ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clxxix.

An Act to authorize Deviations at *Hereford* and near *Pontypool* of the *Newport, Abergavenny, and Hereford* Railway, and to amend the Acts relating to that Railway. [4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Newport, Abergavenny, and Hereford* Railway Act, 1846," and by that Act the *Newport, Abergavenny, and Hereford* Railway Company were incorporated, and were authorized to make a Railway from the *Newport and Pontypool* Railway through or near *Abergavenny* to *Hereford:* And whereas the Powers of that Act were amended and enlarged by Two Acts passed in the subsequent Session, whereof One is called "The *Newport, Abergavenny, and Hereford* Railway (Deviations) Act, 1847," and the other "The *Newport, Abergavenny, and Hereford* Railway (Extension to *Taff Vale* Railway) Act, 1847:" And whereas by the secondly-mentioned Act the Company were authorized to divert their Railway in and near the City of *Hereford*, and to effect a Junction there with the *Shrewsbury and Hereford* Railway: And whereas it is now found that a Communication with the said *Shrewsbury and*

9 & 10 Vict. c. ccciii.

10 & 11 Vict. c. lxxxvi.

10 & 11 Vict. c. clxxvii.

Hereford Railway can be accomplished with greater Advantage to the Public, and at a much less Expense, by carrying the said Railway through the said City in another Direction, and it is expedient therefore that the said Railway should be diverted: And whereas it is also expedient that a short Branch should be made from the said Diversion to the *Hereford, Ross, and Gloucester* Railway: And whereas Plans and Sections of the said Railways showing the Lines and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the said Railways will pass, have been deposited with the Clerks of the Peace for the County of *Hereford* and for the City of *Hereford*: And whereas the Line of the *Newport and Pontypool* Railway has been constructed in the Parishes of *Panteague* and of *Llanvrechva Upper* in *Monmouthshire*, beyond and to the Westward of the Limits of Deviation defined on the Plans deposited with respect to the said Undertaking, and it has therefore been found impossible to form the Junction between the *Newport, Abergavenny, and Hereford* and the *Newport and Pontypool* Railways, which was authorized in the first-recited Act, and it is expedient that Powers should be granted to the Company to enter upon and take the Lands necessary for the Formation of the said Junction: And whereas a Plan and Section showing the said Lands, and the Line and Level of the intended Railway and Junction, have been deposited at the Office of the Clerk of the Peace for *Monmouthshire*, together with a Book of Reference to the Plan containing the Names of the Owners and Lessees or the reputed Owners and Lessees and of the Occupiers of the said Lands; and the Company are willing, at their own Expense, subject to the Condition herein-after contained, to make the said Deviation, and the said short Branch and Junction: And whereas the several Objects before mentioned 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:

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The Company."

II. Where the Words "the Company" are used in this Act the same shall mean "The *Newport, Abergavenny, and Hereford* Railway Company."

III. The

Power to construct new Lines of Railway according to deposited Plans.

III. The Company may make and maintain the new or substituted Line of Railway and the Branch Railway herein-after particularly described, and also the Junction with the *Newport and Pontypool* Railway, (with all proper Works, Stations, Approaches, and Conveniences connected therewith,) in the Lines and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes: Provided always, that the Company shall not enter upon or appropriate any of the Lands of the *Monmouthshire* Railway and Canal Company, excepting for the Purpose of the Junction with the *Newport and Pontypool* Railway; and provided also, that in making the said Junction the Company shall not deviate on the Land of the *Monmouthshire* Railway and Canal Company, unless with the Consent in Writing of that Company, from the centre Line shown on the Plan deposited with the Clerk of the Peace for *Monmouthshire* as aforesaid, and the said Junction shall be made, unless with such Consent as aforesaid, only at the Spot indicated for the same on the said Plan.

Describing the new Lines.

IV. The said new or substituted Line of Railway, which will be situate wholly in the County of *Hereford*, shall commence in the Parish of *Saint Nicholas* in the said City of *Hereford* in a Field numbered 2 upon the deposited Plans referred to in "The *Newport, Abergavenny, and Hereford* Railway (Deviations) Act, 1847," pass through *Saint Nicholas*, *All Saints*, and *Saint John the Baptist*, in the said City of *Hereford*, and terminate in the last-named Parish by a Junction with the *Shrewsbury and Hereford* Railway, with a short Branch therefrom in the said Parish of *All Saints* to the authorized Line of the *Hereford, Ross, and Gloucester* Railway in the said Parish of *Saint John the Baptist*.

Railways to form Part of Company's Undertaking.

V. The Railways hereby authorized shall form Part of the Undertaking of the *Newport, Abergavenny, and Hereford* Railway Company.

Power to abandon a certain Part of Railway authorized by 10 & 11 Vict. c. lxxxvi.

VI. The Company shall abandon the Formation of so much of the Railway as was authorized by "The *Newport, Abergavenny, and Hereford* Railway (Deviations) Act, 1847," to be constructed between the said Field numbered 2 and the said *Shrewsbury and Hereford* Railway; and all the Powers, Authorities, and Privileges by the said Act granted to the Company for the Construction, Maintenance, or Use of such Portion of Railway so required to be abandoned shall from and after the passing of this Act cease and determine.

VII. Pro-

Compensation to be made where Contracts have been entered into or Notices given.

VII. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so required to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Power to cross certain Road on the Level.

VIII. The Company may construct the said Railways across and upon the Level of the Turnpike Road numbered 3, in the Parish of *All Saints*, on the said first-mentioned Plans.

Company to erect Station or Lodge where Roads crossed on the Level.

IX. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

X. The

Board of Trade may require Bridges instead of level Crossings.

X. The Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railways by means of a Bridge Arch, instead of crossing the same on a Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Land for extraordinary Purposes.

XI. The Company may purchase any Quantity of Land for extraordinary Purposes, not exceeding Ten Acres, in addition to the Land which they are at present, or which by any other Act to be passed in the present Session they may be, authorized to take for such Purposes.

Limit of Time for compulsory Purchases.

XII. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Eighteen Months from the passing thereof.

Period for the Completion of the Works.

XIII. The Works hereby authorized shall be completed within Eighteen Months from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within a limited Period Dividends on ordinary Shares to be suspended.

XIV. In case the Railways and Works by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Eighteen Months from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

Communications with neighbouring Railways to be under the Direction of their Engineers.

XV. The Communications between the Railways hereby authorized to be made and the *Shrewsbury and Hereford* Railway, and also the *Hereford, Ross, and Gloucester* Railway, and the *Newport and Pontypool* Railway, and all such Openings in the Ledges or Flanches of the Three last-mentioned Railways as may be necessary or convenient for effecting such Communications, shall be made under

under the Direction and Superintendence of the Engineer for the Time being of the *Shrewsbury and Hereford* Railway Company, the *Hereford, Ross, and Gloucester* Railway Company, and the *Monmouthshire* Railway and Canal Company respectively; and in the event of any Difference arising between such Engineer and the Engineers of the said Three Companies respectively as to the Mode of effecting such Communications, then the same shall be determined by a Referee to be appointed by the Board of Trade on the Application of either Party.

Not to interfere with Works of certain Railway Companies without Consent.

XVI. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Shrewsbury and Hereford* or the *Hereford, Ross, and Gloucester* Railway Company, or to alter, vary, or interfere with the said *Shrewsbury and Hereford* or *Hereford, Ross, and Gloucester* Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction of and Intercommunication between the said Railways and the Railways hereby authorized, without the Consent in Writing of the said *Shrewsbury and Hereford* and *Hereford, Ross, and Gloucester* Railway Companies respectively in every Instance for that Purpose first had and obtained.

Saving Rights of Shrewsbury and Hereford Railway Company.

XVII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Shrewsbury and Hereford* Railway Company, or of the *Hereford, Ross, and Gloucester* Railway Company, or of the *Monmouthshire* Railway and Canal Company, otherwise than is herein expressly provided.

Tolls upon new Lines of Railways.

XVIII. It shall be lawful for the Company to demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are authorized to demand and receive by "The *Newport, Abergavenny, and Hereford* Railway Act, 1846;" and the Railways hereby authorized to be made shall, for the Purposes of the said Tolls, be Part of the said *Newport, Abergavenny, and Hereford* Railway.

Maximum Tolls.

XIX. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the said Railways shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said Act.

Company may apply their Funds towards making of the Railways.

XX. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise.

XXI. And

Suspending Powers of Act in certain Events.

XXI. And whereas a Bill is now pending in Parliament to enable a Company, to be thereby incorporated under the Style of the *Worcester and Hereford* Railway company, to construct their Railway on the same Lands and in the same Direction as the substituted Line of Railway at the City of *Hereford* and the Branch Railway therefrom authorized by this Act are to be constructed, and whereby a Junction between the said *Worcester and Hereford* Railway and the *Shrewsbury and Hereford* Railway will be effected at or near the West End of the Canal Tunnel at a Point marked A in the deposited Plan of the said *Worcester and Hereford* Railway Company: And whereas the said Bill provides for the speedy and easy Conveyance of Traffic between the *Newport, Abergavenny, and Hereford* Railway and the *Shrewsbury and Hereford* and *Hereford, Ross, and Gloucester* Railways respectively over the said *Worcester and Hereford* Railway: Be it enacted, That if the said Bill shall pass into a Law, and if the *Worcester and Hereford* Railway Company thereby incorporated shall, in pursuance of the Powers thereby conferred, commence within Three Months after the passing of the said Bill the Construction of the said Portion of Railway and the Branch Railway at the City of *Hereford*, and duly and *bonâ fide* prosecute the same towards Completion, and open the same for public Traffic, and make the said Junction with the said *Shrewsbury and Hereford* Railway, within Nine Months after the passing of the said Bill, then the Powers granted by this Act for the making of the said substituted Line of Railway and Branch Railway shall not be exercised by the Company.

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

XXII. It shall not be lawful for the Company out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts to 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.

Railways, &c. to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85.,

XXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Con-*

The Newport, Abergavenny, and Hereford Railway (Deviation at Hereford) Act, 1853.

9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways; and another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXIV. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or 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 by this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of Act.

XXV. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Short Title.

XXVI. In citing this Act it shall be sufficient to describe it as "The *Newport, Abergavenny, and Hereford* Railway (Deviation at *Hereford*) Act, 1853."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1853.