CHAPTER ccxix.

An Act to extend the time granted to the Severn Bridge and Forest of Dean Central Railway Company for the purchase of lands and completion of their Railway, and to authorise them to make another short Railway; and for other purposes. [11th August 1876.] A.D. 1876.

WHEREAS by the "Severn Bridge and Forest of Dean Central Railway Act, 1873," (herein-after called "the Act of 1873,") the Severn Bridge and Forest of Dean Central Railway Company (herein-after called "the Company") were incorporated with power to make a railway to connect the Severn Bridge Railway with the Forest of Dean Central Railway: 36 & 37 Vict. c. cxcii.

And whereas it is expedient that the time limited by the Act of 1873 for the compulsory purchase of lands and for completing the railway by that Act authorised should be extended, and that the Company be also empowered to make the railway herein-after described, and to raise further capital:

And whereas it is also expedient that the Company, and all companies and persons lawfully using their railway, should be authorised to use the Forest of Dean Central Railway:

And whereas it is also expedient that the Company and the Great Western and Severn Bridge Railway Companies should have power to enter into agreements for the use of the railway by this Act authorised:

And whereas plans and sections, describing the line and levels of the railway authorised by this Act, with 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 or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Gloucester, and are herein-after referred to as the deposited plans, sections, and book of reference:

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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, 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 "Severn Bridge and Forest of Dean Central Railway 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 construction of a railway), Part II. (relating to extension of time), and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," the clauses and 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;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The giving of notices;

The provision to be made for affording access to the special Act; and

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.

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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railway" means, as the case may be, the railway authorised by the Act of 1873 or the railway by this Act authorised; and for the purposes of this Act 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 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 book of reference as may be required for those purposes.

The railway herein-before referred to and authorised by this Act is as follows,—

A railway one mile four furlongs nine chains and eighty links in length, wholly situate in the township of East Dean and county of Gloucester, commencing by a junction with the Forest of Dean Central Railway at a point about three hundred yards measured along that railway to the eastward of the bridge carrying that railway over Dean's Road leading from Yorkley to Little Dean, and terminating by a junction with the Forest of Dean branch of the Great Western Railway near the mile post on that branch indicating one hundred and twenty-eight and a quarter miles from London.

Not to take lands or interfere with railway of Great Western Railway Company except for the purpose of a junction.

5. Notwithstanding anything herein contained, it shall not be lawful for the Company, nor 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 railways or works, without the consent of the Great Western Company under their common seal, save only for the purpose of effecting the junction by this Act authorised.

Additional capital.

6. The Company may apply towards the purposes of this Act any money which by the Act of 1873 they are authorised to raise; and, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," they may raise any additional capital, not exceeding in the whole the sum of twenty-one thousand pounds, by the creation of new ordinary shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share, 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.

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Calls.

8. 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.

9. The proprietors of any share to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Company.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage for the purposes of this Act any sum or sums of money not exceeding in the whole seven thousand pounds; but no part thereof shall be borrowed until the whole of the said additional capital of twenty-one thousand pounds by this Act authorised to be raised is 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 the said additional capital of twenty-one thousand pounds has been issued and accepted, and that not less than one fifth of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Priority of principal moneys secured by existing mortgages.

11. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Appointment of a receiver.

12. Section seventeen of the Act of 1873 is hereby repealed, but without prejudice to any appointment heretofore made or proceedings now pending. The mortgagees of the Company may

enforce payment of arrears of interest or principal, or principal and interest, due on their respective mortgages by the appointment of a receiver. 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 two thousand pounds in the whole.

Power to create and issue debenture stock.

13. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of money.

14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of the Act of 1873 and this Act only.

Period for compulsory purchase of lands.

15. 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.

Inclination of road.

16. In altering for the purposes of this Act the road numbered three in the township of East Dean on the deposited plans, the Company may make the same of any inclination not steeper than one in eight on one side of the bridge and level on the other.

Height and span of bridge.

17. The Company may make the arch of the bridge for carrying the railway over the road numbered four in the township of East Dean on the deposited plans of any height not less than fifteen feet and of any span not less than twenty feet.

Power to take easements, &c. by agreement.

18. 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.

Deposit money not to be repaid until line opened or half the

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 twenty, a sum of one thousand one hundred and thirty pounds consolidated three per cent. annuities,

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capital paid up and expended.

being equal in value to five per centum upon the amount of the estimate in respect of the railway, has been transferred into the name of Her Majesty's Paymaster General, on account of the High Court of Justice (Chancery Division), in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said annuities shall not be 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 railway, either open the railway 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, 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 railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said annuities shall be applied in the manner hereinafter 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 this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

20. The said annuities transferred as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, 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 High Court of Justice (Chancery Division) may seem fit; and if no such compensation shall be payable, or if a portion of the said annuities shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said annuities, 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 said Division 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 Court, 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 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 annuities have been re-transferred to the transferors, or have become otherwise applicable as herein-before mentioned, any interest 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.

Period for completion of works.

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

New railway and works to be Company's undertaking.

22. The railway by this Act authorised shall, for the purposes of tolls and charges, and all purposes whatsoever, be part of the railway of the Company as if authorised by the Act of 1873, and the lands and property from time to time acquired by the Company under this Act, and the railway and works herein-before described, shall be part of the undertaking and property of the Company, as if the Company had by the Act of 1873 been authorised to acquire, make, and maintain the same.

Extension of time for compulsory purchase of lands referred to in Act of 1873.

23. The powers granted to the Company by the Act of 1873 for the compulsory purchase of lands are hereby extended, and may be exercised by the Company for and during a period of two years from the twenty-first day of July one thousand eight hundred and seventy-six, and on the expiration of that period those powers shall cease.

Extension of time for completion of railway authorised by Act of 1873.

24. The time limited by the Act of 1873 for the completion of the railway thereby authorised shall be and the same is hereby extended and enlarged until the expiration of three years from the twenty-first day of July one thousand eight hundred and seventy-seven.

Company may use Forest

25. The Forest of Dean Central Railway Company shall permit the Company, and all companies and persons lawfully working or

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of Dean Central Railway.

using their railway, to run over, work, and use, with engines and carriages, for the purposes of traffic of every description, the Forest of Dean Central Railway, and all stations thereon, together with the platforms, water, water-engines, engine-sheds, standing-room for engines, booking and other offices, warehouses, sheds, sidings, machinery, works, and conveniences of or connected with such railway, on such terms and conditions, and on payment of such tolls, rates, and charges, as may be agreed upon between the Company and the Forest of Dean Central Railway Company, and the Great Western Railway Company, so long as that company work the Forest of Dean Central Railway, or failing agreement as shall be settled by a single arbitrator to be appointed on the application of either Company by the Board of Trade, according to the provisions of "The Railway Companies Arbitration Act, 1859."

Byelaws to be observed by Company.

26. The Company in using the Forest of Dean Central Railway in accordance with the powers herein-before contained shall at all times observe the regulations and byelaws for the time being in force on the said railway, so far as those byelaws are applicable to the Company; and in the event of any difference as to the reasonableness of any such regulation or byelaw, such difference shall from time to time be determined by an arbitrator in the manner provided by the last preceding enactment.

Power to enter into agreements with Great Western and Severn Bridge Railway Companies.

27. The Company on the one hand, and the Great Western Railway Company and the Severn Bridge Railway Company, or either of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The use of the railway and works connected therewith by this Act authorised;

The regulation, management, interchange, and transmission of traffic thereon;

The fixing, collection, payment, division, and appropriation of the tolls and other income and profits arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on the Great Western and Severn Bridge Railways.

28. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway, the railways of the Company and of the Great Western Railway Company or of the Severn Bridge Railway Company, as the case may be, shall be considered as one railway, but tolls and charges not exceeding those for the time being charged by the Great Western Railway Company or Severn Bridge Railway Company as for two

miles on their own line may be charged in respect of traffic conveyed on the railway or any part thereof.

Commissioners of Woods and Forests empowered to demise certain land to the Company.

29. The Commissioners or Commissioner of Her Majesty's Woods and Forests and Land Revenues for the time being having the management of the Forest of Dean, in the county of Gloucester, 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 land belonging to Her Majesty in the said forest which may be required for the purposes of the works of the Company by this Act authorised, 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 the exemption from stamp duty created by the seventy-seventh section of an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, chapter fifty, shall apply to any lease or contract to be granted or entered into under the authority of this Act.

Saving rights of the Crown.

30. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in this 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.

Interest or dividends not to be paid on calls paid up.

31. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him; but nothing herein contained shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

32. 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 in force or hereafter to be in force, may be required to be deposited in respect

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of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

33. Nothing in this Act contained shall exempt the railway of the Company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act.

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

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