



## CHAPTER v.

An Act to authorise the deviation and alteration of the Newent Railway ; and for other purposes. [21st May 1874.] A.D. 1874.

**W**HEREAS by "The Newent Railway Act, 1873," the Newent Railway Company were incorporated, with power to make railways from Over, near the river Severn, to Newent, and from Newent to Dymock, in the county of Gloucester : 36 & 37 Vict.  
c. ccxxvii.

And whereas it is expedient to authorise a deviation of the railways authorised by the said Act, and the abandonment of portions of the said railways, and that the said Act be amended :

And whereas plans and sections showing the lines and levels of the deviation railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Gloucester, and are in this Act referred to as the deposited plans and sections and books of reference :

And whereas the purposes 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 :

**1.** This Act may be cited for all purposes as "The Newent Railway Act, 1874." Short title.

**2.** The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, "The Railway Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. Provisions  
of certain  
general Acts  
incorporated.



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Interpreta-  
tion of  
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Newent Railway Company; the expression "the Act of 1873" means "The Newent Railway Act, 1873;" the expressions "the railway" and "the undertaking" mean respectively the altered railway and the undertaking of the Company by the Act of 1873 and this Act authorised, so far as not abandoned by this Act; and for the purposes of this Act the expression "the superior court" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to  
make rail-  
way accord-  
ing to de-  
posited  
plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is,—

A deviation railway, five miles and one chain in length (wholly situate in the county of Gloucester), commencing in the parish of Newent by a junction with the railway No. 1 authorised by the Act of 1873, at and on the westerly side of the bridge which carries the public road leading from Newtown past Spa Mill over the Hereford and Gloucester Canal to the turnpike gate at Newent, and terminating by a junction with the railway No. 3 authorised by "The Ross and Ledbury Railway Act, 1873," at the commencement of such railway, in a pasture field called "The Four Acres," situate near a place called "The Maypole," and belonging or reputed to belong to Reginald Wynniatt, and in the occupation of William Price, and numbered 1534 on the tithe commutation map of the parish of Dymock.

Application  
of moneys.

5. The Company may apply towards the construction of the works authorised by this Act any of the moneys which they have raised or are authorised to raise by the Act of 1873, as if those works had been authorised by that Act.

6. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years after the passing of this Act.

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Powers for compulsory purchases limited.

7. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Power to grant easements.

8. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned; (that is to say,)

Height and span of bridge.

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
36 4	Newent - } Oxenhall - }	Turnpike road -	15 feet -	25 feet.

9. The Company may make the roadways over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Widths of roadways.

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
19	Oxenhall -	Public road - -	12 feet.
20	Oxenhall -	Public road - -	12 feet.
27	Oxenhall -	Public road - -	12 feet.
61	Oxenhall - }	Public road - -	15 feet.
1	Dymock - }		
17 & 56	Dymock -	Public road and diversion thereof.	20 feet.

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

Period for completion of works.



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Company  
to abandon  
portions of  
railways  
authorised  
by Act of  
1873.

**11.** The Company shall abandon the construction of such portions of the railways authorised by the Act of 1873 as are herein-after mentioned; that is to say,

- (1.) So much of railway No. 1 as lies between the commencement of the deviation railway by this Act authorised and the termination of the said railway No. 1; and
- (2.) The whole of railway No. 2.

Compensa-  
tion for  
damage to  
land by  
entry, &c.  
for purposes  
of railway  
abandoned.

**12.** The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation 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 railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation 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 Railways Clauses Consolidation Act, 1845," or in the Act of 1873.

Compensa-  
tion to be  
made in  
respect of  
portions of  
railway  
abandoned.

**13.** 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 land for the purposes of or in relation to any portions of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other the 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 the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Altered rail-  
way and  
works to be  
Company's  
undertaking.

**14.** The railway and works by this Act authorised, and the lands and property from time to time acquired by the Company under the Act of 1873 and this Act, shall, for the purpose of tolls and charges, and for all other purposes whatsoever, be the undertaking and property of the Company, as if the Company had by the Act of 1873 been authorised to acquire, make, and maintain the same; and subject to the provisions of this Act, sections 34, 35, 47, and 48 of

that Act shall extend and apply to the railway by this Act authorised in all respects as if that railway had been the railway authorised by the Act of 1873. A.D. 1874.  
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**15.** Notwithstanding anything in the Act of 1873 contained, the quorum for the general meetings of the Company, whether ordinary or extraordinary, shall be six shareholders, holding together not less than eight thousand pounds in the capital of the Company. Quorum.

**16.** Nothing in this Act contained shall exempt the railway or the Company 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels. Railway not exempt from provisions of present and future general Acts.

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