



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxliv.

An Act for making a Railway from the *Shrewsbury and Hereford* Railway at *Leominster* to *Kington* in *Herefordshire*. [10th July 1854.]

WHEREAS the Construction of a Railway from the *Shrewsbury and Hereford* Railway at *Leominster* to *Kington* in *Herefordshire* would afford Railway Accommodation to an important District having at present no such Convenience: And whereas Plans and Sections of the Railway, showing the Lines and 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 the Lands through which the said Railway will pass, have been deposited with the Clerk of the Peace for the said County: And whereas the Persons hereinafter named, with others, are willing at their own Expense to construct the said Railways, but they cannot do so 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:

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I. " The

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- 8 & 9 Vict.,
cc. 16, 18, &
20. incor-
porated.
- I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.
- "The Com-
pany."
- II. Where in this Act the Words "the Company" occur, the same shall mean the Company incorporated by this Act.
- Short Title.
- III. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Leominster and Kington Railway Act, 1854.*"
- Subscribers
incorporated.
- IV. The Honourable *Charles Spencer Bateman Hanbury, James King King, Thomas William Booker*, 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 hereby authorized; and such Company shall be incorporated by the Name of "The *Leominster and Kington 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 within the Restrictions herein and in the said Acts contained.
- Capital.
- V. And whereas the estimated Cost of the Railway is Eighty thousand Pounds: The Capital of the Company shall be Eighty thousand Pounds.
- Shares.
- VI. The Number of Shares into which the Capital shall be divided shall be Eight thousand, and the Amount of each Share shall be Ten Pounds.
- Calls.
- VII. Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Two Third 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.
- Power to
borrow on
Mortgage.
- VIII. The Company may borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-six thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Eighty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.
- Application
of Capital.
- IX. The Monies by this Act authorized to be raised, whether by Shares, Mortgage, or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

X. The

The Leominster and Kington Railway Act, 1854.

X. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the 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.

XI. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of the Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* or *March* and *August* or *September* in every Year, and such Meetings may be held in *London* or *Leominster*.

First and other Meetings.

XII. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Undertaking.

Number and Qualification of Directors.

XIII. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Seven.

Power to reduce the Number of Directors.

XIV. 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, 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 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 Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

Directors to continue in Office until First Meeting after passing of Act.

XV. Sir *Thomas Hastings* Knight, *John Samuel Bannister*, *James Bedford*, *Elias Chadwick*, *Thomas Davies*, *William Ormsby Gore*, *John Gethin*, the Honourable *Charles Spencer Bateman Hanbury*, *James King King*, *Henry Meredith*, *John Muscott*, and *Thomas Bristow Stallard*, shall be the First Directors of the Company.

First Directors of Company.

XVI. A

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Quorum.

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

Power to make Railways according to deposited Plans.

XVII. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels described on the said Sections, subject nevertheless to the Provision herein-after contained, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Power to deviate Line in the Parishes of Kingsland, Shobdon, and Eardisland.

XVIII. And whereas the Line of Railway, as laid down in the Parishes of *Kingsland*, *Shobdon*, and *Eardisland*, on the said Plans and Sections, is objected to by some of the Owners of the Land in such Parishes, and it has been agreed, with a View of averting such Objection, that a Deviation shall be made in the Line of Railway in such Parishes: And whereas in the Month of *April* One thousand eight hundred and fifty-four a Plan and Section showing the Line and Level of such Deviation, and a Book of Reference to such Plan, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands which may be required to be taken in making such Deviation, were deposited at the Office of the said Clerk of the Peace: And whereas such Owners, Lessees, and Occupiers (with One Exception, who, by his Agent duly authorized, is neuter,) consent to the said Deviation: Therefore the Company shall and they are hereby required to make and maintain the Railway in the Line and upon the Level shown upon the Plan so deposited in the Month of *April* One thousand eight hundred and fifty-four, and they may take and enter upon such of the Lands mentioned in the said Book of Reference as may be necessary in making the said Deviation.

Describing the Lines of Railway.

XIX. The Railway shall commence by a Junction with the *Shrewsbury and Hereford* Railway in the Borough and Parish of *Leominster*, pass through or into the said Borough and Parish, and the Parishes of *Kingsland*, *Shobdon*, *Eardisland*, *Pembridge*, *Lyonshall*, and *Kington*, and terminate in the said last-mentioned Parish, at or near a Meadow lying on the North Side of the *Kington* Tramway, and numbered 34 on the Plans before referred to.

Certain Roads may be crossed on a Level.

XX. The following public Roads, being numbered on the deposited Plans as follows, may be crossed on the Level; (that is to say,)
 No. 26 in the Borough and Parish of *Leominster*:
 Nos. 49, 71, and 120 in the Parish of *Kingsland*:
 No. 57 in the Parish of *Pembridge*, and No. 42 in the Parish of *Lionshall*,

XXI. For

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XXI. 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 before-mentioned Roads shall be crossed on a Level, and the 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 Board of Trade; and if the 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 any 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 Station or Lodge where Roads crossed on the Level.

XXII. The Board of Trade (if it shall appear to them necessary for the Public Safety or Convenience at any Time either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead 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 Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require Bridges instead of level Crossings.

XXIII. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Land for extraordinary Purposes.

XXIV. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXV. The Railway shall be completed within Three Years and Six Months from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts 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.

Period for Completion of Works.

XXVI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Six thousand Pounds has been deposited pursuant to the said Act, in respect of the Application to Parliament for this Act, being Ten *per Centum* upon Three Fourths of Eighty thousand Pounds, the estimated Cost of the Railway: Be it enacted, That, notwithstanding anything contained in the said recited Act, the Sum of Six

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

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thousand

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thousand 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 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 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 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 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 Six thousand 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 Six thousand 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 prove to the Satisfaction of the Lords of the said Committee that the said 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 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 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 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

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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.

XXVII. The Communication between the Railway hereby authorized to be made and the *Shrewsbury and Hereford* Railway, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Shrewsbury and Hereford* Railway Company; and in case of any Difference arising as to the Mode of effecting such Communication, then 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 Shrewsbury and Hereford Railway to be made under the Direction of their Engineer.

XXVIII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Shrewsbury and Hereford* Railway Company, or to alter, vary, or interfere with their Railway or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

Not to take Lands, &c., of Shrewsbury and Hereford Railway Company without Consent.

XXIX. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the said *Shrewsbury and Hereford* Railway Company, otherwise than is herein expressly provided.

Saving the Rights of that Company.

XXX. It shall be lawful for the Company from Time to Time to contract and agree with the *Shrewsbury and Hereford* Railway Company for or in respect of the joint Use of the Railway hereby authorized, and for or in respect of the Interchange of Traffic, and all Contracts and Agreements which may be made between the said Companies for any of the Purposes aforesaid, sealed with their respective Common Seals, shall, if they are in accordance with the Powers given by this Act, or the Acts incorporated herewith, be valid at Law, and binding to all Intents and Purposes whatsoever: Provided always, that no such Contract or Agreement shall be in force in the first instance for more than Ten Years, but on the Expiration of such Period it shall be lawful for either Company, upon giving One Month's previous Notice of such Application in a *London* and also in a *Herefordshire* Paper, to apply to the Board of Trade for their Consent to a Renewal of any such Contract or Agreement, and upon such Consent being obtained it shall be lawful for the Companies to make and enter into any

Company may contract with the Shrewsbury and Hereford Railway Company as to joint Use of Railway.

new

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new Contract or Agreement for the Purposes aforesaid, subject nevertheless to such Terms and Conditions as may be prescribed by the Board of Trade, and so that no such Contract or Agreement shall empower either of the said Companies to take any higher Tolls than they would be empowered to take if there was no such Contract or Agreement.

Not to take
Lands, &c.,
of the King-
ton Railway
Company
without Con-
sent.

XXXI. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Kington* Railway Company, or to alter, vary, or interfere with their Railway or any of the Works thereof further or otherwise than is necessary for the convenient Junction and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained, and any Junction which may be constructed between the Railway hereby authorized and the *Kington* Railway or Tramway shall be made under the Direction and to the reasonable Satisfaction of the Engineer of the *Kington* Railway Company.

Power to
take Tolls.

XXXII. It shall be lawful for the Company to demand and receive any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

On Articles
of Merchan-
dise.

1. 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, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny :

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, and other Articles of Merchandise, *per Ton per Mile* One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny :

For all Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum of Three Farthings *per Ton per Mile* :

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For all Cotton, Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny:

And for every Carriage, of whatever Description, and 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, *per Mile* Fivepence:

And a Sum of Twopence *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 of One Halfpenny *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 of One Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton.

XXXIII. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows: For Passengers or Cattle.

For any Person conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile* Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Farthing.

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

XXXV. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including Maximum Rates of Charge for the Passengers.
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the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums; that is to say,

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

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Three Farthings *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny Farthing *per Mile*.

For Cattle,
Goods, &c.

XXXVI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, including the Tolls for the Use of the Railway, and also including Waggons or Trucks when found by the Company, and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence *per Mile* :

For every Ox, Cow, Bull, or Head of Neat Cattle, the Sum of Twopence *per Mile* :

For every Calf, Pig, Sheep, or other small Animal, One Penny *per Mile* :

For every Carriage, the Sum of Sixpence *per Mile* :

For Culm, Coke, Ironstone, Iron Ore, Pig Iron, and Bar Iron, Twopence *per Ton per Mile* :

For Coal, Dung, Compost, Salt for Agricultural Purposes, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, Charcoal and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, and Sand, the Sum of One Penny Halfpenny *per Ton per Mile* :

For all Sugar, Salt for domestic Purposes, Grain, Corn, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Threepence *per Ton per Mile* :

For all Cotton and other Wools, Drugs, and other manufactured Goods, the Sum of Fourpence *per Ton per Mile* :

For Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, Twopence *per Ton per Mile* :

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, the Sum of Fivepence *per Ton per Mile* :

Provided always, that the Company shall not be bound to find Waggons or Trucks for Goods or Minerals; and it shall be lawful for them to demand

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demand and take, in addition to the Tolls, Rates, and Charges which are herein-before authorized, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company; and a further reasonable Sum for warehousing and Wharfage, and for any other extraordinary Services which may be reasonably and properly performed by the Company in relation to such Goods.

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

For Articles 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 and Charges as for One Quarter of a Mile :

For any Passenger conveyed along any Part of the Railway, any fractional Part of a Penny may be charged as a Penny :

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, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

XXXVIII. And with respect to small Packages, and single Articles of great Weight, the Company may lawfully demand the Tolls following; Tolls for
small Parcels
and Articles
of great
Weight.
(that is to say,)

For the Carriage (over the whole or any Part of the Line) of small Parcels not exceeding Seven Pounds in Weight, Threepence :

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

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

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings :

For any Parcel exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds in Weight, Three Shillings :

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For any Parcel exceeding One hundred and twelve Pounds and not exceeding Two hundred and twenty-four Pounds in Weight, Five Shillings and Sixpence :

For Parcels exceeding Two hundred and twenty-four Pounds 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 such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or any other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, or which, on account of the Length thereof, may require more than One Carriage, the Company may demand such Sum as they think fit.

Passengers
Luggage.

XXXIX. Every Passenger travelling upon the Railway in a First-class Carriage may take with him his ordinary Luggage not exceeding One hundred and twelve Pounds in Weight, and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage not exceeding One hundred Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage not exceeding Sixty Pounds in Weight, without any Charge being made for the Carriage.

Restriction
as to Charges
not to apply
to Special
Trains.

XL. The Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains 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 Company for the Conveyance of Passengers and Goods upon the Railway.

Company
may take
increased
Charges by
agreement.

XLI. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges hereinbefore 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 or other Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

XLII. It

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XLII. It shall not be lawful for the 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 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 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.

Interest not to be paid on Calls paid up.

XLIII. It shall not be lawful for the 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 execute any other Work or Undertaking.

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

XLIV. 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 any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and an Act was passed in the Session of Parliament held in the Ninth and Tenth Years 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 same Reign, 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 Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company.

Railway to be subject to 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. 14 & 15 Vict. c. 64.

XLV. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or 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

Railway not exempt from Provisions of future General Acts.

The Leominster and Kington Railway Act, 1854.

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.

XLVI. 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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