



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxxvii.

An Act for making a Railway from the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford* to *Hertford* in the same County, to be called the "*Hertford and Welwyn Junction Railway*;" and for other Purposes. [3d July 1854.]

WHEREAS the making of a Railway from the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford* to *Hertford* in the same County would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing to carry such Undertaking into execution; but the same 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say)

I. This Act may be cited for all Purposes as "*The Hertford and Welwyn Junction Railway Act, 1854.*"

[*Local.*]

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II. That

The Hertford and Welwyn Junction Railway Act, 1854.

8 & 9 Vict.,
c. 16. 18.
and 20. in-
corporated.

II. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railway Clauses Consolidation Act, 1845," save so far as the same are expressly varied or excepted by this Act, shall be incorporated with and form Part of this Act.

Incorporation of Company.

III. That the Honorable *William Francis Cowper, Thomas Chambers, John Townshend, Thomas Jackson, Alfred William Bean, James Gow, John Villiers Stuart Townshend, Harry Inskip, Franklin Haggart, Joseph Chuck*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their respective Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-before mentioned, with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Hertford and Welwyn Junction Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, under and subject to the Restrictions herein and in the said incorporated Acts respectively contained.

Capital.

IV. That the Share Capital of the said Company shall be Sixty-five thousand Pounds.

Number and Amount of Shares.

V. That the Number of Shares into which the said Capital shall be divided shall be Three thousand two hundred and fifty, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Twelve Pounds in the whole.

Interest not to be paid on Calls.

VII. That it shall not be lawful for the Company hereby incorporated, 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 Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said 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.

VIII. That

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VIII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised for the Purposes thereof, 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 said Company to construct any other Railway, or execute any other Work or Undertaking.

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

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Twenty-one thousand six hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Sixty-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow Money on Mortgage.

X. That all Moneys raised under this Act shall be applied only to the Purposes of this Act.

Application of Capital.

XI. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act; and the subsequent Ordinary Meetings of the Company shall be held half-yearly, on the Fourteenth Day of *January* and the Fourteenth Day of *July*, or within One Month before or after those Days respectively.

First and other Meetings.

XII. That the Number of Directors shall be not less than Three nor more than Six; and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares.

Qualification and Number of Directors.

XIII. That the Honorable *William Francis Cowper*, *Thomas Chambers*, *John Townshend*, *Harry Inskip*, and *Franklin Haggard* shall be the First Directors of the Company.

First Directors.

XIV. That 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 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.

Election of Directors at First Ordinary Meeting.

XV. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation

Subsequent Election of Directors.

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dation Act, 1845," contained; 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 said "Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XVI. That the Quorum of a Meeting of Directors shall be Three.

Advertisements.

XVII. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the County of *Hertford*.

Power to make Railway according to deposited Plans.

XVIII. And whereas Plans and Sections of the Railway and Branch Railway showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Land through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Hertford*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Branch in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Company not to take certain Property without Consent.

XIX. That it shall not be lawful for the Company to enter upon, take, or use such Portion of a certain Wood or Spring situate in the Parish of *Bishops Hatfield* of which the Marquis of *Salisbury* is Owner, and which is described on the said Plans as being in the Parish of *Tewin* and numbered thereon 6, without the Consent in Writing of the said Marquis of *Salisbury*, his Heirs and Assigns, under his Hand first had and obtained.

Lines of Railway and Branch Railways.

XX. That the Lines of Railway and Branch Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

First, a Railway commencing by a Junction with the *Great Northern Railway* in the Parish of *Digswell* in the County of *Hertford*, at such Point on that Portion of the said Railway which abuts on the Fields numbered 3 and 4 in the said Parish on the said deposited Plans, as shall be prescribed by the *Great Northern Railway Company*, and terminating by a Junction with the *Hertford Branch* of the *Northern and Eastern Railway*, at or near the *Hertford Station* thereof, in the Parish of *Saint John Hertford*:
Second, a Branch Railway from and out of the Main Line of the said intended Railway, commencing by a Junction therewith in the said
Parish

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Parish of *Digswell*, and terminating in the same Parish by a Junction with the *Great Northern Railway* at a Point near the Boundaries of the Parishes of *Hatfield* otherwise *Bishop's Hatfield* and *Digswell* aforesaid:

Which said Railway and Branch Railway and Works respectively will pass from, through, or into the several Parishes following, or some of them, (that is to say,) *Digswell*, *Bishop's Hatfield*, *Tewin*, *Hertingfordbury*, *Saint Andrew Hertford*, *Bengeo*, and *Saint John Hertford*, all in the County of *Hertford*: Provided always, that it shall not be lawful for the Company to make the Junction with the *Great Northern Railway* of the Railway herein-before secondly described, unless with the previous Consent in Writing of the *Great Northern Railway Company*.

XXI. That, subject to the Provisions of "The Railways Consolidation Act, 1845," it shall be lawful for the said Company to carry the said Railway and Branch across and on the Level of the Roads numbered on the Plans deposited as aforesaid, as follows; (that is to say,) 8 and 14 in the Parish of *Bishop's Hatfield*; 38 in the Parish of *Hertingfordbury*; 14 in the Parish of *Bengeo*; and 55, 63, and 65, in the Parish of *Saint John Hertford*.

Certain Roads to be crossed on the Level.

XXII. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge at Points of Crossing, and abide by Rules, &c. of Board of Trade.

XXIII. That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the said Railways hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations shall direct, and at the Expense of the Com-

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

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pany, to carry the before-mentioned Roads either under or over the said Railways by means of a Bridge or Arch, in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that if such Roads shall be so carried either under or over the Railways, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Roads may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Power to
stop up cer-
tain Roads.

XXIV. That it shall be lawful for the said Company permanently to stop up the Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,) 35 and 44 in the Parish of *Bengeo*.

If Company
require a
Part of Pro-
perty of
Baron Dim-
dale they
shall take
the whole.

XXV. That the said Company shall, if requiring for the said Line of Railway any Portion of the Estate of the Honorable *Thomas Robert Baron Dimsdale* at *Hertford* called *Cowbridge House* Estate, take the whole thereof, and pay for the same before taking possession, according to the Provisions of "The Lands Clauses Consolidation Act, 1845."

Directions
for building
Bridge over
the River
Lee.

XXVI. That for the Purpose of carrying the said Railway over the River *Lee* Navigation the said Company shall and they are hereby required, at their own Expense to make, and at all Times for ever thereafter to maintain and keep in good and sufficient Repair, a proper and substantial Bridge over the said Navigation in the Parish of *Saint John Hertford*, such Bridge to have a clear Span between the Abutments thereof of not less than Thirty-five Feet measured at Right Angles to the said Abutments, with a proper and sufficient Wall One hundred Yards in Length, constructed of *Kentish Rag Stone*, to protect the Towing-path at the Side of the said Navigation; and the said Towing-path shall not be less than Eight Feet in Width along the said Wall, and so far as the said Wall extends shall be made at the Cost of the said Company; and the Soffit or under Side of the said Bridge shall be in no Place less than Nine Feet above the present Top-water Level of the said Navigation, as indicated by the Mark or Groove on the Iron Post fixed in the River *Lee* by the Trustees of the said Navigation near the Stream leading to *Dicker Mill*; and the said Company shall, during the whole Period of constructing the said Bridge and the Works incidental thereto, leave for the said Navigation a navigable Waterway of not less than Thirty Feet in Width, with a Passage for Horses by the Side of the same; and the said Bridge, with the Abutments, Wall, and Towing-path, and all the Works, Matters, and Things incidental thereto, shall be constructed and maintained

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maintained to the Satisfaction of the Trustees of the said Navigation, and Working Plans of the same shall be submitted to the said Trustees for their Consideration and Approval previous to the Construction thereof.

XXVII. That the Company shall and they are hereby required to purchase sufficient Land for, and at their own Expense to make and for ever thereafter to maintain in good Repair and Condition, a Dock or Lay-bye by the Side of the said Navigation at or near the Bridge to be erected by the Company over the same at *Hertford*, such Dock or Lay-bye to be of sufficient Length to accommodate at the Margin or Land Side thereof at least Two Barges; and the said Railway Company shall, at their own Expense, make and for ever thereafter maintain a proper and convenient Branch Railway and Siding alongside of the said Dock or Lay-bye, with all necessary Slopes, Approaches, Cranes, and Conveniences for loading and unloading all Kinds of Articles to and from the Trucks and Carriages on the said Railway, and to and from the Barges and Vessels on the said Navigation; and the said Railway Company shall not be entitled to demand or receive any Rate or Toll or Sum of Money for the Use of the said Dock or Lay-bye, or for the Use of the said Branch Railway and Siding, but the said Dock or Lay-bye shall be at all Times for ever thereafter open to the free Use of the Public in communicating with the said Railway and Navigation, free from any Charge whatever other than the Tolls and Rates payable to the said Trustees under the Powers of the River *Lee* Acts, and the Tolls and other Charges payable to the said Railway Company under the Powers of this Act; and the said Dock or Lay-bye shall be and be considered as a Goods Station for the said Railway, and such Accommodation be therein given for receiving, depositing, landing, and keeping any Articles conveyed or to be conveyed upon the said Railway as is or may be given at the other Goods Stations on the said Railway: Provided nevertheless, that the said Dock or Lay-bye shall at all Times for ever be under the Control and Management of the Trustees of the said Navigation, and such Branch Railway and Siding, the Buildings therewith connected, and the Approaches to the same, shall be under the Control and Management of the said Railway Company; and the said Dock or Lay-bye, Branch Railway and Siding, shall be made at the Place agreed upon, and according to the Plan which has been signed by *John Cass Birkinshaw*, Engineer, on behalf of the said Railway Company, and by *Nathaniel Beardmore*, on the Part of the said Trustees, unless any other Place or Plan shall be hereafter agreed upon by the said Parties, and the Details and the Mode of Construction of the same shall be determined between the Engineer of the said Railway Company and the Engineer of the said Trustees for the Time being respectively, or, in case of Difference, by an Umpire to be appointed according to the Provisions of the "Lands Clauses Consolidation Act, 1845;" and such Dock or Lay-bye, Branch Railway and Siding, shall be completed and opened for public Use at or before the Time when the said Company shall

Company to make a Dock or Lay-bye with Siding for the River Lee at Hertford.

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shall be authorized by the Board of Trade to open the said Railway for public Traffic.

Saving
Rights of the
Trustees of
the River
Lee.

XXVIII. That (save and except as by this Act is otherwise provided) this Act or anything herein contained shall not extend or be construed to extend to prejudice, diminish, or affect any of the Rights, Powers, or Authorities vested in the Trustees of the River *Lee*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Railway not
to cross Pa-
per Mill
Ditch farther
than 80
Yards from
Tail-water
Channel of
Hertford
Waterworks.

XXIX. That in constructing the Railway near the Town of *Hertford* the Company shall not lay down their Line of Railway across the Stream called *Paper Mill Ditch* at a greater Distance than Eighty Yards from the lower Side of the Brick Arch forming the Tail-water Channel of the Waterworks belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Hertford*.

Corporation
of Hertford
may ex-
change a cer-
tain Portion
of Land for
Land to be
purchased by
Company.

XXX. That it shall be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Hertford* to make an Exchange of such Portion of a certain Field called *Hartham* in the Parish of *Saint John Hertford*, numbered 14 on the said deposited Plan, as the said Company shall require, under the Powers of this Act, for other Land adjoining the said Field called *Hartham*, to be purchased by the said Company, and the Value of the said Pieces of Land so to be exchanged shall be ascertained according to the Provisions of the "Lands Clauses Consolidation Act, 1845."

Saving
Rights of the
Corporation
of Hertford.

XXXI. That (save and except as by this Act is otherwise provided) this Act or anything herein contained shall not extend or be construed to extend to prejudice, diminish, or affect any of the Rights, Powers, or Authorities vested in the Mayor, Aldermen, and Burgesses of the Borough of *Hertford*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Lands for
extraordi-
nary Pur-
poses.

XXXII. That it shall be lawful for the said Company to purchase, in addition to the Lands by this Act authorized to be purchased by them for constructing the said Railways, any Quantity of Land not exceeding in the whole Seven Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act."

Limitation
of Time for
compulsory
Purchase.

XXXIII. That 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 Two Years from the passing of this Act.

Period for
Completion
of Works.

XXXIV. That the Railways shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for exe-
cuting

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cuting the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall be then completed.

XXXV. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, c. 20, a Sum of Five thousand one hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railways authorized by this Act, has been deposited with 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 recited Act, the said Sum of Five thousand one hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, 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 said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railways 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 said 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 the said Company shall either have opened the said Railways 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 Money deposited as aforesaid, and the Interest and Dividends thereof, 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 Five thousand one hundred Pounds shall have been executed by the said 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 or Successors, of the said Sum of Five thousand one hundred Pounds if the said 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

Security for
Completion
of the Rail-
way within
the Time
limited.

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prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half 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 such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of Persons named in such Warrant or Order as aforesaid, or the Survivor or Survivors of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding ; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, 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.

Tolls.

XXXVI. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railways, not exceeding the following ; (that is to say,) in respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes :

Class 1. For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, *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 ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class 2. For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Halfpenny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence ; and if conveyed

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conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile*, not exceeding One Halfpenny :

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or 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 if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class 5. 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,) *per Mile* not exceeding Fourpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Twopence, and the Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton :

In respect of Animals conveyed in Carriages upon the Railway, as follows: Tolls for
Animals.

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden 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; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per Mile* not exceeding One Halfpenny :

Class 7. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of Twopence *per Mile*; and if conveyed in any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

Class 8. For every Calf or Pig, Sheep, Lamb, or other Animal, conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing ;

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Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing:

Tolls for
Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, 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 to the Company, an additional Sum *per Mile* not exceeding One Penny; and if propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Penny.

Regulations
as to the
Tolls.

XXXVII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say)

For Articles or Persons conveyed on the Railway for a less Distance than the entire Length of the Line the Company may demand as for Three entire Miles:

For a Fraction of a Mile the Company may demand Tolls and Charges as for One 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.

Tolls for
small Parcels
and Articles
of great
Weights.

XXXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

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

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

And for any Parcel exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they may think fit:

Provided

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Provided always, that Parcels 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 such Term shall apply 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, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile* ; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Sixpence ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Twopence :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any Sum they may think fit.

XXXIX. That every Person 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. Passenger Luggage.

XL. That the maximum Rates 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 Person conveyed in a First-class Carriage, the Sum of Three-pence *per Mile* :

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

For every Passenger conveyed in a Third-class Carriage forming Part of a Mixed Train, the Sum of One Penny Halfpenny *per Mile*.

XLI. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except the loading and unloading of Goods, when such Service is performed by the Company,) shall not exceed the Amounts mentioned in the following Table ; (that is to say,) Maximum Charges for Goods and Animals.

[Local.]

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For

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For the Matters herein-before mentioned under Class One, not exceeding Twopence *per Ton per Mile* :

For the Matters mentioned under Class Two, not exceeding Twopence Halfpenny *per Ton per Mile* :

For the Matters mentioned under Class Three, not exceeding Threepence *per Ton per Mile* :

For the Matters mentioned under Class Four, not exceeding Fourpence *per Ton per Mile* :

For any Carriage mentioned under Class Five, not weighing more than One Ton, not exceeding Sixpence *per Mile* ; and if weighing more than One Ton, not exceeding One Penny Halfpenny *per Mile* for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton :

For everything mentioned under Class Six, not exceeding Fourpence *per Mile* :

For everything mentioned under Class Seven, not exceeding Twopence Halfpenny *per Mile* :

For everything mentioned under Class Eight, not exceeding One Penny *per Mile*.

Restriction as to Charges not to apply to Special Trains.

XLII. That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to run upon the Railway, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

XLIII. That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of 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 said Company in relation to such Goods.

All Communications, &c. between the Railway and the Great Northern Railway to be made under the Superintendence of the Engineer

XLIV. That all Communications between the Railway and the *Great Northern Railway*, and all Openings in the Rails of the *Great Northern Railway*, and all Works at and near the *Welwyn Station* of that Railway, which may be agreed on between the Two Companies, for the Reception and Accommodation of the Traffic of the Company hereby incorporated, and on what is now the Land of the *Great Northern Railway Company*, shall be made and for ever maintained and kept in good Repair at the sole Expense of the Company, and shall not only be in the first instance made, but shall also from Time to Time be altered, amended, repaired, and maintained, by the Company, under the Superintendence and Direction
and

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and to the Satisfaction of the Engineer of the *Great Northern Railway Company*, and in such Manner and by such Means only as shall not in anywise injure or prejudice the *Great Northern Railway*, or the Station, Works, or Property of the *Great Northern Railway Company* at *Welwyn*, or interfere with the Traffic on that Railway, or the free and uninterrupted Use thereof by that Company.

to the Great Northern Railway Company.

XLV. It shall not be lawful for the Company to purchase, take, or use any of the Lands or Property or to interfere with any of the Works of the *Great Northern Railway Company*, unless with the Consent in Writing of the last-named Company, excepting for the Purpose of forming the Junction aforesaid with the *Great Northern Railway*; and nothing herein contained shall alter, diminish, or interfere with the Rights, Powers, and Privileges of the *Great Northern Railway Company*, further or otherwise than the same Rights, Powers, and Privileges are by this Act expressly varied.

Not to take Lands of Great Northern Railway Company.

XLVI. That the *Great Northern Railway Company* from Time to Time may erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, or other Persons, as that Company deem necessary, for the Prevention of Danger or Destruction to or Interference with Traffic at and near the Junction between the Railway and the *Great Northern Railway*, and the Working and Management of such Signals, Works, and Conveniences shall be under the exclusive Management and Regulation of that Company; and all the Costs and Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the Wages of such Watchmen, Switchmen, and other Persons, shall at the End of every Half Year be repaid by the Company to the *Great Northern Railway Company*; and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *Great Northern Railway Company* in any Court of competent Jurisdiction.

Signals, &c. to be maintained, and Persons appointed by Great Northern Railway Company to prevent Danger at Point of Junction.

XLVII. That the Expenses of the Communications hereby authorized with the *Great Northern Railway*, and of all the necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the Engineers for the Time being of the respective Companies, and in such Manner and Form, and by such Ways and Means only, as shall not in anywise prejudice or injure the said *Great Northern Railway*, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Expenses of Communications to be borne by the Company.

XLVIII. That

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Company to form Junctions with the Eastern Counties Railway.

XLVIII. That it shall be lawful for the said Company to form Junctions, and add such Stations, Side Lines, and Works in conjunction with the *Eastern Counties* Railway, at or near the *Hertford* Station thereof, as may be necessary for connecting the proposed Railways with the said *Eastern Counties* Railway, and as may be necessary for the Reception and Accommodation of the Traffic of the respective Lines, such Junctions, Stations, Side Lines, and Works being made under the Superintendence and to the Satisfaction of the Engineers for the Time being of the Two Companies.

For facilitating Transmission of Traffic between the Railway and the Eastern Counties Railway.

XLIX. In order as far as practicable to facilitate the Transmission of Traffic passing to or from the Railway hereby authorized to be constructed from or to the Town of *Ware* in the County of *Hertford*, without undue Interruption or Delay, the *Eastern Counties* Railway Company shall and they are hereby required to afford at all Times such reasonable and proper Facilities and Accommodation upon their Line of Railway between *Hertford* and *Ware*, and at the present or any future Station at *Ware* aforesaid belonging to them, and to perform such Services in the Transmission of such Traffic upon the said last-mentioned Line, as shall effectually secure the Objects aforesaid; and the said *Eastern Counties* Railway Company shall make such Arrangements for booking at their Stations all Passengers, Animals, Goods, Parcels, and other Traffic which may be offered thereat for Transmission over their said Railway from the Town of *Ware* aforesaid to any Part of the *Hertford and Welwyn Junction* Railway as shall be necessary for the Convenience of such Traffic, and the due and punctual Transmission thereof, and shall account from Time to Time to the Company hereby incorporated for such Proportion of the Sums received by them at their said Station in respect of such Traffic as the said Company hereby incorporated may be entitled to receive in respect of the Passage of such Traffic over their Railway or any Part thereof, and shall also, if required by the said last-mentioned Company, carry on such Traffic in Carriages, Waggon, and Trucks belonging to or to be supplied by the Company hereby incorporated, so that no Change of Carriage shall be required in the Transmission of any Traffic to or from the *Hertford and Welwyn Junction* Railway from or to the Station at *Ware* aforesaid.

Difference as to the Facilities to be afforded or the Tolls to be charged to be referred to Arbitration.

L. All Differences which may arise between the said respective Companies with reference to the Nature and Extent of the Facilities and Accommodation to be afforded, the Services to be performed, and the Arrangements to be made as aforesaid, or with reference to the Amount of the Tolls, Charges, or other Consideration to be paid by the said *Hertford and Welwyn Junction* Railway Company to the said *Eastern Counties* Railway Company in respect of the Transmission of the Traffic herein-before mentioned, or with reference to any Matters of Detail connected with the Subjects aforesaid, shall from Time to Time be settled by
Arbitration.

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Arbitration in the Manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

LI. And the Arbitrators or Umpire, as the Case may be, shall not be limited as respects their or his Award of the Sums so to be paid by the said *Hertford and Welwyn Junction* Railway Company in respect of the Matters aforesaid to the maximum Tolls or Charges prescribed by the Acts relating to the *Northern and Eastern Counties* Railway and to the *Eastern Counties* Railway, nor shall such Arbitrators or Umpire make their or his Award with reference to the Charges made or to be made by the said *Eastern Counties* Railway Company as Carriers over their said Railway, but such Arbitrators or Umpire shall and may award such Tolls, Charges, Rent, and other Consideration as they or he shall consider fair, having regard to any extraordinary Cost properly incurred in the Purchase of Land for or in constructing the Portion of the said Railway belonging to the *Eastern Counties* Railway Company included within the Provisions of this Clause, as compared with the Cost of the Land for and constructing the said *Hertford and Welwyn Junction* Railway, and any other special Circumstances, so as to leave to each Company the due Remuneration for the Use of its own Line: Provided always, that no such Adjustment of Tolls and Charges as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Adjustment, be entitled to the Use and Benefit of the Railways in respect of which such Adjustment shall have been made, upon the same Terms and Conditions, and on Payment of the same Tolls or Charges, as they would have been in case no such Adjustment had been made.

In case of Facilities being provided for Transmission of Traffic over a comparatively expensive Line, Arbitrators to adjust the Charges accordingly.

LII. That it shall be lawful for the Company hereby incorporated to use the Line of the *Great Northern* Railway between the Point of Junction aforesaid and the *Welwyn* Station, together with the said Station, subject to such reasonable Regulations and upon such Terms and Conditions as may from Time to Time be agreed upon between the Company hereby incorporated and the said *Great Northern* Railway Company, and for that Purpose it shall be lawful for the Company hereby incorporated and the said *Great Northern* Railway Company to make and enter into Contracts or Agreements with reference to such Use by the Company hereby incorporated of the said Part of the said *Great Northern* Railway, and the Stations, Warehouses, Works, and Conveniences belonging thereto; and in case of Difference between them, such Terms and Conditions shall be from Time to Time settled and determined by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations: Provided always, that if by virtue of the Provisions herein contained the Railway shall be used

Power to use a Portion of the Great Northern Railway.

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and worked by any other Railway Company than the Company hereby incorporated, the Power hereby granted to use the said Portion of the *Great Northern Railway* and the *Welwyn Station* thereof shall cease.

Power to enter into Agreement with Companies for the Use of the Railways.

LIII. That it shall be lawful for the Company hereby incorporated from Time to Time to make and enter into Contracts or Agreements with the *Great Northern Railway Company* and the *Eastern Counties Railway Company*, or either of them, for the Use by such Companies or either of them of the said Railways hereby authorized to be constructed, or any Part or Parts thereof respectively, together with the Stations, Warehouses, Works, and Conveniences belonging thereto, or any of them, or any Part or Parts thereof, subject to such reasonable Regulations and upon such Terms and Conditions as may from Time to Time be mutually agreed upon: Provided always, that if the Railway hereby authorized to be made shall be worked by either the *Great Northern* or *Eastern Counties Railway Company* it shall not be lawful for either of the Two last-named Companies to demand or take any greater Tolls, Rates, or Charges in respect of the said Railway than they are entitled to charge and do in fact at the Time being receive on their own Undertaking respectively.

Railway Company to be subject to the Provisions of 1 & 2 Vict., c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by an Act of the present or succeeding Sessions of Parliament in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively.

Railway not exempt from Provisions of future General Acts.

LV. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the said Company, from the Provisions of any General Act relating to this Act, or to any Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, now in force or which may hereafter pass during the

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the present 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.

LVI. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company. Expenses of Act.

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