



CHAPTER ccxxvii.

An Act for authorising the construction of Railways from A.D. 1873.
Over, near the river Severn, to Newent, and from Newent
to Dymock, in the county of Gloucester; and for other
purposes. [5th August 1873.]

WHEREAS the making and maintaining of the railways herein-after described would be of great public and local advantage:

And whereas the persons in this Act named, with others, are willing at their own expense to construct the railways, and are desirous of being incorporated into a company (herein-after referred to as "the Company"), and that powers should be conferred on them for that purpose:

And whereas it is expedient that the Company and the Great Western Railway Company should be authorised to enter into and carry into effect the agreements by this Act authorised:

And whereas in constructing the railways it will be necessary to appropriate and stop up the greater portion of so much of the Hereford and Gloucester Canal (in this Act called "the canal") as lies between Gloucester and Dymock, which canal has become almost wholly disused for purposes of navigation:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books 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 in this Act referred to as the deposited plans, sections, and books of reference:

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

[Ch. ccxxvii.] *The Newent Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873. — 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 :

Short title. 1. This Act may be cited for all purposes as "The Newent Railway Act, 1873."

Provisions of general Acts herein named incorporated. 2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways 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 Company" means the company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; and the expression "the 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 simple contract debt, and not a debt or demand created by statute.

Company incorporated. 4. Michael Biddulph, John William Miles, Richard Frederick Webb, Joseph Winney Gull, Thomas Fry, John Romanes, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Newent Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make rail ways. 5. 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 railways herein-after described,

with all proper stations, sidings, 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 railways herein-before referred to and authorised by this Act are as follows :

A.D. 1873.

(1.) A railway (number 1) eight miles two furlongs and 0·70 chains in length, commencing in the hamlet of Over, in the parish of Churcham and county of Gloucester, by a junction with the Gloucester and Dean Forest Railway of the Great Western Railway Company, at or near the western end of the bridge which carries that railway over the river Severn, and terminating in the parish of Newent and county of Gloucester, on the western side of the turnpike road leading from Newent to Dymock, at or near to the point where the Hereford and Gloucester Canal crosses that road :

(2.) A railway (number 2) three miles six furlongs and 4·10 chains in length, commencing in the parish of Newent, at the herein-before described termination of railway No. 1, and terminating in the parish of Dymock and county of Gloucester, in a pasture field known as the " Four Acres," belonging to Reginald Wynniott, and in the occupation of William Price.

6. The capital of the Company shall be one hundred and sixty thousand pounds in sixteen thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof. Shares not to issue until one fifth paid up.

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. Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipts for disqualified persons.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially Power to divide shares.

A.D. 1873. convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding five per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

A.D. 1873.
Forfeiture
of preferred
shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred
shares not to
be cancelled,
&c.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares
to be half
shares in
capital.

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 Act 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.

Power to
grant ease-
ments.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty-three thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of one hundred and sixty thousand pounds 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 such capital has been 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 persons or corporations to whom the

Power to
borrow on
mortgage.

A.D. 1873. — 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 of 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.

Arrears may be enforced by appointment of a receiver.

20. 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 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 five thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock.

Interest on debenture stock.

22. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," 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 moneys.

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

First ordinary meeting.

24. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of directors.

25. The number of directors shall be five, but the Company may from time to time reduce the number, provided the number be not less than three.

Qualification of directors.

26. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

27. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three the quorum shall be two.

First directors.

28. Michael Biddulph, John William Miles, Richard Frederick Webb, Joseph Winney Gull, and Thomas Fry shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors

Election of directors.

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to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

A.D. 1873.

29. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Lands for extraordinary purposes.

30. 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 three years from the passing of this Act.

Powers for compulsory purchases limited.

31. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

Height and span of bridge.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
114	Newent - -	Public road - -	15 feet -	20 feet.

32. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Width of bridges.

RAILWAY No. 1.

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
22	Radford - -	Public road - - -	20 feet.
43	Radford - -	Turnpike road - -	25 feet.
17	Newent - -	Public road - - -	20 feet.
38	Newent - -	Public road - - -	12 feet.
46	Newent - -	Turnpike road - -	25 feet.
176	Newent - -	Turnpike road - -	20 feet.

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RAILWAY No. 2.

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
107	Dymock - -	Public road - - -	20 feet.

Portion of the Hereford and Gloucester Canal may be taken for the railway.

33. The Company are authorised to purchase for the purposes of the railway so much of the canal as lies between Gloucester and Dymock, or any part or parts thereof, and all lands, warehouses, buildings, wharves, works, and conveniences belonging to or occupied by the owners thereof in connexion therewith, and upon any such purchase or purchases being made as aforesaid the part or parts of the canal so purchased shall vest in the Company freed and discharged from all obligation to maintain the part or parts of the canal so purchased for purposes of navigation or otherwise.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

34. 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, the sum of six thousand eight hundred and twenty-five pounds eight shillings and tenpence new three pounds per centum annuities, equal in value to six thousand three hundred and five pounds, being five per cent. upon the amount of the estimate in respect of the railway, has been transferred to the account of Her Majesty's Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of stock so transferred as aforesaid in respect of the application for this Act shall not be paid or 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 sum of stock transferred as aforesaid shall be applied in the manner herein-after 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

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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. A.D. 1873.

35. The said sum of stock 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 on 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England 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 paid or 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 sum of stock has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends 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 survivor or survivors of them. Application
of deposit.

36. The railway shall be completed within five years from the passing of this Act; and if the railway shall not be completed within that period, then on the expiration thereof 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 shall then be completed. Period for
completion
of works.

A.D. 1873.
Tolls.

37. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

For passen-
gers.

In respect of passengers and animals conveyed on the railway :

For every person conveyed in or upon any carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one penny :

For animals.

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one penny :

For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one penny :

For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any carriage, per mile not exceeding one penny; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one halfpenny.

For goods.

In respect of goods conveyed on the railway :

For all coals, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one halfpenny :

For all coke, culm, charcoal, sand, lime and limestone, and all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, ironstone, copper ore, lead ore, and iron ore, per ton per mile not exceeding one penny; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one halfpenny :

For all pig iron, bar iron, rod iron, hoop iron, and other similar descriptions of wrought iron and iron castings, and lead not manufactured into utensils or other articles of merchandise, per ton per mile one penny halfpenny; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one halfpenny :

For all sugar, grain, corn, flour, hides, dye woods, earthenware, timber, staves and deals, metals (except iron), tinned nails, nails, anvils, vices, and chains, per ton per mile twopence ;

and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding three farthings :

For all cotton and others, wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton per mile not exceeding threepence ; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one penny :

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile not exceeding sixpence ; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

38. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

39. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act ; (that is to say,)

Regulations as to tolls.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

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Tolls for
small parcels
and single
articles
of great
weight.

40. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any toll not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway :

If not exceeding seven pounds in weight, threepence :

If exceeding seven pounds in weight, but not exceeding fourteen pounds in weight, fivepence :

If exceeding fourteen pounds in weight, but not exceeding twenty-eight pounds in weight, sevenpence :

If exceeding twenty-eight pounds in weight, but not exceeding fifty-six pounds in weight, ninepence :

If exceeding fifty-six pounds in weight, but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence :

If exceeding one hundred and twelve pounds in weight, but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence :

And for parcels exceeding two hundred and fifty pounds in weight, but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall only apply to single parcels in separate packages.

For the carriage of single articles of great weight :

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile :

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 sum as they think fit.

Maximum
rate for
passengers.

41. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile : A.D. 1873.

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

42. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and every other expense incidental to the conveyance, except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company, shall not exceed the following sums; (that is to say,) Maximum charges for animals and goods.

For every horse, mule, ass, or other beast of draught or burden, per mile fourpence :

For every ox, cow, bull, or head of neat cattle, per mile threepence :

For every calf or pig, sheep, lamb, or other small animal, per mile one penny halfpenny :

For coals and all other articles herein-before classed therewith, per ton per mile one penny halfpenny :

For coke and all other articles herein-before classed therewith, per ton per mile twopence :

For pig iron and all other articles herein-before classed therewith, per ton per mile twopence halfpenny :

For sugar and all other articles herein-before classed therewith, per ton per mile threepence :

For cotton and all other articles herein-before classed therewith, per ton per mile fourpence :

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

43. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

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Terminal station.

44. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restriction as to charges not to apply to special trains.

45. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

46. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to enter into working agreements with the Great Western Railway Company.

47. The Company on the one hand, and the Great Western Railway Company on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance, management, use, and working of the railways of the companies respectively, or either of them, or any part thereof respectively, and of the works connected therewith respectively, or any of them :

The interchange, accommodation, conveyance, and delivery by the contracting companies of the traffic coming from or destined for the respective undertakings of the contracting companies :

The supply of any rolling or working stock and machinery, and the employment of officers and servants :

The levying, fixing, collecting, division, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of such traffic :

The payments and allowances to be made, and the conditions to be performed with respect to the matters aforesaid.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Great Western Railway Company.

48. During the continuance of any agreement which may be entered into under the provisions of this Act for the use of the railway by the Great Western Railway Company, the railways of the Company and of the Great Western Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the

railway of the Great Western Railway Company for a less distance than four miles, tolls and charges may be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Great Western Railway Company.

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49. The Company shall pay to the Severn Commissioners such a sum as the Railway and Canal Traffic Commissioners shall determine, by way of compensation for the loss of tolls arising from the closing of the canal, or from the conversion of any part thereof into a railway, under the powers of this Act; and such compensation shall be by way of annual payment or otherwise as the said Railway and Canal Traffic Commissioners shall determine, and if by way of annual payment the same shall continue during such time as any money shall remain due on any mortgage made by the Severn Commissioners, under the Severn Navigation Act, 1869; but in case any sum towards such compensation is paid by the Ross and Ledbury Railway Company, such payment shall be taken in satisfaction and discharge pro tanto of the liability of the Company in respect of the same.

Provision for compensation to the Severn Commissioners.

50. The said Severn Commissioners shall, within fourteen days after the annual meeting in any year, cause a copy of the abstract of accounts, certified at such meeting, to be transmitted free of charge to the Company, so long as the Company are required to pay any compensation to the said Severn Commissioners under the provisions of this Act.

Accounts to be sent to the Company.

51. 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 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."

Interest not to be paid on calls paid up.

52. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

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

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Railway not
exempt from
provisions of
present and
future ge-
neral Rail-
way Acts.

53. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised 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, authorised by this Act.

Expenses
of Act.

54. All costs, charges, and expenses of and incidental 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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