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VICTORIÆ REGINÆ.

Cap. cxciii.

An Act for the Abandonment of the Railway authorized by "The *Bourton on the Water Railway (Extension to Cheltenham) Act, 1864.*"

[12th August 1867.]

WHEREAS by the "*Bourton on the Water Railway (Extension to Cheltenham) Act, 1864,*" the *Bourton on the Water Railway Company* (in this Act called "the Company") were authorized to extend their Railway towards *Cheltenham* by the Construction of a Railway in the said Act and in this Act called "the Extension Railway:" And whereas the Extension Railway was promoted with the view of connecting the *Bourton on the Water Railway*, and the Railways communicating therewith, with *Cheltenham* and the various Narrow Gauge Railways there, but such Extension Railway was only sanctioned by Parliament as far as a Point at or near *Andoversford*, where it was intended to join the *East Gloucestershire Railway*: And whereas the *East Gloucestershire Railway Company* are not proceeding with the Construction of their Railways so as to afford any Security for the Completion of the same within the Time limited by their Act: And whereas no Part of the Extension Railway has been commenced, and it is expedient that the Company should not be required to complete

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*The Bourton on the Water Railway (Extension to Cheltenham)
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the said Extension Railway; but for this the Authority of Parliament is necessary: 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 any Purpose as "*The Bourton on the Water Railway (Extension to Cheltenham) Abandonment Act, 1867.*"

Extension Railway to be abandoned.

2. The Company may abandon the Extension Railway.

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

3. The Abandonment by the Company under the Authority of this Act of the Extension Railway 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 the Line of the Extension 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 recited Act.

Compensation to be made in respect of Railway abandoned.

4. 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 Lands for the Purposes of or in relation to the Extension Railway, full Compensation shall be made by the Company to the Owners and Occupiers of 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 to pay Debts in respect of Extension,

5. All Debts and Liabilities incurred by the Company in respect of the Extension Railway, or under this Act or the recited Act, shall be

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be paid and discharged by them, and, except so far as may be necessary for any such Purposes, the Company shall not under the recited Act raise any further Money either by Shares or on Mortgage.

but not to raise Capital under recited Act except for such Payment.

6. And whereas by "The *East Gloucestershire* Railway Act, 1864," (Sections 58 and 60,) certain Obligations are imposed upon the *East Gloucestershire* Railway Company with respect to the Construction of their Railway between *Andoversford* and *Cheltenham* for the Accommodation of Traffic coming from or destined for the Undertaking of the Company, and by other Sections of "The *East Gloucestershire* Railway Act, 1864," certain Powers are granted to the Company with relation to the said Portion of the *East Gloucestershire* Railway: And whereas the *East Gloucestershire* Railway Company have made Progress in the Construction of their Railway between *Andoversford* and *Cheltenham*, and have (as they allege) incurred or become liable to additional Expense by reason of the Obligations so imposed on them: Therefore the Company shall pay to the *East Gloucestershire* Railway Company any additional Expenses which they have incurred or are subject to by reason of the Matters aforesaid, and if any Difference shall arise between the Two Companies as to the Amount of any Expense or Liability incurred by the *East Gloucestershire* Railway Company by reason of the Obligations so imposed on them, every such Difference shall be determined by Arbitration, and "The Railways Companies Arbitration Act, 1859," shall extend to any such Difference, and Sections 58, 59, 63, and 64 of "The *East Gloucestershire* Railway Act, 1864," and so much of Section 60 of the said Act as is in the following Words, "and so much of the said Railway No. 1. as lies between " its Commencement in the Parish of *Badgworth* and the Junction of " Railway No. 2. therewith shall be constructed with a Double Line " of Rails on the Narrow Gauge," shall be and the same are hereby repealed, and shall be of no Effect.

Provision as to Expenses of *East Gloucestershire* Railway Company in respect of certain Portions of their Undertaking.

7. The Company shall not, out of any Money which they are by any Act authorized to raise, 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 Railway, or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid by Company out of Capital raised under their Acts.

8. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial

Railways not exempt from Provisions of present

Audit

The Bourton on the Water Railway (Extension to Cheltenham) Abandonment Act, 1867.

and future
General
Acts.

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 or of the Rates for small Parcels authorized to be taken by the Company.

Expenses of
Act.

9. 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.