

**CHAPTER xxvi.**

An Act to authorise the East Gloucestershire Railway Company to reduce their Share Capital; and for other purposes. A.D. 1872.  
[13th May 1872.]

**W**HEREAS the East Gloucestershire Railway Company (who are herein-after referred to as "the Company") were incorporated by "The East Gloucestershire Railway Act, 1864," for the construction of railways from Cheltenham to Witney in Oxfordshire, and through Fairford and Lechlade to Farringdon in Berkshire, with short lines in the neighbourhood of Cheltenham to connect the undertaking with the Midland Railway, and they were by the said Act authorised to raise by means of shares 600,000*l.* and by borrowing 200,000*l.* : 27 & 28 Vict.  
c. cclxxxv.

And whereas by "The East Gloucestershire Railway Act, 1866," certain deviations were authorised from the railways authorised by the Act of 1864, and described therein as railway No. 1 and railway No. 4 : 29 & 30 Vict.  
c. ccxiv.

And whereas by the "East Gloucestershire Railway Act, 1867," the period limited by the Act of 1864 for the completion of the railways and works thereby authorised as varied by the Act of 1866 was extended until the 1st day of October 1871 : 30 & 31 Vict.  
c. cxliii.

And whereas the Company have made no progress in the construction of the railways authorised by the Act of 1864, other than the railway No. 4 (between Lechlade and Witney), and so much of railway No. 1 as lies between Lechlade and Fairford, nor have they purchased any lands or entered into any contracts for the purposes of the railways numbered respectively in the said Act 2, 3, 5, and 6, and the periods fixed by the said Act of 1867 for the purchase of lands for the purposes of the said railways and for the execution of the same railways have expired : Expiration of  
powers as to  
railways  
Nos. 2, 3, 5,  
and 6.

And whereas of the capital of six hundred thousand pounds which the Company were by the said Act of 1864 authorised to raise by shares the Company have issued nineteen thousand nine hundred



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And whereas the Company have not borrowed any money upon mortgage under the provisions of the said Acts; and it is expedient that the amounts authorised by the Act of 1864 to be raised by means of shares and borrowing respectively should be reduced :

And whereas it is expedient that the Company and the Witney Railway Company should be authorised to enter into contracts for the purposes herein-after mentioned :

And whereas the objects of this Act 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 all purposes as "The East Gloucestershire Railway Act, 1872."

Incorporation of  
Part III. of  
Railways  
Clauses Act,  
1863.

2. Part III. of "The Railways Clauses Act, 1863," relating to working agreements, shall be incorporated with and form part of this Act.

Reduction of  
share capital.

3. Notwithstanding anything contained in the fourth section of the Act of 1864, the capital of the Company shall be two hundred and twenty-five thousand pounds, and shall be divided into twenty-two thousand five hundred shares of ten pounds each, and all the clauses and provisions of the Act of 1864 shall in all respects be read and have effect as though the said sum of two hundred and twenty-five thousand pounds had been the capital which the Company was originally authorised to raise; provided that the reduction of the said capital shall not prejudice or affect the right of the owner or occupier of any land on the portions of their undertaking which the Company have not executed, and for the construction of which they have no longer any powers remaining, 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 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 the line of the said railways, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the

Compensation for  
damage to  
land by entry,  
&c. for purposes of rail-  
ways not  
executed.

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 land of any of the powers contained in the said recited Acts or any of them.

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4. Notwithstanding anything contained in the said Act of 1864 the Company shall not be authorised to borrow on mortgage any sum exceeding in the whole seventy-five thousand pounds.

Reduction of  
borrowed  
capital.

5. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any lands for the purposes of or in relation to the undertaking of the Company, full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and such compensation and the application thereof shall be assessed and determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensa-  
tion to be  
made in re-  
spect of  
railways not  
executed.

6. The Company and the Witney Railway Company may from time to time enter into agreements for or with respect to the use of so much of their respective undertakings as is situate at or near Witney, and the stations connected therewith, and the conduct of the traffic thereon respectively, and the tolls and charges to be taken by the contracting companies with respect to such traffic, and the apportionment of such tolls and charges between the companies.

Authorising  
agreements  
with Witney  
Railway  
Company.

7. Nothing herein contained shall be deemed or construed to exempt the railway of the Company from the provisions of any general Act relating to railways 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 maximum rates of fares and charges authorised by this Act or by the said recited Acts.

Railway not  
exempt from  
present and  
future gene-  
ral Acts.

8. All the 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.

Expenses of  
Act.