or through which the same may be made, and Sections showing the Levels of the Extension Railway, 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 Extension 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 in the Sections deposited as aforesaid, and may enter upon, take, and use such of the said Lands as the Company deem requisite for such Purposes.

Power to construct Railway according to deposited Plans.

6. The Extension Railway and Works by this Act authorized comprise the following:

Describing Line of Railway.

A Railway, with all proper Approaches, Stations, Sidings, Works, and Conveniences connected therewith, to commence in the Parish of *Newent* in the County of *Gloucester* by a Junction there with the *Worcester, Dean Forest, and Monmouth* Railway, and to terminate in the Parish or Extra-parochial Place of *North Hamlet* or *Town Ham* in the said County, at or near a Point on the *Gloucester and Dean Forest* Railway of the *Great Western* Railway Company, Two hundred and forty Yards or thereabouts Eastward of the Centre of the Bridge carrying the Turnpike Road from *Gloucester* to *Hereford* over the last-mentioned Railway, by a Junction there with such last-mentioned Railway.

7. It shall be lawful for the Company to construct the Approaches to the Bridge or Arch for carrying the Road numbered as after mentioned on the said deposited Plans under or over the Extension Railway, with such Inclination as they think fit, not steeper than the following; (that is to say,)

Regulating Inclination of a certain Road.

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
9	Rudford -	Turnpike Road -	1 in 22 on One Side.

8. The Company from Time to Time may by Agreement purchase any Quantity of Land near or adjoining to the Extension Railway for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Three Acres, in addition to the Land which they are by the recited Acts and this Act authorized to take for such Purposes.

Land for extraordinary Purposes.

9. The

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Powers for compulsory Purchases limited.

9. The Powers for the compulsory Purchase of Lands given by this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

10. If the Extension Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making and completing the Extension Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

For securing the Completion of the Railway.

11. 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 Twelve thousand Pounds, being Eight *per Centum* upon One hundred and fifty thousand Pounds, the Amount of the Estimate in respect of the Extension Railway and Works authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said last-recited Act, the said Sum of Twelve thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, 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 said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Extension Railway hereby authorized to be made, either open the said Extension Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Sum of One hundred and fifty thousand Pounds, 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 Sum of One hundred and fifty thousand Pounds; and if the said Period shall expire before the said Company shall either have opened the said Extension Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Lords of the said Committee, the said Sum of Money deposited as aforesaid, 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

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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 Twelve thousand Pounds shall have been executed by the said 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 Twelve thousand Pounds if the said Company shall not, within the Time limited for the Completion of the said Extension Railway, either open the said Extension Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Sum of One hundred and fifty thousand Pounds, 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 Sum, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on 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 last-recited Act 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.

12. And whereas the Railway hereby authorized is intended to be carried by means of a Bridge over the Canal of the Company of Proprietors of the *Herefordshire and Gloucestershire* Canal (who are herein-after referred to as the Canal Company) in the Parish of *Newent*, as shown upon the said Plan so deposited as aforesaid: Therefore the Company shall and they are hereby required, at their own Expense, to build in a proper Manner, and to the reasonable Satisfaction of the Engineer for the Time being of the Canal Company, a good and substantial Bridge over the said Canal and the Towing-path, Banks, and other Works thereof where the said Railway is intended to be carried over the said Canal, as shown upon the said

Company to build a Bridge over the Herefordshire and Gloucestershire Canal.

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Plan

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Plan so deposited as aforesaid, and the clear Opening or Span of the Arch of such Bridge between the Walls or Abutments thereof shall be at least Twenty-four Feet on the Square, and the Towing-path under such Bridge shall not be less than Eight Feet wide, and such Bridge shall have a close Fence not less than Four Feet high above the Level of the Rails, and the Spring of the Arch or Soffit of the Girders shall at the Point of crossing over the said Canal commence at a Point not being less than Eight Feet above the present Surface of the Towing-path of the said Canal, and the under Side of the Middle of the Arch shall not be less than Twelve Feet above the Top-water Level of the said Canal.

Company to
keep Bridge
in repair.

13. The Company shall at all Times for ever after the said Bridge shall have been completed keep the same, and any future Bridge to be made or erected in lieu thereof, (and which shall be at the same Place, in the like Direction, and of like Dimensions as are herein-before mentioned,) together with all Works belonging to or connected therewith, in good and complete Repair; and in case of any Want of Repair to any such Bridge, or any Work belonging thereto or connected therewith, affecting the proper Use or Convenience of the said Canal, and whether such Want of Repair shall arise from the sinking of such Bridge or any Part thereof, or from any Cause whatsoever not arising from the Act or Default of the Canal Company, then if the Company shall not within the Space of Ten Days after Notice thereof being given by the Canal Company, or their Clerk, to the Company, commence the Repairs, or, as the Case may require, the raising or rebuilding or Reconstruction of the said Bridge which shall be out of repair, or such Part or Parts thereof as it shall for the Time being be requisite to repair, raise, or rebuild or Reconstruct, and proceed therein with all reasonable Expedition until such repairing, raising, or rebuilding or Reconstruction shall be wholly completed, it shall be lawful for the Canal Company to make all such Repairs to such Bridge, and raise or rebuild or reconstruct the same, or such Part thereof as shall be necessary to maintain and preserve the proper Use of such Canal, in such Manner as they may think proper, and all the Expenses thereof shall be repaid by the Company to the Canal Company upon Demand, and in default of such Payment any Two of Her Majesty's Justices of the Peace for the County of *Gloucester* shall and they are hereby required, on Application by the Canal Company or their Clerk, or any other Person authorized by them, by Warrant under the Hands and Seal of the said Justices, to cause the Amount of such Expenses (which Amount shall be settled and allowed by such Justices) to be levied by Distress and Sale of the Goods and Chattels of the Company, and to be paid to the Canal Company, their Agents or Clerk, rendering
the

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the Overplus, if any, on Demand, after deducting the reasonable Charges of making such Distress and Sale, to the Company, or otherwise the Canal Company may sue for and recover such Expenses as aforesaid against the Company by Action of Debt or on the Case in any Court of competent Jurisdiction: Provided always, that during the Progress of reconstructing such Bridge, and at all future Times during any Repairs, raising or rebuilding or Reconstruction thereof, the Engineer for the Time being of the Canal Company, with the requisite Assistants and Workmen, shall have free Access to such Bridge, and full Permission to inspect the Workmanship and Materials thereof.

14. It shall not be lawful for the Company or any Person in execution of this Act to alter the Course of the said Canal, or to contract the Width of the same, except so far as by this Act authorized, or of the Towing-path thereof, or of any Space reserved or intended as a Towing-path thereof, or to obstruct the Course or Supply of the Water in or to the said Canal, or in any Manner to impede the Navigation thereof or Access thereto, or to injure any of the Banks or other Works thereof; and it shall not be lawful for the Company (except for the Purpose of crossing the said Canal) to take or interfere with the said Canal, or any of the Property of the Canal Company, without the Consent of the same Company under their Common Seal first had and obtained.

Company not to alter the Course nor obstruct the Navigation of the Canal.

15. If by or by reason or in execution of any of the Works by this Act authorized, or by reason of the Mode of Construction or of the bad State of Repair of such Bridge, or any of the Slopes, Banks, or Works of the said Railway near the said Canal, or any other Works by this Act authorized to be constructed, or by any Act or Omission of the Company, or any of their Agents or Servants, it shall happen that the said Canal or the Towing-path thereof, or any of the Works connected therewith, shall be so injured or obstructed that Boats, Barges, or other Vessels using the same, with their usual and accustomed Loads, shall be impeded in their Passage along the said Canal, and shall not be able to pass freely along the same, then and in any such Case the Company shall pay to the Canal Company as or by way of ascertained Damages the Sum of Twenty Pounds for every Twenty-four Hours during which any such Impediment or Obstruction shall continue, and so in proportion for any less Period than Twenty-four Hours, and in default of Payment of any such Sum on Demand made on the Company the Canal Company may sue for and recover the same, together with full Costs of Suit, against the Company by Action of Debt or on the Case in any Court of com-

Provision in case of Obstruction.

petent

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petent Jurisdiction: Provided always, that nothing herein contained shall extend to prevent the Canal Company, or any other Company or Person, from recovering against the Company any special, further, or other Damages that may be sustained by the Canal Company, or any other Company or Person, on account of any Act or Default of the Company in respect of which the said Sum in the Nature of liquidated Damages is hereby imposed or made payable beyond the Amount thereof, and the Canal Company, or any other such Company or Person, are hereby authorized to sue for and recover such special, further, and other Damages accordingly.

Springs, &c. of the Canal Company preserved.

16. Nothing herein contained shall authorize or empower the Company to take away, obstruct, or lessen any Springs, Brooks, Streams, Feeders, Drains, Water, or Watercourses which now are or heretofore have been taken for the Use of the said Canal, or which the said Canal Company are by Law authorized and empowered to take for the Use of their Canal.

Company not to interfere with the Powers or Rights of the Canal Company.

17. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Canal Company in and by all or any of the several Acts of Parliament now in force relating to the said Canal, except as is expressly enacted by this present Act.

Mode of constructing Railway near Over Bridge.

18. In constructing the Extension Railway and Works by this Act authorized in the Hamlet of *Over and Linton* and Parish of *Maisemore* in the County of *Gloucester*, notwithstanding anything herein contained, it shall not be lawful for the Company to construct any Part thereof to the South-west of the Lock Entrance to the *Herefordshire and Gloucestershire* Canal situate in the same Hamlet, nor to construct the said Extension Railway and Works, or any Part thereof, at any Point nearer than One hundred and twenty-seven Yards to the Foot of the Slope of the return Wing Wall supporting the Wing Wall of the Abutment of the North-eastern End or Side of *Over Bridge* situate in the Parish of *Maisemore* aforesaid.

Narrow Gauge Railway into Gloucester.

19. The Company may lay down Rails along the Line of the *Great Western* Railway from the Point of Junction of the Railway by this Act authorized to, into, and in the Station or Stations at *Gloucester* of the *Great Western* Railway Company, so as to enable the same to be used by Engines and Carriages on the Narrow Gauge as well as on the Broad Gauge as at present used.

Certain Questions between

20. Nothing herein contained shall in anywise affect any Questions depending between the *Great Western* and *Midland* Railway Companies

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Companies touching certain Lands and Hereditaments at or near the *Great Western* and *Midland* Railway Companies Stations at *Gloucester*, or the respective Estates, Rights, Claims, and Equities in regard to such Lands and Hereditaments.

Midland and Great Western Companies at Gloucester not to be affected.

21. And whereas a Bill is now pending in Parliament under the Short Title of the *Gloucester and Ledbury* Railway Bill, whereby it is proposed to authorize the Construction of a Railway from near *Gloucester* to *Ledbury*, and a Portion of such Railway between *Newent* and the Junction with the *Gloucester and Dean Forest* Line of the *Great Western* Railway Company, in that Bill and in this Act referred to as the Common Line, will run nearly parallel with or pass over the same Lands as the Railway by this Act authorized: Therefore, if the said Bill should pass into a Law in the present Session, such Provisions shall be applicable to the Construction of the Railway by this Act authorized as are herein-after expressed; (that is to say,)

Powers of Act suspended for Two Years if Gloucester and Ledbury Railway passes in this Session.

1. The Powers of the Company under this Act shall be suspended for the Period of Two Years, to be computed from the passing of this Act:

2. If within the said Period of Two Years the Company to be incorporated by the said Bill shall have completed and opened for public Traffic the Common Line under the Provisions of the said Bill, then the Powers of the Company for the Construction of the Railway by this Act authorized, or of acquiring Lands by Compulsion by this Act granted, shall absolutely cease and determine; and the said Sum of Twelve thousand Pounds deposited as aforesaid, or the Stocks, Funds, or Securities in or upon which the same may have been invested, and the Interest or Dividends thereof, shall, on the Application of the Person or Persons named in the Warrant or Order lodged in pursuance of the said Act of the Ninth and Tenth *Victoria*, Chapter Twenty, or the Survivor or Survivors of them, or the Majority of such Persons, be transferred or repaid according to the Powers and Provisions of that Act as if this Act, or the Bill upon which this Act is founded, had been withdrawn or not allowed to proceed:

3. The Company may raise and apply for the Purposes and in the Event in the said Bill mentioned such Part of the Money by this Act authorized to be raised as may be necessary for the Company to raise for those Purposes and in that Event.

22. In addition to the Sum or Sums of Money which the Company are authorized to raise by the Act of 1863, the Company may from Time to Time raise, by the Creation of new Shares of the nominal Value

Power to raise additional Capital by new Shares.

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Value of Ten Pounds each, any Sums not exceeding in the whole One hundred and fifty 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.

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

23. 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: Provided that 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 Part of the Amount of such Share shall have been paid up in respect thereof.

Votes and Qualifications in respect of new Shares.

24. 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.

Power to borrow on Mortgage.

25. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Fifty thousand Pounds, in addition to the Sum authorized to be borrowed by the Act of 1863, but no Part of such additional Sum shall be borrowed until the whole Share Capital of the Company under this Act shall have been subscribed for, 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 such Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Priority of existing Mortgages.

26. 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 have Priority over all Mortgages granted by virtue of this Act.

Application of Capital.

27. All Monies raised under the Powers of this Act by Shares or by borrowing shall be applied for the Purposes of this Act only.

28. The

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28. The Company shall not raise any Money under the Powers of this Act, except in the following Events: Money not to be raised under this Act except as herein stated.

1. If the contingent Powers by this Act granted to the Company of constructing the Extension Railway become absolute and exerciseable by the Company:

2. If the Company purchase such Share, Interest, or Property in the *Gloucester and Ledbury* Railway as may be authorized by the said Bill if passed into a Law:

Provided always, that no further or other Sums of Money shall be raised by the Company for such Purchase than shall be requisite for the same, and the Powers of the Company of raising Money by Shares and by borrowing shall be proportionately reduced, and so that no more than One Third Part of the Money raised by Shares shall be raised by borrowing.

29. The Company may demand and take upon, for, and in respect of the Extension 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 Extension Railway formed Part of the Railways authorized by the Act of 1863. Tolls on Extension Railway.

30. In estimating the Tolls and Charges to be paid for short Distances in respect of Articles or Persons conveyed over the Extension Railway, and also over the Railways to be constructed under the Powers of the Act of 1863, the Distances traversed shall be reckoned continuously on such Railways as if the Railways were One Railway. As to short Distances.

31. The Company and all other Companies lawfully using the Extension Railway may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Great Western* Railway as lies between the Point of Junction therewith of the Railway hereby authorized and the *Gloucester* Stations of the *Great Western* Railway, including the Use of those Stations, and of the Sidings, Watering Places, Signals, Signal Posts, and other Machinery, Booking and other Offices, Buildings, Approaches, Works, and Conveniences belonging to or connected with the said Portion of Railway or the said Stations, and the *Great Western* Railway Company shall make all requisite Arrangements for that Purpose. Power to use Portion of Great Western Railway.

32. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to take or use any Land, Station, or Buildings of the *Midland* Railway Company, or to use or run over any Company not to take Land, &c. of Midland

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Railway
Company
without Con-
sent.

any Part of the Railways belonging to that Company, without their Consent under their Common Seal first had and obtained.

Terms of
such Use.

33. The Terms, Conditions, and Regulations to which the Company and such other Persons and Corporations as aforesaid shall be subject in respect of the said Use, and the Tolls or other Consideration to be paid by them for the same, shall, if not agreed upon between them and the *Great Western* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct.

For protect-
ing local
Traffic.

34. In exercising the Powers herein-before granted it shall not be lawful for the Company and any other Company acting under the Powers of this Act, unless with the Consent in Writing of the *Great Western* Railway Company, to take up at any Station of the same Company upon the Portion of Railway herein-before specified any Passengers, Parcels, Animals, Goods, or Minerals, and to deliver the same at another Station of the same Company; and if the Company or any such other Company violate this Enactment they shall for every such Violation pay to the *Great Western* Railway Company Fifty Pounds by way of Penalty.

As to Ser-
vices at
Stations.

35. The *Great Western* Railway Company shall perform upon the Portion of Railway herein-before specified belonging to them, and at their Stations at *Gloucester*, all such Services and Duties as may be necessary or reasonable for the convenient Conduct of the Traffic of the Company, upon Payment of such Charges for the same as may be agreed upon between the Two Companies; and if any Difference shall exist between the Companies as to the Amount of such Payments, or as to the Nature, Extent, or Sufficiency of the Services and Duties so to be performed, such Difference shall from Time to Time be settled by an Arbitrator to be appointed at the Request of either Party by the Board of Trade, and the Arbitrator to whom the Matter may be referred may determine the Amount of such Payments, and prescribe what Duties and Services shall be so performed, and the Award made from Time to Time by the Arbitrator shall be binding upon the Companies, and shall be obeyed by them respectively: Provided always, that the Right to use the said Stations shall not be suspended during such Arbitration.

Byelaws to
be observed.

36. The Company in using or traversing the said Portion of the *Great Western* Railway, and in using the Station and Conveniences thereof

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thereof in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company.

37. 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."

Interest not to be paid on Calls paid up.

38. 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.

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

39. 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.

Railway not exempt from Provisions of present and future General Acts.

40. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore, or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by 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 are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

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Expenses of
Act.

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

LONDON:

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