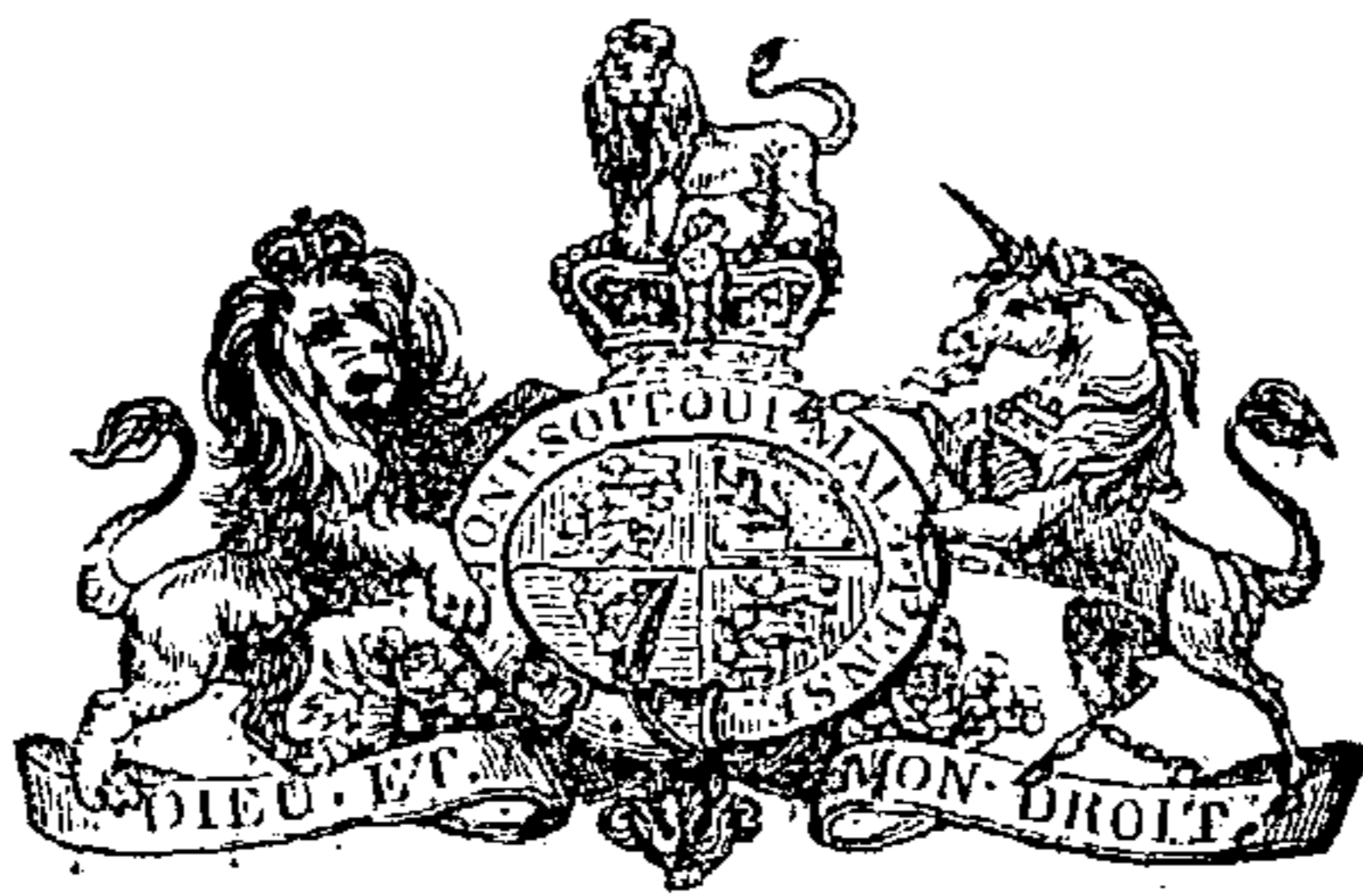


[39 & 40 VICT.] *Wye Valley Railway Amendment*. [Ch. ccxxxi.]
Act, 1876.



CHAPTER ccxxxi.

An Act to enable the Wye Valley Railway Company to
construct new Railways and other works; and for other
purposes. A.D. 1876.
[11th August 1876.]

WHEREAS the Wye Valley Railway Company (in this Act
called "the Company") were incorporated by the Wye
Valley Railway Act, 1866, and by that Act as amended by the
Wye Valley Railway Amendment Act, 1871, and the Wye Valley
Railway Amendment Act, 1875, were authorised to make railways
from the South Wales line of the Great Western Railway to the
Coleford, Monmouth, Usk, and Pontypool Railway:

29 & 30 Vict.
c. cccvii.
34 & 35 Vict.
c. xlix.
38 & 39 Vict.
c. li.

And whereas it is expedient that the Company should be em-
powered to construct the railways, river wall or wharf, piers or
jetties, road, and other works by this Act authorised, and to raise
money for the purpose:

And whereas plans and sections showing the lines and levels of
the said works respectively, 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, have been duly
deposited with the respective clerks of the peace for the counties
of Gloucester and Monmouth, which plans, sections, and books of
reference are herein-after referred to as the deposited plans, sections,
and books of reference respectively:

And whereas it is expedient that the memorandum of agreement
between the Great Western Railway Company and the Company
which is set forth in the schedule to this Act should be confirmed:

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,

[Ch. ccxxxi.] *Wye Valley Railway Amendment* [39 & 40 VICT.]
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A.D. 1876. 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 as the "Wye Valley Railway Amendment Act, 1876."

Provisions
of certain
general Acts
incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, the Harbours, Docks, and Piers Clauses Act, 1847, except the provisions of that Act with respect to lifeboats and with respect to keeping a tide and weather gauge (unless and until the Board of Trade shall require a lifeboat and a tide and weather gauge, or either of them, to be kept), the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls and the merger and re-issue of forfeited shares;

The remedies of the creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

And all the provisions of the Railways Clauses Consolidation Act, 1845, and of the Railways Clauses Act, 1863, incorporated herewith, shall, so far as they are applicable and capable of taking effect, apply to all the works by this Act authorised, and to all the powers by this Act conferred upon the Company; and for the purposes of this Act those works and powers shall be deemed to

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be included in the expressions "the undertakings," "the railways," and "the works," within the meaning of the said Acts respectively. A.D. 1876.

3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction: Interpretation of terms.

The expression "the railway" or "the railways" shall mean the railways by this Act authorised:

The expression "the centre of the railway," as applied to the river wall or wharf by this Act authorised, shall mean the line of wharf wall shown on the deposited plans, and as applied to the piers or jetties by this Act authorised shall mean the centre line of such piers or jetties respectively:

The expression "the undertaking" shall mean and include the railways, river wall or wharf, piers or jetties, road, and other works respectively by this Act authorised:

The expression "superior courts," or "court of competent jurisdiction," or other like expression in this Act or any Act incorporated with this Act 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.

4. Subject to the provisions of this Act, the Company may make and maintain the works herein-after described in the lines and upon the lands delineated on the deposited plans and described in the deposited books of reference, and according to the levels described on the deposited sections, and the Company may enter upon, take, and use such of the said lands as shall be necessary for all or any of such purposes. Power to make works according to deposited plans.

The works hereby authorised are the following:

(1.) A railway (No. 1), 5 furlongs 7 chains and 45 links in length, commencing by a junction with the South Wales line of the Great Western Railway at a point thereon near the $141\frac{3}{4}$ mile post, and terminating at or near the north-east corner of the dwelling-house adjoining the yard of the Bridge Works:

(2.) A railway (No. 2), 1 furlong 6 chains and 75 links in length, commencing by a junction with the South Wales line of the Great Western Railway, and terminating by a junction with railway No. 1:

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- (3.) A railway (No. 3), 1 furlong in length, commencing by a junction with railway No. 1 and railway No. 2 at the termination of the last-mentioned railway, and terminating at a point three yards or thereabouts to the east of a point on the easternmost rail of the South Wales line :
- (4.) A river wall or wharf, 1 furlong 6 chains and 80 links in length, on the western bank of the River Wye at Chepstow, commencing at a point opposite to the south-east corner of an enclosure known as the Bonded Yard, and extending to a point opposite the eastern extremity of the old town wall :
- (5.) Three piers or jetties respectively commencing from and out of the said river wall or wharf, and extending thence in an easterly direction into and terminating in the River Wye, but such piers or jetties shall not extend further into the river than is shown upon the deposited plans, and they shall be built open so that the water can flow freely through the same.
- All the said works herein-before described will be wholly situate in the parish of Chepstow, in the county of Monmouth.
- (6.) A road, 8 chains and 60 links in length, to connect the main turnpike road leading from Chepstow to Monmouth with the village of Brockweir, and to be carried by bridges over the Wye Valley Railway and over the River Wye, such road commencing in the parish of Tintern Parva, in the county of Monmouth, by a junction with the said turnpike road, and passing thence in a straight line in a north-easterly direction over the said railway and river, and terminating in the parish of Hewelsfield, in the county of Gloucester, by a junction with the existing road opposite the "New Inn" in Brockweir :
- (7.) A railway (No. 4), 1 furlong 7 chains and 95 links in length, wholly situate in the parish of Newland, in the county of Gloucester, commencing by a junction with the authorised Wye Valley Railway now in course of construction, and terminating in the village of Lower Redbrooke :
- (8.) A railway (No. 5), 2 furlongs 2 chains and 50 links in length, wholly situate in the said parish of Newland, commencing by a junction with the said railway No. 4, and terminating in the village of Upper Redbrooke :
- (9.) A railway (No. 6), 2 furlongs 9 chains and 40 links in length, wholly situate in the parish of Dixton, in the county of Monmouth, commencing by a junction with the Coleford,

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Monmouth, Usk, and Pontypool Railway, and terminating by a junction with the Ross and Monmouth Railway. A.D. 1876.

All the works herein-before described shall be constructed to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company, and according to plans to be approved by him, and in the event of difference the same shall be settled by arbitration in the manner provided by the Railway Companies Arbitration Act, 1859.

5. Notwithstanding anything in this Act, the Company shall not, except by agreement, enter upon, take, or use any lands not being public roads or highways required for the purposes of railways No. 4 and No. 5; and for the purpose of enabling any such agreement to be carried into effect, and the Company to acquire the lands and hereditaments thereby agreed to be sold, the provisions of the Lands Clauses Consolidation Act, 1845, enabling persons under disability to sell and convey lands, shall apply to any such purchase and sale. Lands for railways Nos. 4 & 5 to be purchased by agreement only.

6. Notwithstanding anything herein contained, it shall not be lawful for 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 junctions by this Act authorised. Not to take lands or interfere with railway except for the purpose of a junction.

7. The junctions to be made with the South Wales line of the Great Western Railway under the powers of this Act shall respectively be made at such points within the limits of deviation and in such manner as shall be agreed upon between the engineer of the Company and the engineer of the Great Western Railway Company, or, in case of failure to agree, shall be settled by arbitration in accordance with the provisions of the Railway Companies Arbitration Act, 1859. As to junctions with the South Wales Railway.

8. The Company may from time to time, in connexion with and for the purposes of the undertaking, and upon the lands delineated upon the deposited plans and described in the deposited books of reference, exercise the following powers; that is to say, Other powers to be exercised by the Company.

They may dredge and deepen the bed and foreshore of the River Wye in front of the river wall or wharf and piers or jetties by this Act authorised, and may improve the approaches to the said river, but no dredging shall take place between the twenty-eighth day of February and the first day of September in any

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year without the consent in writing of the Duke of Beaufort, his heirs or assigns, owners for the time being of the lordship of Chepstow, or of his or their agent for the time being :

They may reclaim, embank, and appropriate to the purposes of the undertaking so much and such parts of the foreshore of the River Wye and of the lands adjacent thereto as may be required in the construction or maintenance of the works by this Act authorised :

They may make and maintain all proper quays, wharves, slips, landing-places, sheds, cranes, and other machinery, works, and conveniences, sidings, tramways, and rails connected with the said river wall or wharf, and piers or jetties, and for the purposes of connecting the railway No. 1 by this Act authorised with the said piers or jetties.

Lands for extraordinary purposes.

9. The quantity of land to be taken by the Company under the authority of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, and in the Harbours, Docks, and Piers Clauses Act, 1847, shall not exceed one acre.

Power to take easements, &c. by agreement.

10. 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 Acts 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.

Powers for compulsory purchases limited.

11. The powers by this Act conferred for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Power to deviate in construction of river works.

12. In making the river wall or wharf and the piers or jetties and road by this Act authorised, the Company may deviate laterally to any extent not exceeding the limits of deviation delineated on the deposited plans, and vertically to any extent not exceeding five feet, but not so as thereby to increase the rate of inclination of the said road as shown on the deposited sections.

Limits of powers of pier master.

13. The limits within which the powers of the pier or harbour master may be exercised shall be the river wall or wharf, and piers or jetties, and the River Wye northwards from the north end of the said wall as far as the bridge carrying the South Wales line of the

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Great Western Railway over that river, and southwards for a distance of four hundred yards from the south end of the said wall: Provided always, that, notwithstanding anything in this Act contained, the pier or harbour master shall not exercise any power or authority north or south of the said river wall, except such as may be reasonably necessary for giving free access to and from the said river wall or wharf and piers or jetties; nor shall the pier or harbour master have any right, power, or authority to interfere with any boat engaged in fishing in the River Wye, except for the purpose of giving any vessel requiring the same free access to and from the said river wall or wharf and piers or jetties; nor shall anything herein contained prevent or hinder the Duke of Beaufort, his heirs or assigns, from erecting or building any walls, piers, or jetties north or south of the said wall which he has right or power to erect or build.

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14. The Company shall have the appointment of meters and weighers in respect of the piers or jetties by this Act authorised.

Meters and weighers.

15. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of railway No. 4, carry the same with a single line only, whilst the railway shall consist of a single line; and afterwards with a double line only, across and on the level of the road numbered on the deposited plans 15 in the parish of Newland.

Power to cross a certain road on the level.

16. In altering for the purpose of railway No. 5 the turnpike road numbered on the deposited plans 15 in the parish of Newland, the Company may make the same of any inclination not steeper than 1 in 20.

Inclination of a certain road.

17. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Notice to be given of taking houses of labouring classes.

18. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or

Company to procure accommodation

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A.D. 1876. part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice. The Company may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands.

for persons
of the
labouring
classes to
be displaced.

Deposit
money not
to be repaid
until railway
opened, or
half the
capital
paid up and
expended.

19. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter 20, a sum of five thousand one hundred and forty-two pounds three pounds per centum consolidated bank annuities, being equal to five per centum upon the amount of the estimate in respect of the railways and other works by this Act authorised, has been transferred into the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act: And whereas the proportion of the said sum so transferred which is equal to five per centum upon the estimate in respect of the railways is two thousand five hundred pounds, herein-after called the railway deposited stock: Be it enacted, that, notwithstanding anything contained in the said Act, the railway deposited stock shall not (except as herein-after provided) 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 railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares for the purposes of the railways, 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 railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the railway deposited stock shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of

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this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding: Provided always, that the Chancery Division of the High Court of Justice may and shall at any time, on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter 20, or of the survivors or survivor of them, or of the majority of such persons or survivors, or the legal personal representative of the last survivor, by petition in a summary way, and on the production of a certificate to be obtained from the Board of Trade that the Company was prevented, by their not having general compulsory powers to enter upon, take, and use the lands required for the purposes of railways No. 4 and No. 5, from making the said railways without incurring unreasonable delay, inconvenience, or expense, order that the sum of four hundred and thirty-six pounds, the portion of the railway deposited stock applicable to the said railways, and the interest or dividends thereon, may be transferred to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf. A.D. 1876.

20. The railway deposited stock shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any land owners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred Application of deposit.

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A.D. 1876. to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said stock has been re-transferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, 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.

Release of
balance
of money
deposited.

21. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter 20, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the legal personal representatives of the last survivor, by petition in a summary way at any time after the passing of this Act, the Chancery Division of Her Majesty's High Court of Justice may and shall order that the balance of the said sum of five thousand one hundred and forty-two pounds so transferred as aforesaid, over and above the railway deposited stock, and the interest and dividends on such balance respectively, shall be transferred to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf.

Period for
completion
of works.

22. If the railways, river wall or wharf, piers or jetties, and road by this Act respectively authorised, shall not be completed within five 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 same respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

New works
to be part
of Company's
undertaking.

23. The railways, river wall or wharf, piers or jetties, road, and other works by this Act authorised, shall for all purposes be part of the Company's undertaking: Provided always, that, unless the Company and the Great Western Railway Company so agree, the heads of arrangement made between the Great Western Railway Company and the promoters of the Wye Valley Railway, dated the seventeenth day of May one thousand eight hundred and sixty-six, and scheduled to and confirmed by the Wye Valley Railway Act, 1866, shall not apply to the railways, river wall or wharf, piers or jetties, and road and other works by this Act authorised.

Tolls, &c.
for use of
railways.

24. The Company may demand and take in respect of the use of the railways any tolls, rates, or charges not exceeding the tolls,

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rates, or charges which by the recited Acts of 1866 and 1875 the Company are authorised to demand and take. A.D. 1876.

25. When and so soon as the Company have erected the river wall or wharf, and piers or jetties, or some or one of them, it shall be lawful for the Company to demand for every vessel landing or embarking goods at or otherwise using the same, or any of them, any sum not exceeding one penny per ton register. Tolls for vessels.

26. The Company may demand, receive, and take the following tolls in respect of the river wall or wharf, and piers or jetties, and the works and machinery connected therewith, by this Act authorised, and in respect of services performed by the Company at and by means of such river wall or wharf, piers or jetties, and other works and machinery; (that is to say,) Tolls for use of staithes.

For the shipment by the Company of coals, coke, culm, ironstone or limestone by means of drops or staithes, shipping machines or other machinery, any sum not exceeding twopence per ton:

For the weighing by the Company of coals, coke, culm, ironstone or limestone, including the use of weighing-machines, any sum not exceeding one farthing per ton:

For the use of wharves, staithes, jetties, standing-room, and siding accommodation in respect of coal, coke, culm, ironstone or limestone shipped or landed, any sum not exceeding threepence per ton:

For the use of cranes, drops, weighing-machines, slips or ways, engines, sheers, or other machinery erected by the Company, and for the use of staithes, jetties, shipping-places, wharves, standing-room, and siding accommodation for shipping or landing other matters than coal, coke, culm, ironstone or limestone, and in respect of coal, coke, culm, ironstone, and limestone, for the use of the sidings, wharves, standing-room, and siding-room, where the same shall be occupied for a longer period than forty-eight hours, over and above the tolls above authorised, and for the landing or shipping by the Company of all matters except coal, coke, culm, ironstone or limestone, such rates as shall from time to time be agreed upon, and as shall be reasonable.

27. The Company may receive and take, for and in respect of depositing, warehousing, and safe custody of any goods, wares, merchandise, or other commodities which shall be warehoused or kept within any shed, or deposited on any wharf, pier, or lands of the Company, such rates and sums of money as may be from time Warehousing dues.

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A.D. 1876. to time agreed upon between the masters or owners of any ships, vessels, goods, wares, merchandise, and other commodities, and the said Company, or as may be usual and reasonable.

Power to erect toll-gates, &c., and to take tolls.

28. The Company may cause to be erected and set up a toll-gate or toll-gates at or upon the road by this Act authorised, and from time to time may remove any such toll-gate or toll-gates, and erect or set up another toll-gate or other toll-gates in lieu thereof, at any place upon any part of the said road, and may from time to time erect, provide, and maintain such toll-houses and other conveniences near or adjoining to any such toll-gate or toll-gates, as the Company shall think proper; and the tolls, not exceeding those herein-after authorised, may be demanded and taken at the toll-gate or toll-gates to be erected as aforesaid, by such person or persons as the Company or any lessee of the tolls shall from time to time appoint, of which appointment a certificate in writing, signed by the secretary of the Company, or such lessee, as the case may require, shall for all purposes be sufficient evidence.

Tolls for road.

29. The tolls which the Company from time to time may demand and take in respect of the road shall not exceed the following; (that is to say,)

For every foot-passenger (except the person actually driving or accompanying any waggon, wain, cart, or other such carriage, not being a cart or carriage usually employed for the conveyance of passengers), the sum of one penny:

For every horse or other beast drawing any coach, stage coach, omnibus, van, caravan, sociable, berlin, landau, chariot, vis-à-vis, barouche, phaeton, calash, curricule, chair, gig, whisky, hearse, litter, chaise, waggon, wain, or other cart or carriage, the sum of sixpence:

For every horse or mule, laden or unladen, and not drawing, the sum of twopence:

For every ox, cow, bull, or neat cattle, the sum of tenpence per score, and so in proportion for any greater or less number than a score; and any less number than a quarter of a score shall be deemed to be a quarter of a score:

For every calf, pig, sheep, or lamb, the sum of fivepence per score; and so in proportion for any greater or less number than a score, and any less number than a quarter of a score shall be deemed to be a quarter of a score:

For every velocipede, bicycle, or thing of the like nature (whatever number of wheels it has), the sum of twopence:

For every carriage, agricultural engine, or other machine drawn

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or propelled by steam or any means other than animal power, A.D. 1876.
the sum of two shillings and sixpence :

And the said tolls shall be paid before any such person, or any such animal, or any such carriage, cart, engine, or machine as aforesaid, shall be entitled to pass through such toll-gate.

30. No more than one toll shall be demanded or taken from any person for passing and repassing along the road, or any part thereof, during the same day, computed from twelve of the clock at night to twelve of the clock in the succeeding night, with the same horse or other beast drawing the same carriage, or for the same horse, mule, or ass, laden or unladen, and not drawing, except as regards any horse, mule, or other beast drawing any carriage or cart conveying or carrying passengers or goods for hire or reward, in respect of which toll shall be paid for every time of passing or repassing along the road conveying different passengers or carrying a different load. Only one toll to be taken for passing and repassing on same day.

31. In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls, the sum of one halfpenny may be demanded and taken in lieu of such fractional part. Fractional parts of a halfpenny.

32. The clauses and provisions of the Railways Clauses Consolidation Act, 1845, with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon, shall, so far as the same are applicable and are not varied by or inconsistent with the provisions of this Act, extend to the tolls which the Company may demand and take in respect of the road by this Act authorised. Provisions as to tolls for road.

33. No waggon, cart, or other carriage (whether propelled or moved by animal power or otherwise) shall, without the consent of the Company, carry or draw at any one time over the road (including the weight of such waggon, cart, or carriage) more than twenty tons. Limiting the weight to be carried on road.

34. The Company may cause to be erected upon the road, at such place as they shall think expedient, one or more cranes or weighing-machines proper for the weighing of waggons, carts, and other carriages, and the goods, wares, or other articles conveyed therein. Power to erect weighing-machines for carriages, &c.

35. The keeper of any toll-gate, or any other person appointed by the Company or by their lessee or the keeper of any crane or weighing-machine appointed by the Company or by their lessee, shall or may require every driver or conductor of any waggon, cart, or other carriage or engine which shall pass or be about to pass over the road to be weighed at such crane or weighing-machine; Toll-keepers may weigh carriages, &c.

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A.D. 1876. and if any such driver, conductor, or owner of such waggon, cart, or other carriage or engine shall refuse to allow the same to be weighed, or shall resist any gate-keeper, toll-keeper, or toll-collector, or weigher or other person appointed as aforesaid, in weighing the same, every such owner, driver, or conductor shall forfeit to the Company not exceeding five pounds.

Locomotive
Act, 1861,
to apply to
road.

36. The clauses and provisions of the Locomotive Act, 1861, with respect to tolls and all other matters shall apply to the road by this Act authorised.

Exemptions
from toll.

37. Provided always, that no toll shall be demanded or taken—

- (1.) For any horses or carriages attending Her Majesty or any of the Royal Family, or returning after having so attended :
- (2.) For any horse, beast, cattle, or carriage, of whatever description, employed in conveying or guarding mails of letters and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying or guarding the same, or returning from conveying or guarding the same :
- (3.) For any officer or soldier of Her Majesty's regular forces upon march or upon duty :
- (4.) For any animal or carriage attending soldiers with their arms and baggage, or returning after having been so employed :
- (5.) For any waggon, wain, cart, or other carriage, or any animal drawing the same, which is employed in conveying any ordnance or commissariat or other public stores of or belonging to Her Majesty, or to or for the use of Her Majesty's forces :
- (6.) For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps, upon their march or upon duty, or in going to or returning from the place appointed for and on the days of exercise :
- (7.) For any horse furnished by or for or belonging to any officer of Her Majesty's regular, auxiliary, or reserve forces, or to any corps of yeomanry or volunteer cavalry, and ridden by such officer on duty or by a member of such corps dressed in the uniform of the corps, in going to or returning from the place appointed for and on the days of exercise :
- (8.) For any policeman on duty :
- (9.) For any animal or carriage employed only in conveying any vagrant sent by a legal pass, or any prisoner sent by a legal warrant, or returning empty after being so employed :

And if any person shall claim or take the benefit of any of the exemptions by this Act granted, not being entitled to the same,

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every such person for every such offence shall forfeit and pay any sum not exceeding forty shillings. A. D. 1876.

38. It shall be lawful for the directors of the Company to lease or demise all or any of the tolls leviable in respect of the road, for any term of years not exceeding three years at any one time, for such rent payable at such times and under such covenants and upon such conditions as they shall think fit. Power to lease the tolls.

39. During the continuance of any such lease, the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same power to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the Company. Lessees to be deemed collectors.

40. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose, the Company may determine such lease, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force; and in every such case the Company may again let the tolls to the same or any other person, or cause them to be collected, in the same manner as if no such lease had been made relative thereto. Power to determine lease of tolls.

41. Upon the determination of any such lease, any justice, upon application made by the Company, may order any constable with proper assistance to enter upon any toll-house, dwelling-house, office, weighing-machine, or other building, with the appurtenances thereto, belonging to the Company, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession of such toll-house, dwelling-house, office, weighing-machine, or other building, with the appurtenances thereto belonging, and of the property found therein belonging to the Company, and deliver the same to any person appointed by them to receive the same. Lessees making default to be removed.

42. The Company and the Great Western Railway Company may (subject to the provisions of Part III. (working agreements) of the Railways Clauses Act, 1863, as amended by the Regulation of Railways Act, 1873,) at any time or times hereafter enter into and carry into effect such contracts and agreements with reference to the use, working, maintenance, and management of the said Power to enter into agreements with Great Western Railway Company.

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A.D. 1876. — railways and other works by this Act authorised, and with respect to the supply of rolling stock and plant for the purposes thereof, as they may think proper, and on such terms and conditions as may be agreed on.

Memorandum of agreement in schedule confirmed.

43. The memorandum of agreement between the Great Western Railway Company of the one part and the Company of the other part, a copy of which is contained in the schedule to this Act, is hereby confirmed and made binding upon the Companies parties thereto.

Power to raise additional money.

44. The Company from time to time may raise, by the creation and issue of shares or stock, such sums of money as they shall think necessary, not exceeding one hundred and five thousand pounds, exclusive of the moneys which they are already authorised to raise, and the Company may create and issue such shares or stock, either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Shares not to be issued until one-fifth part thereof shall have been paid up.

45. 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 of the amount of such share shall have been paid in respect thereof.

Right of voting in respect of new shares.

46. Except as by or under the powers of this Act otherwise provided, the new shares or stock issued under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary shares or stock of the Company.

Power to borrow.

47. The Company may, in respect of the additional capital of one hundred and five thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole thirty-four thousand eight hundred pounds in manner following; (that is to say), in respect of each sum of fifty-two thousand five hundred pounds of the additional capital of one hundred and five thousand pounds by this Act authorised to be raised by the creation of shares or stock, any sums not exceeding in the whole seventeen thousand four hundred pounds; but no part of any such sum of seventeen thousand four hundred pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised to be borrowed

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as is to be raised by means of shares are issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for so much of the respective portion of capital in respect of which borrowing powers are proposed to be exercised as is to be raised by means of shares have been 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 in such respective portion of capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such respective portion of additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, or assigns, and also if the said respective portion of additional capital is raised by shares, that such persons or corporations, or their executors, administrators, or assigns, are legally liable for the same. Upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

A.D. 1876.

48. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking, with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money, or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made, or to the continuance of any proceedings which may have been commenced, prior to the passing of this Act under any such provision.

Arrears may be enforced by appointment of a receiver.

The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

49. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863;

Company may create debenture stock.

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A.D. 1876. but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

50. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Company shall, during the continuance thereof, and subject to the provisions of the Act under which such mortgages or bonds were respectively granted, have priority over any mortgages granted by virtue of this Act; and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

51. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes of this Act, and to the general purposes of the Company.

Saving rights of the Crown.

52. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act contained extend 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.

Saving rights of the Duke of Beaufort.

53. Except as is in this Act expressly provided, nothing in this Act shall extend or be construed to extend to affect, prejudice, alter, diminish, abridge, or take away any royalty, right, or property of the Duke of Beaufort, his heirs or assigns, lord or lords of the manor of Chepstow otherwise Strigull, with its members, in and to the water, channel, and soil of the River Wye, or the port and harbour of Chepstow, or to the fisheries therein, and in and to the said river itself, or to remove or prevent any present or future weirs or erections thereon, or to stop and impede any present or future watercourses, diversions, or perfect use of the streams thereof in anywise whatsoever by him or them, or in any manner to affect, prejudice, abridge, diminish, alter, or take away any royalties, rights, property, duties, tolls, payments, powers, autho-

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rities, jurisdictions, privileges, liberties, and franchises whatsoever of or belonging to the said Duke, his heirs or assigns, lord or lords of the said manor of Chepstow otherwise Strigull, or its members, or as admiral or admirals of the seas, bays, havens, creeks, ports, and rivers within, bordering on, and surrounding the same, or of his or their officer or officers, in their respective duties within the same.

A.D. 1876.

54. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Great Western Railway Company.

Saving rights of the Great Western Railway Company.

55. The Company shall not, out of any money by this Act authorised to be raised, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not to be paid on calls paid up.

56. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of Company's capital.

57. Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act relating to railways, or to the better or 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.

Railways not exempt from provisions of present and future general Railway Acts; nor from general Harbour Acts.

58. Nothing in this Act contained shall exempt the works by this Act authorised, or the Company, from the provisions of the Merchant Shipping Act, 1854, or any general Act relating to piers, docks, or dues on shipping, or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates or duties by this Act authorised.

59. 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.

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SCHEDULE to which the foregoing Act refers.

MEMORANDUM OF AGREEMENT made and entered into this 14th day of July 1876 between the Great Western Railway Company (herein-after called "The Great Western Company") of the one part, and the Wye Valley Railway Company (herein-after called "The Wye Valley Company") of the other part.

WHEREAS the Wye Valley Company are promoting in the present session of Parliament a Bill, intituled "A Bill to enable the Wye Valley Railway Company to construct new railways and other works; and for other purposes," whereby the Wye Valley Company seek to obtain power to construct, amongst others, the following works :

- (1.) A railway (No. 1), 5 furlongs 7 chains and 45 links in length, commencing by a junction with the South Wales line of the Great Western Railway, and terminating at or near the north-east corner of a dwelling-house adjoining the yard of the Bridge Works :
- (2.) A railway (No. 2), 1 furlong 6 chains and 75 links in length, commencing by a junction with the South Wales line of the Great Western Railway, and terminating by a junction with railway No. 1 :
- (3.) A railway (No. 3), 1 furlong in length, commencing by a junction with railway No. 1 and railway No. 2 at the termination of the last-mentioned railway, and terminating at a point three yards or thereabouts to the east of a point on the easternmost rail of the South Wales line :
- (4.) A river wall or wharf, 1 furlong 6 chains and 80 links in length, on the western bank of the River Wye, commencing at a point opposite to the south-east corner of an enclosure known as the Bonded Yard, and extending to a point opposite to the eastern extremity of the old town wall :
- (5.) Three piers or jetties, respectively commencing from and out of the said river wall or wharf, and extending thence in an easterly direction into and terminating in the River Wye :
- (6.) A road, 8 chains and 60 links in length, to connect the main turnpike road leading from Chepstow to Monmouth with the village of Brockweir, and to be carried by bridges over the Wye Valley Railway and over the River Wye, such road commencing in the parish of Tintern Parva, in the county of Monmouth, by a junction with the said turnpike road, and passing thence in a straight line in a north-easternly direction over the said railway and river, and terminating in the parish of Hewelsfield, in the county of Gloucester, by a junction with the existing road opposite the "New Inn" in Brockweir :
- (7.) A railway (No. 4), 1 furlong 7 chains and 95 links in length, wholly situate in the parish of Newland, in the county of Gloucester, commencing by a junction with the authorised Wye Valley Railway now in course of construction, and terminating in the village of Lower Redbrooke :
- (8.) A railway (No. 5), 2 furlongs 2 chains and 50 links in length, wholly situate in the said parish of Newland, commencing by a junction with the said railway No. 4, and terminating in the village of Upper Redbrooke :

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(9.) A railway (No. 6), 2 furlongs 9 chains and 40 links in length, wholly situate in the parish of Dixton, in the county of Monmouth, commencing by a junction with the Coleford, Monmouth, Usk, and Pontypool Railway, and terminating by a junction with the Ross and Monmouth Railway : A.D. 1876.

And whereas the Great Western Company deposited a petition in the Private Bill Office of the House of Commons against the said Bill, and are opposing the same ; and in consideration of the premises, and in order to get rid of the opposition of the Great Western Company, it has been mutually agreed by and between the Companies parties hereto as follows :

1. The Wye Valley Company shall, at their own cost and charge, from and after the opening of the railways, road, and works herein-before described, or any or either of them, for public traffic, maintain or provide for the maintenance of the said railways, road, and works respectively for the period of twelve months after the respective days of opening of the said railways, road, and works for public traffic as aforesaid, to the reasonable satisfaction of the Great Western Company, and in default of such maintenance the Great Western Company may maintain the said railways, road, and works respectively at the cost of the Wye Valley Company.

2. The Great Western Company, if required in writing by the Wye Valley Company to do so at any time within five years from the passing of the intended Act, shall, from and after a day to be named in such requisition, work, manage, and maintain the railways, No. 1, No. 2, No. 3, the river wall, and the piers or jetties described in the 4th section of the said Bill ; and shall also, without any such requisition, after twelve months from the opening for public traffic of the road and bridges herein-before referred to, if constructed within five years after the passing of the intended Act, (unless otherwise agreed between them and the Wye Valley Company,) maintain the said road and bridges in a good and efficient state of repair for the conveyance of the traffic thereon, and shall from and after the opening of the said road and bridges for public traffic collect and receive the tolls leviable thereat or thereon, and shall from and after such time as they shall as aforesaid be required to work, manage, and maintain the said railways Nos. 1, 2, and 3, and the said river wall, piers and jetties respectively, receive all the tolls, dues, and other receipts arising therefrom respectively, and shall out of such tolls, dues, and other receipts from time to time pay or reimburse themselves the amount expended by them in collecting the said tolls, dues, and other receipts, and in maintaining and repairing the said road and bridges, and also of maintaining, working, and managing the said railways, river wall, piers and jetties, and works, in case they shall have been required to maintain, work, and manage the same, and shall further retain thereout a reasonable sum by way of interest in respect of the rolling stock and plant employed in such working and management ; and all of such moneys to be so paid and recouped or retained shall be a first charge on the said tolls, dues, and other receipts ; and the Great Western Company shall from time to time, within one calendar month after the 30th of June and 31st of December in each year, pay over to the Wye Valley Company the balance, if any, remaining after such payment, reimbursement, and retainer as aforesaid, of the said tolls, dues, and all other receipts arising in the half year immediately pre-

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A.D. 1876. — ceding the said days respectively, but without any liability on the part of the Wye Valley Company to make good any deficiency or interest, except out of or from the Wye Valley Company's proportion of the tolls, dues, and other receipts from time to time received by them in respect of the said intended railways, road, and works by the intended Act authorised. And in the event of difference as to all or any of the matters included in or provided for by this and the last preceding article, the same shall be determined by arbitration under the provisions of the Railway Companies Arbitration Act, 1859. The first arbitrator shall be Thomas Elliott Harrison, civil engineer, if alive and willing to act, and, failing him, Edward Woods, civil engineer, London, if alive and willing to act, or him failing, a single arbitrator, to be appointed, on the application of either of the Companies, by the Board of Trade.

3. From and after the opening of the said road and bridges, and such requisition as aforesaid respectively, the railways and works herein-before described respectively, and the traffic thereon, shall, during the continuance of this agreement, be exclusively worked and managed by the officers, clerks, workmen, and servants, and under the control of the Great Western Company, and in such manner as fairly to accommodate and develop the traffic thereon.

4. The Great Western Company shall not be required to work, manage, or maintain the railways, Nos. 4, 5, and 6, described in and proposed to be authorised by the Bill, or either of them, but the Great Western Company and the Wye Valley Company may, subject to the provisions of the Railways Clauses Act, 1863, as amended by the Regulation of Railways Act, 1873, agree for the working, maintenance, and management of the said railways, or either of them, by the Great Western Company, on such terms and conditions as the two Companies may agree upon.

5. This agreement shall continue and be operative during the same time as the working agreement or lease provided for by the heads of arrangement scheduled to and confirmed by the Wye Valley Railway Act, 1866.

6. Subject to the approval of Parliament this agreement shall be scheduled to and confirmed by the Bill.

In witness whereof the said Companies have hereunto caused their respective common seals to be affixed the day and year first above written.

The Common
Seal of The Great
Western Railway
Company.

The Common
Seal of The Wye
Valley Railway
Company.