

WEST MIDLAND RAILWAY.

*Railway Department, Board of Trade,
Whitehall, 14th November 1861.*

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you, for the careful consideration of the Directors of the West Midland Railway Company, the enclosed copy of the report made by Colonel Yolland, R.E., the officer appointed by my Lords to inquire into the circumstances connected with the collision which occurred on the 17th ultimo, on the Worcester and Hereford section of the West Midland Railway near the junction with the Shrewsbury and Hereford Railway at Shelwick.

My Lords direct me to call the attention of the Directors to the circumstance of their having opened the line between Malvern Wells and the Shelwick junction, inspected by Colonel Yolland in September last, without having sent in the undertaking required by my Lords previous to their waiving any objection which then existed to the opening of the portion of railway in question for the public conveyance of passengers, and I am to request that my Lords may receive an explanation of the step so taken by the Directors.

*The Secretary of the
West Midland
Railway Company.*

I am, &c.
JAMES BOOTH.

*Railway Department, Board of Trade,
Whitehall, 14th November 1861.*

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you, to be laid before the Directors of the Shrewsbury and Hereford Railway Company, the enclosed copy of the report made by Colonel Yolland, R.E., the officer appointed by my Lords to inquire into the circumstances connected with the collision which occurred on the 17th ultimo, on the West Midland Railway near the junction with the Shrewsbury and Hereford Railway at Shelwick.

*The Secretary of the
Shrewsbury and Hereford
Railway Company.*

I am, &c.
JAMES BOOTH.

*Railway Department, Board of Trade,
Whitehall, 9th November 1861.*

SIR,

I HAVE the honour to report, for the information of the Lords of the Committee of Privy Council for Trade, in obedience to your minute of the 21st ultimo, the result of my inquiry into the circumstances which attended the collision that occurred on the 17th October, between a down goods train and an up passenger train on the Worcester and Hereford section of the West Midland Railway, about 250 yards from the junction with the Shrewsbury and Hereford Railway at Shelwick, when 13 persons received bruises, cuts, or contusions, but no very serious injuries were inflicted.

The Shelwick junction is situated about two miles to the north of Hereford. There are double lines of railway from the two stations in Hereford,—Barton, belonging to the West Midland Railway Company, and Barr's Court, the joint station of the Great Western and the Shrewsbury and Hereford Railway Companies,—to Barr's Court junction, and from thence as far as the Shelwick junction, where the single lines to Shrewsbury and to Worcester commence; but the double lines are carried for very short lengths beyond the junction, both on the Shrewsbury and Hereford and on the Worcester and Hereford Railways; that on the Worcester and Hereford towards Worcester terminating at the facing points where the two lines unite at the end of the single line from Malvern Wells. This short portion of double line, 300 yards in length, has been constructed to provide space for the up and down trains belonging to the West Midland Railway Company to pass each other, when clear of the Shrewsbury and Hereford Railway.

The Shelwick junction signal box and signals were erected entirely at the cost of the West Midland Railway Company, according to the Act of Parliament and following the usual practice in similar cases; and a proposition was made by the West Midland Railway Company that the expense of its maintenance and service should be borne in equal proportions by the two railway companies; but the question has not yet been settled, as the traffic manager of the lessee of the Shrewsbury and Hereford Railway considered that the whole expense should be defrayed by the West Midland Railway Company.

The Shelwick junction is well protected by double semaphore signals at the junction signal box, and by distant signals towards Shrewsbury, Worcester, and Hereford, the distant signal towards Worcester being 760 yards from the junction.

The last portion of the Worcester and Hereford section of the West Midland Railway, between Malvern Wells and the Shelwick junction, was inspected by me on the 11th September. This portion of line is single throughout, with passing places at some of the intermediate stations; and I reported to their Lordships that there would be no objection to this single line being opened for public traffic, provided the West Midland Railway Company gave a satisfactory undertaking as to the mode of working the traffic, which, I was informed, was to be on the train staff and ticket system, and engaged to take certain precautions with reference to the mode of working through the tunnels, and a notification to the effect of my recommendation was sent to the West Midland Railway Company, that their Lordships would not object to the opening of the line, when the undertaking &c. had been received and my requirements had been complied with. No undertaking has however been given to the Board of Trade, and I am not enabled to state whether my requirements have been complied with; but the railway company opened this line without their Lordships' authority about the 13th September, it may be a day or so later, working their traffic on this single line by the train staff and ticket system.

When this line was first opened, the train staff and tickets, &c. were issued to the drivers and given up by them at the West Midland station at Barton, Hereford, as the western terminus of this single line, so that the traffic from Barton to Malvern Wells was worked throughout its whole length by the West Midland Railway according to the regulations for a single line. To diminish the unnecessary loss of time caused by issuing and receiving the train staff, &c. at Barton station, the superintendent of this section of the West Midland Railway, Mr. Percy Morris, applied to the traffic manager (Mr. Findlay) of the lessee of the Shrewsbury and Hereford Railway (Mr. Brassey) to allow the signalman at Shelwick junction to issue and receive the train staff and tickets, &c. to the Worcester and Hereford trains. This request was refused, and also another in which it was desired that this might be done for a goods train at night.

I should explain that the lessee of the Shrewsbury and Hereford Railway keeps a signalman and a telegraph clerk in the Shelwick junction box, the signalman receiving his instructions with reference to the passage of up and down trains on the single line to Shrewsbury from the telegraph clerk, which, in my opinion is a very bad arrangement, as it introduces a divided responsibility, and thus increases the chances of mistakes and the probability of accidents occurring, but their Lordships cannot interfere. The West Midland Railway Company, on the other hand, keep a pointsman to attend to and hold the facing points at the canal bridge at the end of the single line, a very proper precaution, and when Mr. Findley refused to allow the signalman at the junction to issue and receive the train staff, &c. under the protection of the junction and distant signals, on the ground that there would be some difficulty in exchanging the staff at Shelwick junction, and that it would in some degree attach responsibility to the Shrewsbury and Hereford Company in working the West Midland single line, he pointed out that the West Midland Company had a pointsman at the facing points, and inquired whether it would not be better for all parties that the exchange should be made through the medium of their own servants. The suggestion was adopted, and the West Midland superintendent entrusted the exchange of the train staffs to the pointsman stationed at the end of the single line, 460 yards inside the down distant signal on the Worcester and Hereford line, which distant signal is worked from the junction box by a servant of the lessee of the Shrewsbury and Hereford Railway.

The change in the mode of working commenced on Monday the 14th October, and the collision occurred on the 17th October, so that no time was lost in furnishing a practical proof to one of the parties to the correspondence, that the exchange of train staffs could not be made with impunity at the end of the single line, by a pointsman who was only furnished with a red flag to show to the advancing drivers, in opposition to the all right signals that might be exhibited from the junction box.

The pointsman on duty at the facing points on the day before the change took place, told the signalman at the junction that the change was to be made, and that they were to allow all up Worcester and Hereford trains to pass off the Shrewsbury and Hereford line on to the short portion of up line lying between the junction and the canal bridge, but no proper notification of this change was made to the officials of the Shrewsbury and Hereford Railway.

An alteration was also made in the running of goods trains on the Worcester and Hereford line on the same day, and this alteration was not made known to all the engine drivers employed on this section. Under this arrangement a Worcester and Hereford down goods train was appointed to reach Hereford at 12.55 p.m. while an up passenger train was appointed to leave Hereford (Barton station) at 12.50. It is stated with reference to what occurred on the 17th ultimo, that about 1 p.m. the whistle of the up passenger train was heard by the Shrewsbury and Hereford signalman at the Shelwick junction for the up distant and up junction signals to be taken off, and as soon as the signalman had taken these signals off for the train to proceed, he says, he saw a Worcester and Hereford down goods train approaching from the opposite direction, and he then took off the down distant and down junction signals for the goods train to proceed towards Hereford. The driver of the down goods train from Worcester knew that he had to give up the train staff to the pointsman at the canal bridge, and the driver of the up passenger train also knew that he had to receive the train staff at the same point, but he says that he did not know that he was to meet a goods train at this point, and it is admitted that he was not supplied with a copy of the supplementary sheet of the service time table notifying the change respecting the running of this goods train.

The train staff is usually given up and received without bringing the trains to an absolute stand still, and both of these trains approached the facing points from opposite directions at a slow speed two or three minutes past one o'clock, and although the pointsman showed a red flag to the driver of the up passenger train and beckoned the goods train to come on, neither train had quite stopped, although both drivers endeavoured to pull up, when a slight collision between the two engines ensued at the crossing 50 yards on the Hereford side of the facing points, and the engine of the goods train had its leading wheels thrown off the rails and was slightly damaged.

The collision evidently resulted from defective arrangements and the exchange of train staffs having been made at the wrong place. The best place for the exchange of the train staffs, &c. was evidently at the Barton station, but that involved some delay to up and down trains, and the only other proper spot for the exchange was at the Shelwick junction signal box, under the protection of the junction and distant signals, and there is not such an amount of traffic on either line as to present any difficulty in effecting this exchange, as the Shrewsbury and Hereford have only 11 and the Worcester and Hereford 7 trains in each direction in the course of the 24 hours, provided a proper understanding as to the degree of responsibility which should attach to the performance of this duty by the signalman had been arrived at.

The West Midland superintendent, Mr. Percy Morris, greatly erred in adopting the suggestion made by Mr. Findlay, that the exchange of the staffs might be made by the signalman at the facing points

at the end of the single line, without specially directing him to make this exchange at the junction box, and in failing to communicate this change of system to the officers of the Shrewsbury and Hereford line before it was made. The West Midland locomotive department appear also to be working in a loose manner, in having failed to supply their drivers with service time tables for all trains over the portion of line on which they are required to run.

But the refusal of the traffic manager of the lessee of the Shrewsbury and Hereford Railway to allow of the exchange of the train staffs taking place from the spot where it can be best and most safely done when it is not performed at a station, viz., the junction signal box, opens up an entirely new question for the consideration of the inspecting officers of the Board of Trade, and if the principle contended for by Mr. Findlay be conceded it will oblige the inspecting officers to insist upon the erection of another set of junction and distant signals close to the proper junction signals, as the exchange of train staffs can only be safely done under the protection of proper signals.

That I may not misrepresent Mr. Findlay's views, I beg to enclose his letter covering a copy of the correspondence with the West Midland superintendent on this subject, and I beg to recommend that the attention of the inspecting officer who may be appointed to inspect the Severn Valley Railway, which joins the Shrewsbury and Hereford Railway near Shrewsbury, may be drawn to this question when he inspects the new line.

With respect to the opening of the Worcester and Hereford Railway between Malvern Wells and Shelwick junction without their Lordships' sanction, they will deal with the matter in such manner as they may deem expedient, but in future I shall recommend that the opening of all single lines of railway shall be postponed until I have received the undertaking under which they are proposed to be worked, as it may happen, as in this case, that additional junctions, &c., may have to be established for the safe working of the railway, if Mr. Findlay's views are adopted by the managers of railways.

I have, &c.

*The Secretary,
Railway Department,
Board of Trade.*

W. YOLLAND,
Col. R.E.

*Shrewsbury and Hereford Railway,
Traffic Manager's Office,
Shrewsbury Nov. 4th 1861.*

SIR,

Accident at Shelwick Junction.

As you requested this morning, I have the pleasure of enclosing you copies of the correspondence between Mr. Percy Morris and myself in regard to the duties and responsibilities of our respective companies at Shelwick junction.

It may be as well to state that the cost of the points and the erection of signals at Shelwick is by the Worcester and Hereford Act to be borne by that company, the cost of working the same being undefined it is proposed by the West Midland that it shall be borne equally by the companies.

The signalmen are appointed by and are the servants of the Shrewsbury and Hereford Company.

You will perceive from the correspondence that on the opening of the Worcester and Hereford line the staff was exchanged by the West Midland Company at Barton station; that afterwards arrangements were adopted in the terms suggested in my letters for the exchange of the staff at Shelwick junction through the medium of their own servants, but the precise date of the alteration was not officially notified to this company.

As we appear to differ as to the principle and responsibility that should rest with the company working the junction where the single line of another company joins, and as we also differ on the question of the company's liability, I think it right that I

should briefly explain my views on the subject, which I may say is entirely concurred in by the Board and by the lessee of the company.

Great care and responsibility rests with the Company controlling and working a single line of railway; it is necessary that the regulations should be clear, simple, and easily understood, and the responsibility of each class of servants clearly defined, in the system of working "the staff;" the most responsible servant is he who exchanges the staff from one train to another and has control of the box containing the train tickets; any neglect or omission on his part would entail the most serious consequences, and if he be the servant of another company it would throw upon that company a most onerous liability, such, in fact, as no company could fairly be asked to undertake. Speaking from the result of my own experience, and in the interest of the public as well as the companies, it is better that the regulations, onerous as they are, should in all cases be carried out by the servants of the company owning the single line rather than by joint servants whose responsibility is not clearly defined.

If the argument you held this morning, that the Shelwick signalman should be responsible for the safe working of the Worcester and Hereford line, is right, it would be just as reasonable for us to ask (as the West Midland Company pay part of his salary,) that that company should be equally liable for the working of the Shrewsbury and Hereford single line.

Yours truly,

GEO. FINDLAY.

*Lieut.-Col. Yolland,
Board of Trade, Whitehall,
London. S.W.*

No. 1.

Mr. Findlay to Mr. Morris.

27th Sept. 1861.

I presume you attach no responsibility to our signalmen at Shelwick junction with regard to working the single line on the Worcester Hereford?

I understand you exchange the "staff" at Barton, therefore their duty will be simply to allow your trains to pass when they require to do so.

(Signed) GEORGE FINDLAY.

Mr. Percy Morris to Mr. Findlay.

Sept. 28th, 1861.

Signalman at Shelwick Junction.

Dear Sir,

By our present arrangements the staff is exchanged at Barton station, and we shall not therefore require any service in this respect from your junction signalman at Shelwick.

(Signed) PERCY MORRIS.

No. 2.

Mr. Morris to Mr. Findlay.

Hereford, October 10th, 1861.

Worcester and Hereford Staff.

We work the trains on the single line of the Worcester and Hereford with a staff and tickets which are now exchanged at Barton station, but we find it necessary to save time to exchange them at Shelwick junction.

Is there any objection to your signalman at the junction (Shelwick) performing this service for us?

(Signed) PERCY MORRIS.

Salop, October 11th, 1861.

Worcester and Hereford Staff.

I think there would be some difficulty in exchanging the staff at Shelwick junction by our men, and it would in some degree attach responsibility to this company in working your single line that we could not undertake. I believe you have a pointsman at the facing points near the junction; if I am right, will

it not be better for all parties that the staff should be exchanged through the medium of your own servants?

(Signed) GEORGE FINDLAY.

No. 3.

Mr. Morris to Mr. Findlay.

Hereford, October 12th, 1861.

Worcester and Hereford Staff and Tickets.

Our man (we have only one) can attend to this duty during the day, in fact to all passenger trains, and if you will allow your man to attend to the night goods trains it will be a saving of expense to us.

(Signed) PERCY MORRIS.

Mr. Findlay to Mr. Morris.

Shrewsbury, Oct. 14th, 1861.

If your man attends to the duty in the day the delay of passenger trains will be avoided, and I have no doubt you will be able to manage for the staff during the night to be exchanged at Barton station without incurring the expense of another man at the junction.

(Signed) GEORGE FINDLAY.

No. 4.

Hereford, Oct. 22nd, 1861.

Mr. Morris to Mr. Findlay.

Accident at Shelwick.

The accident at Shelwick on Thursday last having been caused by the act of your signalman we still hold your company liable for the consequences. The Board of Trade has been advised of the accident, and Colonel Yolland has been appointed to investigate the case. As soon as I know what day Col. Yolland comes, I will advise you.

(Signed) PERCY MORRIS.

No. 5.

Mr. Findlay to Mr. Morris.

Shrewsbury, Oct. 26th, 1861.

Accident at Shelwick.

In answer to yours of the 22nd, I have carefully inquired into the circumstances relating to the accident that occurred near Shelwick junction on the 17th, the result of such inquiry shows conclusively that the servants of this company are not to blame.

The working of the staff was altered from the Barton to Shelwick junction, without apprising this company when it took place, beyond your own signalman asking our men to allow all outgoing trains to pass on the portion of double line there to wait the arrival of the incoming trains and take up the staff to proceed to Worcester. If the engine driver of the passenger train on the day the accident occurred had done so, as all the other trains on the days previously had done, no accident would have occurred.

I must draw your attention to my letters of the 27th Sept. and Oct. 11th, which clearly state that this company would not be liable in any respect for the working of your single line.

I may further say that our signalman reports that special trains have frequently passed over your line of which they have had no notice, and this is an additional reason why the responsibility of working should rest wholly with your own servants.

Yours truly,

GEORGE FINDLAY.

*West Midland Railway,
Secretary's Office,*

Worcester, November 20th 1861.

DEAR SIR,

ON my return home, I find your letter of the 14th instant, enclosing Colonel Yolland's report on the subject of the accident at Shelwick Junction. I must express my extreme regret that the undertaking required by the Board of Trade had been over-

looked by me; but I may state, for the information of their Lordships, that the requirements of Colonel Yolland had been carried out, and the system of working the line by staff adopted from the first day of opening.

I am also pleased to say, that the electric telegraph is now so nearly completed that we expect it will be brought into general operation not later than tomorrow.

I have, &c.

W. T. ADCOCK,
Secretary.

*The Secretary
Railway Department,
Board of Trade.*

West Midland Railway.

Worcester, 20th Nov. 1861.

SIR,

As Secretary for and on behalf of the West Midland Railway Company, I hereby undertake that the portion of our Hereford Branch, extending from Malvern Wells to Shelwick, shall be worked under the train staff and ticket system, and that telegraph instruments shall be placed at each station for ordinary communications, and instruments devoted entirely to work the traffic through the tunnels shall, in addition, be placed at the stations on either side of the tunnels, station and distant signals outwards being erected, so that the signalman may, in the event of one signal failing, have the means at hand of arresting the progress of the trains proceeding towards the tunnel.

I further undertake, until these facilities are provided, that only one engine, or two or more coupled together and forming part of one train, shall be allowed at one and the same time on the single line of the West Midland Railway between Malvern Wells and Shelwick Junction.

I am, &c.

W. T. ADCOCK,
Secretary.

*The Secretary,
Railway Department,
Board of Trade.*

Railway Department, Board of Trade.

Whitehall, 2d December 1861.

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you, to be laid before the Directors of the West Midland Railway Company, the enclosed copy of a memorandum by Colonel Yolland, on the undertaking as to the mode of working the single line between Malvern Wells and Shelwick enclosed in your letter of the 20th ultimo.

I have, &c.

J. BOOTH.

*The Secretary,
West Midland
Railway Company.*

Memorandum by Colonel Yolland on Letter from Secretary to West Midland Railway, dated 20th November.

The undertaking is satisfactory as far as it goes; but no allusion is made to the recent collision on the single line close to Shelwick Junction, and it is not shown where the train staffs and tickets are to be issued and given up in future; because if it is not done at Barton Station or at the Shelwick Junction signal-box, a similar collision may again occur with more serious results to the public.

I cannot recommend their Lordships to give their sanction to the opening of the line, until this point is cleared up.

27th Nov. 1861.

(Signed) W. YOLLAND.

*The Secretary,
Railway Department,
Board of Trade.*

*West Midland Railway,
Secretary's Office,*

3rd December 1861.

DEAR SIR,

I HAVE this morning received a letter from Mr. Booth, enclosing copy of extract from your me-

memorandum of the 27th November. In reply, I beg to inform you, that since you were at Shelwick we have kept a man in the signal-box at the Shelwick Junction, where the staff has been and is still, and will continue to be, exchanged, and I undertake on behalf of the Company that no alteration shall be made in this arrangement, so long as the Board of Trade requires the line to be worked on the staff system.

May I ask you to kindly inform me if this will meet your requirements.

Colonel Yolland, R.E.
Railway Department,
Board of Trade,
Whitehall, London.

I am, &c.
W. T. ADCOCK,
Secretary.

Memorandum by Colonel Yolland on the Letter from the Secretary of the West Midland Railway Company, of 3rd December.

I forward this letter, and beg to state, that I think their Lordships sanction for the opening of the portion of the Worcester and Hereford section of the

West Midland Railway, between Shelwick Junction and Malvern Wells, may now be given.

4th December, 1861. (Signed) W. YOLLAND,
Col. R.E.

The Secretary
Railway Department,
Board of Trade.

SIR,
Railway Department, Board of Trade,
Whitehall, 5th December 1861.

I AM directed by the Lords of the Committee of Privy Council for Trade, to acknowledge the receipt of your letter of the 3d instant, addressed to Colonel Yolland and forwarded by that officer to this Department, giving a further undertaking as to the mode of working the portion of the West Midland Railway between Malvern Wells and Shelwick.

My Lords direct me to state, that that undertaking is satisfactory to their Lordships.

The Secretary
West Midland
Railway Company.

I am, &c.,
JAMES BOOTH.

WEST MIDLAND RAILWAY.

Railway Department, Board of Trade,
Whitehall, 15th November, 1861.

SIR,
I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you, to be laid before the Directors of the West Midland Railway Company, the enclosed copy of the report made by Colonel Yolland, R.E., on the collision, which occurred on the 29th ultimo, at the junction of the Newport and Hereford Section of the West Midland Railway with the Monmouthshire Railway at Coed-y-gric.

The Secretary of the
West Midland
Railway Company.

I am, &c.
JAMES BOOTH.

Railway Department Board of Trade,
Whitehall, 11th November, 1861.

SIR,
I have the honour to report, for the information of the Lords of the Committee of Privy Council for Trade, in obedience to your minute of the 4th instant, the result of my inquiry into the circumstances which attended the collision that occurred on the 29th of October at Coed-y-gric, the junction of the Newport and Hereford Section of the West Midland Railway with the Monmouthshire Railway.

The West Midland Railway Company run certain trains from Monmouth to Merthyr, and these trains stop at Pontypool Road station to set down and take up passengers, for which purpose on the arrival at Pontypool Road station, after the passengers for the main line have got out at the down platform, the trains are started ahead for about 76 yards, and they are then shunted back and stand at the west side of the Taff Vale Extension platform. These trains have only been running for a few months between Monmouth and Merthyr, and it appears with reference to the 9h. 0m. a.m. train from Monmouth on the 29th October, that it reached Pontypool Road about 10h. 5m. a.m., and the train consisted of engine and tender, two road vans placed next the engine, and three passenger carriages and a guard's break van behind the road vans.

The fireman of the train informed me, that as soon as they arrived at Pontypool Road he got down off the engine and uncoupled the van from the carriages, and the vans were then taken forward and shunted into the goods shed siding, and then the engine returned to the carriages and the fireman coupled on the engine to the carriages; after which

he got on to the engine for his oil can, and then he went into the store room for oil, leaving the driver on the engine which was standing still, and when he came out of the office, after a lapse of about five minutes, the engine was gone.

The guard of the train stated that, when the engine had come back to the carriages after putting the road vans into the goods shed siding he shut the doors of the carriages and went back and slackened off the break in his van at the tail of the train, and then he went to the engine and told the driver, who was the only person standing on the foot plate of the engine, to go ahead, in order to shunt over to the Taff Vale Extension platform; and as soon as he had told the driver, the latter started the train ahead; that he did not see the driver get down off the engine, for as soon as the train had started, he went into the office with his letters and bags, and when he came out of the office he found that his train was gone.

The running shed foreman at Pontypool Road told me, that he was on the up platform, and had been speaking to a driver who was about to take a train to Monmouth, and on turning round to go towards Newport he met the driver of the 9h. 0m. a.m. Monmouth train, and at that moment this train was moving ahead, and he then asked the driver who was on his engine? and was told that the fireman was there. He also said that the steam was on, but to judge from the beat of the engine, he did not think the regulator was much open, and he called out to know where he was going, but saw no one on the engine: that at this time, it had passed the junction signal box opposite to the junction with the Taff Vale Extension Line, and he thought the train might be going forward in order to shunt vans into the goods shed siding, but seeing it full, he then observed to the driver that there must be something wrong. The foreman followed the train as fast as he could to the junction with the Monmouthshire Railway, where he found that the engine had come into contact with the engine of an empty goods train, which was in the act of drawing a train out of a siding lying east of the main lines, this engine being at the moment of the collision foul of the down line to Newport, while standing on a through road leading from the siding to the up-line of the Monmouthshire Railway. The empty goods train which belonged to the Monmouthshire Railway Company, was on its way to Pontypool station, and the driver of this engine when he saw the West Midland train approaching, at a speed which is variously estimated by different parties to be from