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Cap. ccxiv.

An Act to authorize the *East Gloucestershire* Railway Company to make Works and Deviations; and for other Purposes relating to the same Railway. [16th *July* 1866.]

WHEREAS by "The *East Gloucestershire* Railway Act, 1864," the *East Gloucestershire* Railway Company (who are herein-after referred to as "the Company") were authorized to construct Railways from *Cheltenham* through *Fairford* and *Lechlade* to *Faringdon* in *Berkshire*, to *Witney* in *Oxfordshire*, and at *Yarnton*, and it is expedient that certain Portions of the Railways authorized by the said Act should be varied in the Manner herein-after mentioned: And whereas in other respects it is expedient that the Powers of the said Act should be amended and enlarged: And whereas Plans and Sections showing the Lines and Levels of the Deviations, and also a Book 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 thereof, have been deposited with the Clerks of the Peace for *Gloucestershire* and *Oxfordshire* respectively: And whereas the Purposes 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, 27 & 28 Vict. c. cclxxxv.

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, 1866."

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

2. The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," (relating to Construction of a Railway,) are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

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 in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction; the Words "the Company" mean the *East Gloucestershire* Railway Company; the Words "the Deviations" mean the Deviations and the Works connected therewith respectively by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpretation of Terms.

Power to make Deviations according to deposited Plans.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Deviations herein-after described, with all proper Stations, 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 Deviations herein-before referred to and authorized by this Act are,—

Deviation No. 1. A Deviation from the Line of Railway No. 1. as authorized by the said Act between a Field numbered on the said Plans 32*e* in the Parish of *Withington* and a Field numbered on the said Plans 48 in the Parish of *Chedworth*, and to construct, instead of the Line authorized by the said Act and shown upon the said Plans, another Line of Railway between the Points aforesaid, and passing through *Withington*, *Compton Abdale*, *Yanworth*, *Hazleton*, and *Chedworth*, or some of them, all of which Places are in *Gloucestershire*:

Deviation No. 2. A Deviation from the Line of Railway No. 4. authorized by the said Act between a Field numbered on the said Plans 1 in the Parish of *Langford* and a Field numbered 5 on the said Plans in the Hamlet of *Curbridge* in the Parish of *Witney* in *Oxfordshire*, and to construct, instead of the Line

authorized

authorized by the said Act and shown upon the said Plans, another Line of Railway between the Points aforesaid, and passing through *Langford*, *Broadwell*, *Alvescott*, *Black Bourton*, *Bampton*, *Norton Brize* otherwise *Brize Norton*, *Lew*, *Ducklington*, *Curbridge*, and *Witney*, or some of them, all in *Oxfordshire*.

Company to abandon Portions of authorized Lines.

5. The Company shall abandon the Construction of so much of the Railways authorized by the said recited Act as is rendered unnecessary by the Construction of the Deviations hereby authorized.

Compensation for Damage to Land by Entry, &c. for Purposes of Railway abandoned.

6. The Abandonment by the Company under the Authority of this Act of any Portion of the Railway or Works authorized by the recited Act shall not prejudice or affect the Right of the Owner or Occupier of any Land 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 of 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 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 last-mentioned Act or "The *East Gloucestershire* Railway Act, 1865."

Compensation to be made in respect of Portion of Railway abandoned.

7. 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 authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers 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 the Amount and Application of the Compensation shall be 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.

Company may apply their Funds towards Purposes of Act.

8. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking.

Period for Completion of Deviations.

9. If the Deviations shall not be completed within Three Years from the passing of this Act, then on the Expiration of such Period the

the Powers by this Act granted to the Company for making the Deviations, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Inclination of Road.

10. In altering for the Purposes of this Act the Road numbered on the deposited Plans 25 in the Parish of *Hasleton* the Company may make the same of any Inclinations not steeper than One in Twelve.

Deviations as to Tolls, &c. to form Part of East Gloucestershire Railway.

11. The Company may demand and take in respect of the Deviations the same Tolls and Charges as they are authorized to receive for and in respect of their existing Undertaking as if they were Part of such Undertaking, and the Deviations shall in all respects be deemed Part of the *East Gloucestershire* Railway.

As to Repayment of Money deposited with Court of Chancery in respect of new Lines not authorized by Act.

12. And whereas the Sum of One thousand six hundred Pounds was, pursuant to the Standing Orders of Parliament, deposited with the Court of Chancery in the Month of *January* last, being Eight *per Centum* upon Twenty thousand Pounds, the estimated Cost of a Branch Railway, for the Construction of which Powers were sought in the Bill introduced into Parliament for the Purposes of this Act: And whereas such Branch Railway has been abandoned: Therefore the Court of Chancery may order the Repayment of the Money so deposited as aforesaid upon obtaining a Certificate of this Act having passed, anything in the Act of the Ninth *Victoria*, Chapter Twenty, to the contrary notwithstanding.

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

13. Nothing herein contained shall be deemed or construed to exempt the Deviations by this or the recited Act authorized to be made 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 maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

14. 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.

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