



ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

Cap. ccxiii.

An Act for making a Railway from the *West Midland* Railway at *Bransford Bridge* in the County of *Worcester* to the *Shrewsbury and Hereford* Railway near *Leominster* in the County of *Hereford*; and for other Purposes.

[1st August 1861.]

WHEREAS the making of a Railway from the *West Midland* Railway in the Parish of *Powick* in the County of *Worcester* to the *Shrewsbury and Hereford* Railway in the Parish of *Leominster* in the County of *Hereford* would be of public and local Advantage: And whereas the several Persons herein-after named, with others, are willing at their own Expense to construct the said Railway: And whereas it is expedient that such Arrangements should be authorized with respect to the Working and Management of the Railway, and with respect to the Use of Portions of certain other Undertakings herein-after mentioned, and such Powers given to other Companies with reference thereto, as are herein-after contained: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

[*Local.*]

36 B

Commons,

Worcester, Bromyard, and Leominster Railway Act, 1861.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.
cc. 16. 18.
and 20. and
23 & 24 Vict.
c. 106. in-
corporated.

1. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," are hereby incorporated with and shall form Part of this Act.

Short Title.

2. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Worcester, Bromyard, and Leominster Railway Act, 1861.*"

Interpre-
tation of
Terms.

3. Where in this Act the Words "the Company" occur the same means the Company incorporated by this Act, and where the Word "Railway" occurs the same includes the Railway, Stations, Works, and Conveniences connected therewith by this Act authorized to be made, unless there be something in the Subject or Context repugnant to such Construction.

Subscribers
incorpor-
ated.

4. Sir Charles Hastings Knight, M.D., Joseph Wood, John Wheeley Lea, Edward Evans, William Lewis, Edward Bickerton Evans, Thomas Rowley Hill, John Parker, Josiah Stallard, Richard West, Elias Chadwick, James Bedford, Thomas Bristow Stallard, James Jenkes, John Rix, John Walker, James Whitsey Williams, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway, and such Company shall be incorporated by the Name of "*The Worcester, Bromyard, and Leominster Railway Company,*" and by that Name shall be a Body Corporate with perpetual Succession and shall have a Common Seal, with Powers to sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions contained in this Act and the Acts incorporated herewith.

Capital.

5. The estimated Cost of the Railway being Two hundred thousand Pounds, the Capital of the Company shall be Two hundred thousand Pounds.

Shares.

6. The Number of Shares into which the Capital shall be divided shall be Twenty thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

7. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and
Three

Worcester, Bromyard, and Leominster Railway Act, 1861.

Three Fourth Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

8. The Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of Sixty-six thousand five hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Power to borrow on Mortgage.

9. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application of Capital.

10. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver, in the event of the Interest or Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

11. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *March* and *September* in every Year.

First and other Meetings.

12. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall, after the First Meeting of the Company, be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Number and Qualification of Directors.

13. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the Number shall never be less than Five.

Power to reduce the Number of Directors.

14. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and

First Directors to continue in Office until

Worcester, Bromyard, and Leominster Railway Act, 1861.

First Meeting after passing of Act.

at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act mentioned; 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 Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

First Directors of the Company.

15. Sir Charles Hastings Knight, M.D., Joseph Wood, John Wheeley Lea, Edward Evans, William Lewis, Edward Bickerton Evans, Thomas Rowley Hill, John Parker, Josiah Stallard, Richard West, Elias Chadwick, James Bedford, Thomas Bristow Stallard, James Jenks, John Rix, John Walker, and James Whitsey Williams shall be the First Directors of the Company.

Quorum.

16. A Quorum of a Meeting of Directors shall be Three.

Quorum of Committee of Directors.

17. The Quorum of any Committee of Directors shall be Three.

Newspaper for Insertion of Advertisements.

18. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the City or County of *Worcester*.

Power to make Railway according to deposited Plans.

19. And whereas Plans and Sections of the Railway showing the Line and the Levels thereof, with Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of Land through which the said Railway will pass, have been deposited with the Clerks of the Peace for the Counties of *Worcester* and *Hereford*: Therefore, it shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, and to the Powers of Deviation authorized by such last-mentioned Acts, to make and maintain the Railway, with all proper Stations, Works, and Conveniences connected therewith, in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and the Company may enter upon, take, and use such of the said Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for all or any of such Purposes.

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Worcester, Bromyard, and Leominster Railway Act, 1861.

20. It shall be lawful for the Company to make and maintain the Railway following, with all proper Stations, Works, and Conveniences connected therewith; (that is to say,) Description of Railway.

A Railway commencing in the Parish of *Powick* in the County of *Worcester* by a Junction there with the *West Midland* Railway, and terminating in the Chapelry of *Ivington* in the Parish of *Leominster* in the County of *Hereford* by a Junction with the *Shrewsbury and Hereford* Railway.

21. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after mentioned on the said deposited Plan over or under the Railway, as also to make and construct the proposed Diversions of the Roads numbered as after mentioned on the said Plan, with such Inclinations as they think fit, not steeper than the following; (that is to say,) Regulating Inclinations of certain Roads.

Number on Plan.	Parish.	Rate of Inclination.
5	Leigh (Chapelry of Bransford)	- 1 in 20.
53	Bromyard (Township of Linton)	- 1 in 16.
81	Bromyard (Township of Linton)	- 1 in 20 on one Side and level on the other.
7	Bromyard - - -	- 1 in 16.
20	Bromyard - - -	- 1 in 14.
2	Bromyard (Chapelry of Wackton)	- 1 in 10.

22. The Quantity of Land to be purchased by Agreement by the Company for the extraordinary Purposes mentioned in the said Railways Clauses Consolidation Act shall not exceed Three Acres. Lands for additional Stations.

23. The Communication between the Railway hereby authorized and any other Railway, and all such Interferences with the Works of the said Railway as may be necessary or convenient for effecting such Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of such other Railway Company, and in case of any Difference arising as to the Mode of effecting the Communication, the same shall be determined by a Referee to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company. Communication with other Railways to be made under the Direction of the Engineer of that Railway.

24. Any Railway Company with whose Railway a Junction may be made under the Powers of this Act may from Time to Time erect such Signals and Conveniences incident to the Junction, and appoint and remove such Watchmen, Switchmen, or other Persons, as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Junction; and the Working and Management As to Expense of Signals, Watchmen, &c.

[Local.] 36 C of

Worcester, Bromyard, and Leominster Railway Act, 1861.

of such Signals and Conveniences shall be under the exclusive Management and Regulation of the Railway Company with whose Railway such Junction shall be made; and all the Expenses of erecting and maintaining such Signals and Conveniences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall, at the End of every Half Year, be repaid by the Company, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

Period for
Completion
of Works.

25. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Deposit in
the Court of
Chancery to
be forfeited
to the Crown
in a certain
Event.

26. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Seventeen thousand six hundred Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Two hundred and twenty thousand Pounds, the estimated Expense of the Railways comprised in this Act as introduced into Parliament: And whereas during the Progress of this Act through Parliament another Line of Railway originally comprised therein has been omitted therefrom: And whereas the Expense of the Railway and Works by this Act authorized is estimated at the Sum of Two hundred thousand Pounds, and Eight *per Centum* upon that Sum amounts to Sixteen thousand Pounds: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Sixteen thousand Pounds, Part of the said Sum of Seventeen thousand six hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividend of such Sum of Sixteen thousand Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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

Worcester, Bromyard, and Leominster Railway Act, 1861.

before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Sixteen thousand Pounds, Part of the Money deposited as aforesaid, and the Interest and Dividends of that Sum of Sixteen thousand Pounds, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Sixteen thousand Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs and Successors, of the said Sum of Sixteen thousand Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Sum of Sixteen thousand Pounds, and the Interest and Dividends thereof, shall 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 Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Sixteen thousand Pounds, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

27. On the Application of the Persons or the Majority of the Persons named in the Warrant or Order by which the Deposit of the said Sum of Seventeen thousand six hundred Pounds in manner aforesaid was directed to be made, or of the Survivors or Survivor of such Person, or of the Executors or Administrators of such Survivor, by Petition in a summary Way at any Time after the passing of this Act, the High Court

Release of
Part of
Money de-
posited.

of

Worcester, Bromyard, and Leominster Railway Act, 1861.

of Chancery may and shall order that the Sum of One thousand six hundred Pounds (Part of the Sum of Seventeen thousand six hundred Pounds deposited as aforesaid) and the Interest thereon shall be paid and delivered to the Persons or Person so applying, or to any other Persons or Person whom they or he may appoint to receive the same.

Tolls.

28. The Company may demand and take any Tolls for the Use of the Railway, not exceeding the following ; (to wit,)

Tonnage on Goods.

In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof (as follows) :

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, *per Ton per Mile* not exceeding One Penny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fire Clay, Cinders, Slag, and Stone, *per Ton per Mile* not exceeding One Penny Halfpenny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, Clay (except Fire Clay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, *per Ton per Mile* not exceeding Twopence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per Ton per Mile* not exceeding Threepence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

And 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 for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton *per Mile* which any such Carriage weighs beyond One Ton.

Tolls for Passengers and Animals.

29. In respect of Passengers and Animals conveyed in Carriages upon the Railway, or any Part thereof (as follows) :

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence ; and if conveyed in or upon any Carriage belonging

Worcester, Bromyard, and Leominster Railway Act, 1861.

belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox or Bull, Cow, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

30. The Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for every Passenger or Animal, or for every Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

31. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to Tolls.

For Goods or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls for Passengers as for One Mile; and for Animals and Goods, for every Quarter of a Mile or Fraction thereof as for a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Tolls 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, and so in proportion for any smaller Quantity.

32. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand and take Tolls not exceeding the following; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels on the Railway, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Threepence ;

[*Local.*]

36 D

For

Worcester, Bromyard, and Leominster Railway Act, 1861.

For any Parcel exceeding Seven and not exceeding Fourteen Pounds in Weight, Fourpence ;

For any Parcel exceeding Fourteen and not exceeding Twenty-eight Pounds in Weight, Eightpence ;

For any Parcel exceeding Twenty-eight and not exceeding Fifty-six Pounds in Weight, One Shilling ;

And for Parcels exceeding Fifty-six Pounds in Weight and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit : Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term applies only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, exceeds Four Tons but does 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 exceeds Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

33. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve 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.

Maximum
Rates of
Charges for
Cattle and
Goods.

34. With respect to the Conveyance of Animals, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, including the Tolls for the Use of the Railway and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Horse or other Beast of Draught or Burden before classed with Horses, Fourpence *per* Mile :

For Cattle, Twopence each *per* Mile :

For Calves and Pigs, One Penny each *per* Mile :

For Sheep and small Animals, Three Farthings each *per* Mile :

For every Carriage not weighing more than One Ton, Sixpence *per* Mile ; if weighing more than One Ton, Sixpence *per* Mile ; and an additional Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton which such Carriage may weigh beyond One Ton :

For

Worcester, Bromyard, and Leominster Railway Act, 1861.

For Manure and other Articles in this Act classed therewith, Twopence *per Ton per Mile* :

For Coals, Coke, Ironstone, and other Articles in this Act classed therewith, Twopence Halfpenny *per Ton per Mile* :

For Sugar and other Articles in this Act classed therewith, Threepence *per Ton per Mile* :

For Cotton and other Goods and Articles in this Act classed therewith, Fourpence *per Ton per Mile*.

35. 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 of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

Maximum Rates of Charges for Passengers.

For every Passenger conveyed in a First-class Carriage, Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per Mile*.

36. Provided always, That the Restriction as to the Charges to be made does not extend to any Special Train that may be required to run upon the Railway, but applies only to the Express and Ordinary Trains from Time to Time appointed by the Company for the Conveyance of Passengers and Goods upon the Railway.

Charges for Special Trains.

37. Provided always, That the Company may demand and take any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Company may take increased Charges by Agreement.

38. The Company and all Companies lawfully using their Railway may pass over and use, with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Shrewsbury and Hereford* Railway as is situate between the Junction of the Railway therewith and the *Leominster* Station of the *Shrewsbury and Hereford* Railway Company, and also the said Station and the Watering Places, Works, and Conveniences connected therewith, and the *Shrewsbury and Hereford* Railway Company shall make all necessary Arrangements for that Purpose, and afford all reasonable Facilities, and perform all reasonable Services for the Passage, Reception, Delivery, and Transmission of Traffic over so much of their Railway as aforesaid to and from the intended

Powers to use certain Railways and Portions of Railways.

Worcester, Bromyard, and Leominster Railway Act, 1861.

intended Railway, and make Provision for the Use of the Booking Office at the said *Leominster* Station, and all other Matters necessary for facilitating the Traffic of the Railway by this Act authorized.

Terms of
such Use.

39. The Terms, Conditions, and Regulations to which the Company and such other Companies as aforesaid shall be subject in respect of the said Use, Facilities, and Services, and the Tolls or other Considerations to be paid by them for the same, shall, if not agreed upon between them and the *Shrewsbury and Hereford* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in Difference, and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct; and either of the said Companies or such other Company as aforesaid who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises, shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

For protect-
ing local
Traffic.

40. In exercising the Powers herein-before granted it shall not be lawful for the Company, or any other Company lawfully using their Railway, unless with the Consent in Writing of the *Shrewsbury and Hereford* Railway Company, to take up at any Station of the last-mentioned Company any Passengers, Parcels, Animals, Goods, or Minerals, and to deliver the same at any other Station of the same Company, and if the Company or any such other Company violate this Enactment they shall for every such Violation pay to the Company to whom the Railway or Portion of Railway belongs or is leased a Sum not exceeding Fifty Pounds by way of Penalty.

For facilitat-
ing the In-
terchange of
Traffic be-
tween the
Railway and
the Shrews-
bury and
Hereford
Railway.

41. It shall be lawful for the *Shrewsbury and Hereford* Railway Company and the Company and they are hereby respectively required to book through all Passengers, Cattle, Goods, Minerals, and other Traffic, Matters, and Things passing to and from or beyond the Line or Lines of either of the said Companies from or to any Point or Place on or beyond the Line or Lines of the other of the said Companies, including the Stations of the said Companies respectively, and that in all Cases whether the Traffic be carried by the Engines and Carriages of the Company so booking through or not, and also to receive, convey, and forward to their Destination on the Line belonging to the said Companies respectively, and *vice versa*, from any Point or Place on the said several Lines all Passengers, Cattle, Goods, Minerals, and other Traffic, Matters, and Things passing to, from, or beyond either of the said respective Lines of Railway from, to, or beyond any Point or Place

on

Worcester, Bromyard, and Leominster Railway Act, 1861.

on the other of the said Lines of Railway upon Payment of the same Tolls, Rates, and Charges as shall for the Time being be charged and received for and in respect of any Traffic of the like Description carried the like Distances upon the Line of the Company so required to forward and forwarding such Traffic as aforesaid, or any Part thereof, and in every Case the said Passengers, Cattle, Goods, Minerals, and other Traffic, Matters, and Things shall be forwarded without Change of Carriages or Waggons if so required, and by the First practicable Train of the like Nature or conveying the like Description of Traffic proceeding on the Route over which the same are intended to be forwarded; and if any Dispute or Difference shall arise between the said Companies in reference to any of the Conditions and Provisions herein-before contained, or to the Performance and Fulfilment of the same by either of the said Companies, the same shall from Time to Time be referred to the Engineers of the said Companies, and if such Engineers shall differ in Opinion, or for the Space of One Month after Notice from either of the said Companies shall fail to determine the Matter in dispute, the same shall be referred to and determined by the Board of Trade, who are hereby authorized to determine the same, and whose Decision shall be final and binding on both Parties.

42. The Company and the *West Midland* Railway Company may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,) Power to enter into Traffic Arrangements with West Midland Railway Company.

The Working, Management, Maintenance, and Repair of the Railway by the *West Midland* Railway Company, and the Collection, Conveyance, and Conduct of the Traffic thereof, and the Supply of any Rolling or Working Stock, or of any Officers or Servants required for such Purposes:

The fixing and levying of the Tolls, Rates, and Charges arising on the Railway or any Part thereof:

The Division between the Companies, Parties to the Contract, of the Receipts arising from the Traffic upon the Railway, or which might have been conveyed on the same, and the Payments to be made respectively by the one Company to the other with respect to any of the Matters aforesaid.

43. All Agreements under this Act made between the Company on the one hand and the *West Midland* Railway Company on the other hand shall be subject to the Approval of the Board of Trade, and no Agreement authorized or confirmed by this Act shall in any Manner increase or diminish, alter, or affect any of the Tolls, Rates, or Charges which the Companies, Parties thereto, are from Time to Time respectively authorized and entitled to demand or take from any Person, but all other Persons shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the Agreement relates, on the Conditions of such Agreements.

[*Local.*]

36 E

same

Worcester, Bromyard, and Leominster Railway Act, 1861.

same Terms and Conditions, and on Payment of the same Tolls and Charges, as if the Agreement were not entered into.

To be first
approved
by Share-
holders.

44. No such Agreement shall have any Operation or Effect unless and until it be submitted to and approved by not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at Extraordinary Meetings of the respective Companies, Parties to such Agreement, specially convened for the Purpose.

Agreements
between
Companies
may be mo-
dified by the
Board of
Trade.

45. If at the Expiration of Ten Years after the making of any such Agreement, and so from Ten Years to Ten Years, the Board of Trade are of opinion that the Public Interests are injuriously affected by any of the Terms or Conditions thereof, the Board of Trade may require the Parties thereto to modify the Terms and Conditions of the Agreement in such Manner as the Board of Trade may think necessary for removing the Public Injury, and the Agreement shall be modified accordingly.

Public
Notice at
Expiration
of Decennial
Period.

46. The Company, previously to the Expiration of each Decennial Period, shall give such Public Notice as the Board of Trade may prescribe that the Board is about to enter on the said Revision, and will entertain Complaints with a view to the Removal of any Evil resulting to the Public from any such Arrangement.

During Con-
tinuance of
Agreement
Railway to
be con-
sidered Part
of West Mid-
land Rail-
way.

47. During the Continuance of any Agreement entered into under the Authority of this Act the Two Railways shall, for the Purposes of Tolls and Charges, be considered One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway of the *West Midland* Railway Company, and partly on the Railway of the Company, for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles, and for each Mile or Fraction of a Mile beyond Four Miles as for One Mile only.

Saving ex-
isting Right
to contract.

48. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from "The Railways Clauses Consolidation Act, 1845," or from the general Law.

Power to
West Mid-
land Railway
Company to
subscribe,
and to apply
their Funds
for that Pur-
pose.

49. It shall be lawful for the *West Midland* Railway Company to subscribe toward and become Shareholders in the Undertaking of the Company to any Extent not exceeding One Fourth Part of the Capital of the Company; and the *West Midland* Railway Company may, with the Authority of Three Fifths of their Shareholders present, personally or by Proxy, at a General Meeting specially convened for the Purpose, contribute and apply in Payment of their said Subscription any Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking, and also any
Monies

Worcester, Bromyard, and Leominster Railway Act, 1861.

Monies which they are by this Act authorized to raise, and the *West Midland* Railway Company shall, in respect of the said Sums to be subscribed and the corresponding Shares in the Company to be held by them, have all the Powers, Rights, and Privileges, and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company.

50. The *West Midland* Railway Company, whilst they continue Shareholders of the Company, may, by Writing under their Common Seal, from Time to Time appoint any Person to attend any Meeting of the Company, and every such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may vote thereat in respect of the Capital held by the *West Midland* Railway Company upon all Questions. And to vote at General Meetings.

51. It shall be lawful for the *West Midland* Railway Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting of that Company called for the Purpose, to raise for the Purpose of the Contribution herein-before mentioned any Sum of Money not exceeding in the whole the Amount of their Subscription, which Sum shall be raised by the Creation and Issue of new Shares in the Capital of the said Company of such nominal Amount, to such Persons, on such Terms, and bearing (if the said Company shall think fit) a preferential Dividend at such Rate not exceeding Five Pounds *per Centum per Annum*, as the said Company may appoint, and such new Shares shall in other respects be subject to the same Provisions as and become Part of the General Capital of the said Company: Provided always, that any Priority of Dividend which may be granted in respect of such new Shares shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the said Company in pursuance of, or which may have been granted or confirmed by, any previous Act of Parliament, or which may otherwise be lawfully subsisting. Power to *West Midland* Railway Company to raise Money by the Creation of Shares.

52. 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 preferential Dividend for that Year, or any Shares created by virtue of this Act, the Deficiency shall not be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company. Preferential Dividends not to carry Arrears beyond One Year.

53. It shall not be lawful for the Company or any other Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall Interest not to be paid on Calls paid up.

Worcester, Bromyard, and Leominster Railway Act, 1861.

shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

54. It shall not be lawful for the Company, or any other Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

55. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Expenses of
Act.

56. 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.

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