ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. lxvii.

An Act to extend the Time for the Purchase of Lands for and Completion of the *Ross and Monmouth* Railway; to enable the *Ross and Monmouth* Railway Company to divert a Portion of their Railway; and for other Purposes.

[31st *May* 1867.]

28 & 29 Vict. c. cccxii.

WHEREAS the *Ross and Monmouth* Railway Company (in this Act called "the Company") were incorporated by the "*Ross and Monmouth* Railway Act, 1865," and authorized to construct a Railway from the *Hereford, Ross, and Gloucester* Railway, near *Ross*, to the *Coleford, Monmouth, Usk, and Pontypool* Railway at *Monmouth*: And whereas it is expedient that the Company should be authorized to divert a Portion of their Railway: And whereas for the Purposes of this Act Plans and Sections describing the Line and Levels of the Railway and Works by this Act authorized, and the Lands required or which may be taken for the Purposes thereof, together with Books of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of those Lands respectively, have been deposited with the Clerks of the Peace for the Counties of *Hereford, Gloucester*, and *Monmouth*, and those Plans, Sections, and Books of Reference are herein-after referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is also expedient that the Time granted

to the Company by the recited Act for the taking of Lands which will expire on the Fifth Day of *July* One thousand eight hundred and sixty-eight, and for the Completion of Works which will expire on the Fifth Day of *July* One thousand eight hundred and seventy, should be respectively extended, save so much of such Lands and Works as are by this Act authorized to be abandoned: And whereas it is further expedient to increase the Capital and the Number of Directors of the Company: 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*Ross and Monmouth* Railway Act, 1867."

8 & 9 Vict. cc. 16., 18., and 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

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

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by the recited Act; the Expressions "the Railway" or "the Undertaking" respectively shall mean the Railway and the Undertaking of the Company by the recited Act and by this Act authorized; and the Expression "Superior Courts" 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to make Railway and Works according to deposited 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, 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 hereinbefore referred to and authorized by this Act is,—

1. A Devia-

1. A Deviation Railway Nine Miles Six Furlongs One Chain and Twenty Links in Length, commencing from and out of the authorized Line of the *Ross and Monmouth* Railway at a Point in the Parish of *Ross* in the County of *Hereford* about One Mile Two Furlongs and Three Chains from the Commencement of that Line, and at or near the Fence dividing the Properties Numbers 71 and 72 as delineated on the Plans of the said authorized Line deposited with the Clerks of the Peace for the Counties of *Hereford* and *Monmouth* in the Month of *November* One thousand eight hundred and sixty-four, and terminating in the Parish of *Dixton* in the County of *Monmouth* by a Junction with the same authorized Line about Nine Miles Three Furlongs and Three Chains from the Commencement thereof in the Field numbered 24 on the said deposited Plans.

Company may apply their Funds towards Purposes of Act, and may raise additional Capital.

5. The Company may 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 for which they were specially authorized to be raised; and the Company may from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole Forty thousand Pounds by the Creation and Issue of new Shares or Stock in their Undertaking.

New Shares not to issue until One Fifth paid up.

6. 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.

Calls.

7. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Votes of Proprietors of new Shares.

8. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the Company.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow on Mortgage any additional Sum beyond the Sum now authorized to be borrowed by them not exceeding in the whole Thirteen thousand Pounds, but no Part thereof shall be borrowed until the whole of the said additional

additional Capital of Forty thousand Pounds is subscribed for, 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 the whole of such Capital has been subscribed for, 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 Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and 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.

Arrears may be enforced by Appointment of a Receiver.

10. Section Seventeen of the recited Act with respect to the Appointment of a Receiver for Mortgagees is hereby repealed, and 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 authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Five thousand Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

11. All Monies to be borrowed on Mortgage under this Act or under any former Act, authorizing the Company to borrow Money on Mortgage from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect of any Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any of the Powers by this Act conferred on the Company.

Application of Sums raised under this Act.

12. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act and the recited Act only.

13. The

Period for compulsory Purchase of Lands.

13. 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 from the passing of this Act.

Period for Completion of Works.

14. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to cross a Road on the Level.

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 the Railway carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Road numbered 30 and 36 in the Parish of *Dixton* in the County of *Monmouth*.

New Railway to form Part of Company's Undertaking.

16. The Railway and Works by this Act authorized shall for all Purposes of Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the Undertaking, Railway, Works, and Property of the Company as if the Company had by the recited Act been authorized to make and maintain the same.

Account to be kept of all Mineral sent by the Railway from the Forest and other Possessions of the Crown in the District.

17. Every Person being the Owner or having the Care of any Coal, Ore, Stone, or Mineral, the Produce of any Mine, Quarry, or Place within the *Forest of Dean*, or the Hundred of *Saint Briavels*, or within the Crown's *Highmeadow* or *Great Doward Wood* Estates, shall give to the Collector of Tolls of the Company at the Place where he attends for the Purpose of receiving Goods or of collecting Tolls, for the Part of the Railway on which such Coal, Ore, Stone, or Mineral may have travelled or may be about to travel, an exact Account in Writing signed by him of the Quantity in Tons and Hundredweights of such Coal, Ore, Stone, or Mineral, and a Statement of the Mine, Quarry, or Place from which the same has been derived, and of the Person by whom the same has been sent for Transmission; and the Company shall verify and, if necessary, correct such Accounts as to the Quantity, and shall keep a full and complete Record of all such Accounts and Statements so verified and corrected, if necessary, in a tabular Form, and shall within Twenty-one Days after every Twenty-fourth Day of *June* and Twenty-fifth Day of *December*, at their Costs, transmit to the Deputy Gaveller for the Time being of the said Forest, or to such other Person as the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or any of them, shall direct, a true Copy of such

Record down to the Twenty-fourth Day of *June* or Twenty-fifth Day of *December* (as the Case may be) then last preceding; and the Company shall at their own Costs make and maintain sufficient Weighing Machines at such Places as may be suitable for enabling them to verify such Accounts of Quantity as aforesaid.

Penalty for Default.

18. If any such Owner or other Person as in the preceding Section mentioned shall fail to give such Account and Statement as aforesaid, or shall give a false Account or Statement, he shall for every Offence forfeit a Sum not exceeding Forty Shillings, in addition to all other Penalties thereby incurred under the said "Railways Clauses Consolidation Act, 1845," or otherwise; and if the Company shall wilfully fail to keep such Record as in the preceding Section mentioned, or to transmit a true Copy thereof as aforesaid, they shall for every Day for which the Record shall be defective forfeit a Sum not exceeding Forty Shillings, and for every Day's wilful Delay in transmitting the Copy of such Record as aforesaid a Sum not exceeding Forty Shillings.

Saving Rights of the Crown.

19. Nothing contained in this Act or in any of the Acts herein referred to shall extend to authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Forestal or other Rights, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners or Commissioner are hereby respectively authorized to give), or 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.

Commissioners of Woods, &c., empowered to demise Lands Part of the Possessions of the Crown in the District.

20. The Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being having the Management of the Crown's *Highmeadow* and *Great Doward Wood* Estates in the Counties of *Gloucester*, *Monmouth*, and *Hereford* may, with the Consent of the Commissioners of Her Majesty's Treasury, demise or lease or enter into any Contract for demising or leasing to the Company and their Successors any Part or Parts of the said Estates which may be required for the Purposes of the Works of the Company for any Term or Number of Years, not exceeding Nine hundred and ninety-nine Years, upon such Terms generally, and subject to such Covenants, Conditions, Restrictions, and Regulations, as may be agreed upon, and all Timber and other Trees, Bushes, Plantations, and Underwood as standing and growing on the Lands so demised or to be demised shall be purchased and paid for by the Company at

at a Price to be settled and determined by a Valuer to be named by the said Commissioners or Commissioner.

Company may abandon Portion of authorized Line.

21. The Company shall abandon the Construction of so much of the Railway authorized by the recited Act as lies between the Commencement and Termination of the Deviation Railway herein-before described.

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

22. 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, 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 *Ross and Monmouth* Railway Act, 1865."

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

23. 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 Portion 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.

Extending Time for the Purchase of Lands.

24. The Powers of the recited Act with respect to the compulsory Purchase or taking of Lands (save and except as to so much as would have been required for the Portion of Railway by this Act authorized to be abandoned) are hereby extended, and shall continue in force for Two Years after the passing of this Act.

Extending Time for Completion of Works.

25. The Time granted by the recited Act for constructing and completing the Works thereby authorized (save and except as to so much

much as is by this Act authorized to be abandoned) shall be extended until the Expiration of Four Years after the passing of this Act; provided that such Extension of Time shall not relieve the Company from any Penalty to which under the Twenty-eighth Section of the recited Act they may become liable.

Increase of Number of Directors.

26. During the Construction of the Railway the Company may increase the Number of their Directors, provided the increased Number be not more than Seven, but after the Completion of the Railway the Number of Directors shall not exceed Five.

Quorum.

27. The Quorum of a Meeting of Directors shall be Three.

Interest not to be paid on Calls paid up.

28. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying 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."

Deposits for future Bill not to be paid out of Capital.

29. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

30. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 authorized by this Act.

Expenses of Act.

31. 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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