ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. cciv.

An Act for authorizing the *South Wales* Railway Company to deviate the Line of their Railway in the Forest of *Dean*; and for other Purposes.

[20th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called "The *South Wales* Railway Act, 1845," whereby certain Persons were incorporated by the Name or Style of "The *South Wales* Railway Company:" And 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 *South Wales* Railway Amendment Act, 1846:" And whereas an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *South Wales* Railway Amendment Act, 1847:" And whereas Two Acts were passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, called respectively "The *South Wales* Railway Extension of Time Act, 1850," and "The *South Wales* Railway Capital Act, 1850:" And

whereas Two Acts were passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, called respectively "The *South Wales* Railway New Works Act, 1851," and the "*South Wales* Railway Capital Act, 1851:" And whereas an Act was passed in the last Session of Parliament, called "The *South Wales* Railway Act, 1852:" And whereas it is expedient that the *South Wales* Railway Company should be empowered to make the Deviation herein-after mentioned in the Line of their authorized Railway in the Forest of *Dean:* 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,)

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

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

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *South Wales* Railway (Deviation) Act, 1853."

"Company."

III. That in this Act wherever the Words "the Company" or "the said Company" are used the same shall be held to mean the *South Wales* Railway Company, except where there is something in the Context repugnant to such Construction.

Power to make new Line of Railway according to deposited Plans.

IV. And whereas Plans and Sections of the Deviation Line of Railway by this Act authorized, showing the Line and Levels thereof, together with Books of Reference to such Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands and Houses proposed to be taken under the Authority of this Act, have been deposited with the Clerk of the Peace for the County of *Gloucester:* Be it enacted, That, subject to the Provisions in this Act, and "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to make and maintain the Railway herein-after mentioned (with all requisite and necessary Works and Conveniences connected therewith) in the Line and according to the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

V. That

Line of Railway.

V. That the Line of Railway to be made under the Authority of this Act shall be the following; (that is to say,)

A Deviation Line of Railway in the Forest of *Dean*, to commence by a double Junction with the said Forest of *Dean* Line of the *South Wales* Railway in the Township of *East Dean* in the County of *Gloucester*, and to terminate by a Junction with the said Forest of *Dean* Line in the said Township of *East Dean*:

And the said Line of Railway shall be and become Part of the Undertaking of the *South Wales* Railway Company.

Power to cross a certain Highway on a Level.

VI. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across and on the Level of the public Road or Highway numbered on the Plans deposited as herein-before mentioned Fifteen in the Township of *East Dean*.

Company to erect a Station or Lodge at Point of Crossing, and abide by Rules, &c. of Board of Trade.

VII. That 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 said Railway crosses the before-mentioned Road on the Level; and the said 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 said Company shall fail to erect or at all Times maintain 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 imposed.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

VIII. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway by this Act authorized to be made shall have been completed and opened for public Traffic, to 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 Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall

shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Period for compulsory Purchase of Lands;

IX. That the Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of the Railway and Works by this Act authorized shall not be exercised after the Expiration of Two Years from the passing of this Act.

and for Completion of Works.

X. That the Line of Railway by this Act authorized shall be completed within One Year from the passing of this Act; or if the Company shall not within Six Months from the passing of this Act have been authorized as in this Act provided to enter upon, take, and use such of the Lands belonging to Her Majesty in right of Her Crown as may be required for the Purposes of the Railway by this Act authorized, then the said Railway shall be completed within One Year from the Date at which the Company shall have been so authorized to enter upon, take, or use the said Lands; and on the Expiration of either of such Periods, as the Case may be, the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed: Provided always, that if the Company shall not have been so authorized as aforesaid within Twelve Months from the passing of this Act, the Powers and Provisions in this Act contained for or in any way in relation to the Construction of the said Railway shall thenceforth absolutely cease and determine.

Dividends suspended if Railway not completed within limited Period.

XI. That if the Railway by this Act authorized shall not be completed and opened for public Traffic within either of the Periods herein-before limited for the Completion thereof, then and from thenceforth, unless the Power to construct the said Railway shall have ceased by reason of the Company not having been so authorized to enter upon, take, and use the said Lands so belonging to Her Majesty as aforesaid, it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

Gauge of Railway.

XII. That the Railway by this Act authorized shall be constructed upon the Broad Gauge of Seven Feet.

Company to abandon Portion of Forest of Dean Line rendered unnecessary by Deviation.

XIII. That the Company shall abandon and relinquish the Formation of so much and such Parts of the Forest of *Dean* Line of their Railway as now authorized, between the Points at which the Railway by this Act authorized commences and the Point at which the same terminates,

terminates, as may become unnecessary by reason of the Construction of such Deviation Line of Railway.

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

XIV. Provided always, That in any Case where, before the passing of this Act, any Contract hath been entered into or Notice given by the Company for purchasing 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 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 aforesaid Portion of 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 said "Lands Clauses Consolidation Act" contained.

Tolls, &c.

XV. That it shall be lawful for the Company to demand and receive, in respect of the Use of the Railway by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding, save as herein-after mentioned, the maximum Tolls and Charges limited by the said first-recited Act.

Prescribing maximum Charges to be made for Coals and other Articles on Deviation in the Forest of Dean.

XVI. Provided always, That the maximum Rate of Charge to be made by the Company in respect of the Conveyance upon the Railway by this Act authorized to be constructed, or any Portion thereof, of Coals, Coke, Culm, Charcoal, and Cinders, of Stones for building, pitching, and paving, Timber of all Sorts, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or into other Articles of Merchandise, including the Charges for locomotive Power, and all other Charges, except for the Use of Waggons or Trucks incidental to the Conveyance of such Goods along the said Railway or any

Portion thereof, and also including the Use of the Company's Wharves at *Bullo Pill* for any Period not exceeding Two Months, (except a reasonable Charge for the Expense of loading and unloading where such Service is performed by the Company,) shall not exceed the Sum of Twopence, and if Waggons or Trucks shall be supplied by the Company, otherwise than under the Provision in this Act contained requiring them in certain Cases to supply the same, shall not exceed the Sum of Threepence *per* Ton *per* Mile, anything in any Act or Acts of Parliament relating to the Forest of *Dean* Railway (formerly called the *Bullo Pill* Railway), or in the recited Acts or either of them, to the contrary thereof in anywise notwithstanding: Provided nevertheless, that for the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such reasonable Sum as they think fit: Provided also, that when any such Articles or Things shall be so conveyed to or from any Point within Two Miles of the said *Bullo Pill* Wharves, and for a less Distance than Five Miles, it shall be lawful for the Company to demand and receive in respect thereof the same Charges which they would have been entitled to demand and receive for the same if such Articles or Things had been conveyed for the Distance of Five Miles.

Locomotive Power to be provided by the Company.

XVII. That the Company shall and they are hereby required, from Time to Time and at all Times, to find and provide sufficient locomotive Power when and as the same shall be required, and as soon as an adequate and sufficient Load shall be in readiness to convey all Merchandise, Articles, empty Waggons, Trucks, Matters, and Things upon and along the Railway by this Act authorized to be constructed.

In certain Cases Company not to be bound to provide locomotive Power.

XVIII. Provided always, That in respect of any of the Articles or Things herein-before mentioned which shall be conveyed along the Railway by this Act authorized to be constructed, or any Portion thereof, but not to or from any Point within Two Miles of the said Wharves at *Bullo Pill*, the Company, notwithstanding anything in the recited Acts or any of them contained, shall not be bound to find or provide locomotive Power, except only that in case any such Articles or Things shall have to be so conveyed for a Distance of Three Miles or upwards, then and in every such Case, when an adequate and sufficient Load shall be in readiness, the Company shall, on reasonable Notice, convey such Goods by some of such Trains (if any) propelled by the locomotive Power of the Company (not being Trains for which the Company shall have been specially required to provide

provide locomotive Power for other Parties) as may happen to be passing up or down the said Railway.

Prescribing Rates of Tolls and Charges in certain Cases.

XIX. That, notwithstanding anything in the recited Acts or any of them contained, it shall be lawful for the Company to demand and receive Payments in respect of any of the Articles or Things herein-before mentioned which shall be conveyed along the Railway by this Act authorized to be constructed, but not to or from any Point within Two Miles of the said Wharves at *Bullo Pill*, after the following Rates; namely, any Rate not exceeding One Penny Three Farthings *per* Ton *per* Mile for Tolls for the Use of the Railway; any Rate not exceeding One Penny *per* Ton *per* Mile for locomotive Power, if and when provided by the Company; and any Rate not exceeding Three Farthings *per* Ton *per* Mile for the Use of Waggons or Trucks, if and when supplied by the Company otherwise than under the Provision in this Act contained requiring them in certain Cases to supply the same, yet so nevertheless that the maximum Charge to be made when locomotive Power is supplied by the Company, including Tolls for the Use of the Railway, shall not exceed the Sum of Twopence *per* Ton *per* Mile; and when Waggons or Trucks, otherwise than under the Provision before referred to, are supplied by the Company, as well as locomotive Power, the maximum Rate of Charge to be made, including Tolls for the Use of the Railway, shall never exceed in the whole the Rate of Threepence *per* Ton *per* Mile: Provided always, that when any such Articles or Things shall be conveyed for a less Distance than One Mile, but not to or from any Point within Two Miles of the said Wharves at *Bullo Pill*, the Company shall be entitled to demand and receive the same Charges which they would have been entitled to demand and receive for the same if they had been so conveyed for a Distance of One Mile.

Charge to be made for the Use of Wharves at Bullo Pill.

XX. That in respect of any of the Articles or Things herein-before mentioned which shall be conveyed along any Part of the Railway by this Act authorized to be constructed, and shall be shipped from or landed at or laid upon the said Wharves at *Bullo Pill*, notwithstanding anything in the said recited Acts or any of them contained, no Charge shall be made by the Company for the Use of such Wharves, except as to any Articles or Things which shall remain at or upon the same for any Time exceeding Two Calendar Months, in respect of which additional Time the said Company may take the following Tolls or Sums; *viz.*, any Sum not exceeding the Sum of One Penny *per* Ton for any such additional Time not exceeding One Calendar Month; Twopence *per* Ton for any such additional Time exceeding

exceeding One Calendar Month and not exceeding Two Calendar Months that any such Articles or Things shall remain at or upon the same; Threepence *per* Ton for any such additional Time exceeding Two Months and not exceeding Three Months; and so on in the same progressive Increase of Charge at the Rate of One Penny *per* Ton *per* Month for any such additional Period exceeding Three Months.

Company to provide Waggons or Trucks on Application.

XXI. That the Company shall and they are hereby required, from Time to Time and at all Times, to find and provide Waggons or Trucks for the Conveyance upon the Railway by this Act authorized to be constructed of Coals, Coke, and other Minerals, Goods, Merchandise, Articles, and Things, when and so often as Application may be made to them so to do, and that the Rate of Charge on or Payment made by the Person making such Application shall be such as may be agreed on, or in case of Difference between such Person and such Company as aforesaid as may be settled and determined by Arbitration as a fair and remunerative Payment for the Supply and Use of the Waggons or Trucks so required, such Arbitration to be carried into effect under the Powers of and in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845."

Power to apply existing Capital to Purposes of this Act.

XXII. That the Company may apply and appropriate towards the Purposes of this Act, and so far as may be requisite for such Purposes, any Portion of the Monies which they are authorized to raise under their existing Acts, and which may not under the Act authorizing the raising of the same have been specifically directed to be appropriated to any particular and defined Purpose, or which may not be required for any particular or defined Purpose to which the same may have been specifically directed to be appropriated.

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

XXIII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98.,

XXIV. 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 the Mails by Railways*; and another Act was passed in the Fourth

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 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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, 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 said Railway and Works, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Works, and Company, so far as the same are applicable.

3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXV. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, 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, and of the Rates for small Parcels, authorized by this Act.

Railways not exempt from Provisions of future General Acts.

XXVI. That nothing whatsoever contained in this Act, or in any of the Acts herein referred to or incorporated herewith, shall extend to authorize the Company to purchase, take, use, enter upon, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, or to interfere with, prejudice, or in any Manner affect any Forestal or other Rights belonging to Her Majesty, 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, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates,

Saving the Rights of Her Majesty, &c.

Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

XXVII. That all the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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