



ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. cxlii.

An Act to extend the Time for making the *Worcester and Hereford* Railway, and for granting further Powers with respect to that Undertaking.
[2d August 1858.]

WHEREAS by the Act (Local and Personal) 16 & 17 Vict. c. 184. the *Worcester and Hereford* Railway Company (in this Act referred to as "the Company") were incorporated, and authorized to make a Railway from *Worcester* to *Hereford*, with Branch Railways to join the *Oxford, Worcester, and Wolverhampton* Railway at *Worcester*, and the *Shrewsbury and Hereford* Railway at *Hereford*: And whereas the Company were for some Time not in a Position to carry any of the Powers of the said Act into execution, but they are now proceeding in the Construction of the said Railways, and it is expedient that the Time for the Completion of the said Railways should be extended for Three Years from the Fifteenth Day of August One thousand eight hundred and fifty-eight, when the same will expire: And whereas it is expedient that the Compensation Money payable by the Company in respect of certain Common Lands near the City of *Worcester*, and in respect of any other Lands vested in public Bodies, Trustees, or other Persons not entitled to such Lands in Fee, or to dispose of them absolutely for their own Benefit, should, with the Consent of such Bodies or

[Local.] 26 C Persons,

16 & 17 Vict.
c. clxxxiv.

*The Worcester and Hereford Railway Act, 1858.*16 & 17 Vict.
c. clxxix.

Persons, be paid by way of an annual Rentcharge, instead of by a gross Sum: And whereas by the Act (Local and Personal) 16 & 17 Vict. c. 179. the *Newport, Abergavenny, and Hereford* Railway Company were authorized to effect Junctions between their Railway and the *Shrewsbury and Hereford* and the *Hereford, Ross, and Gloucester* Railways at *Hereford*, but the said Act directs that those Powers should not be exercised if the *Worcester and Hereford* Railway Company, who had Authority by the first herein-before recited Act to construct nearly identical Works, should begin the Construction thereof within Three Months and complete the same in Nine Months after the passing of the same Act; and inasmuch as the Delay of Nine Months was injurious to the Traffic of the *Newport, Abergavenny, and Hereford* Railway Company, the said Company did, with the Consent of the *Worcester and Hereford* Railway Company, exercise the Powers of the last-mentioned Company, and at their own Expense constructed the said Junctions, and have ever since worked the same as a Part of their own Undertaking, and it is therefore expedient that the said Portion of Railway constituting the said Junctions, and that the Lands whereon the same are constructed, should be vested in the *Newport, Abergavenny, and Hereford* Railway Company, with Power to that Company to transfer the same to the *Worcester and Hereford* Railway Company upon such Terms and Conditions as may be agreed upon between the Companies: And whereas the *Newport, Abergavenny, and Hereford*, the *Oxford, Worcester, and Wolverhampton*, and the *Midland* Railway Companies are greatly interested in the speedy Completion and in the efficient working of the *Worcester and Hereford* Railway, and it is expedient that these Three Companies should be empowered to contribute Funds towards the Construction of the same Railway: And whereas the before-mentioned Objects cannot be accomplished 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:

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to describe it as "*The Worcester and Hereford* Railway Act, 1858."

Time for
making the
Railways
extended.

II. The Period limited by the firstly-recited Act for the Completion of the Railways thereby authorized shall be extended until the Fifteenth Day of *August* One thousand eight hundred and sixty-one; and the Sum of Forty-two thousand four hundred and five Pounds, which remains deposited with the Court of Chancery in *England*, in pursuance of the Sixty-third Section of "*The Worcester and Hereford* Railway Act, 1853," shall remain so deposited, and shall be subject to the same Forfeiture as the Time specified in the same Section for the Completion of the Railway, or the Expenditure of One Half of the Capital authorized by the same

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same Act to be raised, were the Fifteenth Day of *August* One thousand eight hundred and sixty-one, instead of the Fifteenth Day of *August* One thousand eight hundred and fifty-eight.

III. Subject to the Provisions of this Act, it shall be lawful for the Commissioners of the Town of *Great Malvern*, the Committee of Commoners, the Surveyors of the Highways, and any other Persons interested, to agree for the Purchase by the Company of any Common Land or Commonable Rights vested in the said Commissioners or other Persons in the Parish of *Great Malvern*, and which may be required by the Company for the Purposes of their Undertaking, such Purchase being in consideration of a Rentcharge or other annual Sum, instead of a Sum in gross; and it shall also be lawful for any of the Parties referred to in the Seventh Section of "The Lands Clauses Consolidation Act, 1845," to sell and convey to the Company any Lands which the Company are authorized to purchase for the Purposes of their Undertaking, in consideration of an annual Rentcharge payable by the Company, instead of a Sum in gross, and every such Rentcharge shall be deemed the Compensation for the Purchase of the Lands and Interest so purchased.

Parties interested in Common Lands in *Great Malvern*, and Parties under Disability, may sell Lands on Chief Rents.

IV. Provided always, That no Fine, Premium, or Foregift shall be paid upon or in respect of any such Sale or Conveyance, and that the yearly Rent shall be the best or most usual yearly Rent for or in respect of the Premises conveyed, and that such Rent shall not be less than shall be determined by Two able practical Surveyors or their Umpire, in accordance with the Ninth Section of "The Lands Clauses Consolidation Act, 1845."

Land conveyed to be at best yearly Rent.

V. The said yearly Rent shall be and remain upon and for the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so conveyed stood settled or assured at or immediately before the Conveyance thereof.

Rent to enure to same Uses as Land conveyed.

VI. Every such yearly Rent shall be a Charge on the Undertaking of the Company and the Tolls thereof, in preference to any Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Company.

Rent to be a first Charge. Remedies for Recovery thereof.

VII. From and after the passing of this Act there shall be absolutely vested in the *Newport, Abergavenny, and Hereford* Railway Company, as fully and effectually as though they had acquired and constructed the same under the Powers of the said Act of the 16th and 17th *Victoria*,

Portion of Railway at Hereford vested in Newport, Abergavenny,
Chapter

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venny, and
Hereford
Railway
Company.

Chapter 179, the Railway in the City of *Hereford* referred to in the Seventy-third Section of "The *Worcester and Hereford* Railway Act, 1853," as between the *Hay* Turnpike Road and the *Shrewsbury and Hereford* Railway; and there shall also be vested in the same Company all the Lands whereon the same Railway is constructed, and all the Works, Approaches, and Conveniences connected therewith.

Worcester
and Hereford
Railway
Company
may pur-
chase same.

VIII. When the *Worcester and Hereford* Railway is open for public Traffic, it shall be lawful for the *Newport, Abergavenny, and Hereford* Railway Company, with the Consent of Three Fifths of the Votes of the Shareholders voting, in Person or by Proxy, at any General Meeting of such Company convened with Notice of that Object, to sell to the *Worcester and Hereford* Railway Company, and it shall be lawful for the last-named Company, with the like Consent of their Shareholders, to purchase, the said Portion of Railway, and the Works and Conveniences attached thereto, at such Price and upon such Terms and Conditions as shall be mutually agreed upon between the Two Companies.

Receipt of
Three Direc-
tors to be
sufficient
Discharge
for Purchase
Money.

IX. The Receipt in Writing under the Hands of any Three of the Directors for the Time being of the *Newport, Abergavenny, and Hereford* Railway Company shall be a sufficient Discharge to the *Worcester and Hereford* Railway Company for the Purchase Money so agreed to be paid, or for so much thereof as in such Receipt shall be expressed to have been received; and the last-named Company shall not be obliged or concerned to see to the Application of such Purchase Money, or be answerable or accountable for any Loss or Misapplication or Nonapplication thereof or any Part thereof, and the Purchase Money so received by the *Newport, Abergavenny, and Hereford* Railway Company shall be applied by them to the general Purposes of their Undertaking.

On Payment
of Purchase
Money, &c.,
Portion of
Railway to
vest in the
Worcester
and Hereford
Railway
Company.

X. Immediately on the Payment by the *Worcester and Hereford* Railway Company of such Purchase Money, and upon the Execution by the *Newport, Abergavenny, and Hereford* Railway Company of a Conveyance to the said Company under their Common Seal, and duly stamped, of the said Portion of Railway and Premises, the same shall become absolutely vested in the *Worcester and Hereford* Railway Company, and shall be possessed and enjoyed by them to all Intents and Purposes as though the same Land had been acquired and Railway constructed by them under the Powers of their Act.

Power to
certain Rail-
way Com-
panies to
subscribe,
and to apply
their Funds
for that Pur-
pose.

XI. It shall be lawful for each of the following Companies, namely, the *Newport, Abergavenny, and Hereford* Railway Company, the *Oxford, Worcester, and Wolverhampton* Railway Company, and the *Midland* Railway Company, to subscribe towards and become Shareholders in the Undertaking of the *Worcester and Hereford* Railway Company to any Extent not exceeding Thirty-seven thousand and five hundred Pounds,
and

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and the said respective Companies may contribute and apply, in Payment of their said respective Subscriptions, any Funds or Moneys (other than Revenue) belonging to or authorized to be raised by them, and which may not be required for the Purposes to which by any Act of Parliament it is made applicable: Provided always, that it shall not be lawful for the *Oxford, Worcester, and Wolverhampton* Railway Company to contribute any Part of the said Sum of Thirty-seven thousand and five hundred Pounds out of the Debenture Stock of Three hundred and fifty thousand Pounds which they are authorized to raise under the Powers of the Fourth Section of "The *Oxford, Worcester, and Wolverhampton* Railway (Capital) Act, 1856," nor shall it be lawful for them to contribute a greater Sum than Twenty-five thousand Pounds until the *Worcester and Hereford* Railway Company shall have been authorized to construct and shall have constructed a Branch or Siding from the *Worcester and Hereford* Railway at *Worcester* to the public Quays on the Eastern Bank of the River *Severn*, adapted for the Interchange of Goods between the *Oxford, Worcester, and Wolverhampton* Railway, the *Worcester and Hereford* Railway, and the River *Severn*.

19 & 20 Vict.
c. cxxvi.

XII. Each of the said respective Railway Companies may from Time to Time, so long as they remain Subscribers to the said Undertaking, appoint any Person (whether a Shareholder or not in the *Worcester and Hereford* Railway Company) to vote on their Behalf at any Meeting of the last-named Company, and may from Time to Time revoke any such Appointment, and appoint another Person in their Behalf; and each of the Persons so appointed shall during his Appointment have the same Right of voting at such Meeting as he would have if the Shares held by the Railway Company whereby he is appointed were held by him in his own Right.

Nominee of
Companies
to vote for
them.

XIII. Provided always, That every such Appointment or Revocation shall be in Writing, and under the Seal of the Railway Company making such Appointment or Revocation, or under the Hand of the Chairman for the Time being of the Directors of that Company, or under the Hand of the Secretary of that Company.

How Ap-
pointment of
such Persons
to be signi-
fied.

XIV. It shall not be lawful for the Company, out of any Money by the said firstly-recited 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 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 other Railway or execute any other Work or Undertaking.

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

XV. Anything herein contained shall not be deemed or construed to exempt the Company or their Railway from the Provisions of any General

Railway not
exempt from
Provisions
of present
Act

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and future
General
Acts.

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 authorized by the said firstly-recited Act, or of the Rates for small Parcels.

Expenses
of Act.

XVI. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.