



ANNO VICESIMO NONO & TRICESIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxcvi.*

An Act for making a Railway from near *Beckford* to *Winchcomb*; and for other Purposes.

[16th *July* 1866].

**W**HEREAS the making and maintaining a Railway from near *Beckford* to *Winchcomb* in the Counties of *Worcester* and *Gloucester* would be of public and local Advantage: And whereas the several Persons in that Behalf in this Act named, with others, are willing at their own Expense to execute the Undertaking: And whereas Plans and Sections showing the Lines and Levels of the Railway and Works by this Act authorized to be made, and the Lands to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Gloucester* and *Worcester*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient that the *Midland* Railway Company (herein-after called the *Midland* Company) be authorized to subscribe towards the Funds of the Company, and to appoint Directors of the Company, and to enter into Agreements as herein-after provided: And whereas the Objects of this Act cannot be attained without the Authority of Parliament:

[*Local.*]

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May

*The Winchcomb and Midland Railway Act, 1866.*

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

1. This Act may be cited for all Purposes as "*The Winchcomb and Midland Railway Act, 1866.*"

8 & 9 Vict.  
cc. 16., 18.,  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to Cancellation and Surrender of Shares) of The Companies Clauses Act, 1863, The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Acts Amendment Act, 1860, The Railways Clauses Consolidation Act, 1845, and Part I. (relating to the Construction of a Railway) and Part II. (relating to Working Agreements) of The Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the Railway" or "the Undertaking" shall mean the Railway or Undertaking by this Act authorized, or any Part thereof; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Company  
incorporated.

4. *John Coucher Dent, William Smith, William Montagu Baillie, Francis Edwards, John Charles Handfield,* 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 for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "*the Winchcomb and Midland Railway Company,*" and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of this Act.

Power to  
make  
Railway

5. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited

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deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

according to deposited Plans.

A Railway, Five Miles and Six Furlongs or thereabouts in Length, commencing in the Parish of *Beckford* in the County of *Gloucester* by a Junction with the *Ashchurch and Evesham* Railway, and terminating in the Parish of *Winchcomb* in the said County of *Gloucester* near the Toll House at the *North Street*, at *Gretton* Turnpike Gates at *Winchcomb*.

6. The Capital of the Company shall be Forty-two thousand Pounds, in Four thousand two hundred Shares of Ten Pounds each. Capital.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof. Shares not to issue until One Fifth Part paid up.

8. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls in any Year upon any Share. Calls.

9. The *Midland* Company may, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the said Company specially convened for the Purpose, from Time to Time subscribe any Sum which they think fit towards the Undertaking hereby authorized, not exceeding in the whole Ten thousand Pounds; and the said Company may with the like Authority 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 which they are by this Act authorized to raise; and the said Company shall, in respect of the Sums to be subscribed and the corresponding Shares in the Company to be held by them, have all the Powers, Rights, and Privileges, (except in regard to voting at General Meetings, which shall be as herein-after provided,) and be subject to all the Obligations and Liabilities of Proprietors of Shares in the Company: Provided always, that it shall not be lawful for the *Midland* Company to sell, dispose of, or transfer any of the Shares in the Company for which they may subscribe. Power to *Midland* Company to subscribe, and to apply Funds for that Purpose.

10. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Fourteen thousand Pounds, but no Power to borrow on Mortgage.

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no Part thereof shall be borrowed until the whole Capital of Forty-two thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of The Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of the Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide* and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of Receiver.

**11.** The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand four hundred Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

**12.** All Monies to be borrowed on Mortgage under this Act, from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company and the Property from Time to Time of the Company over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of The Lands Clauses Consolidation Act, 1845, or The Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway.

Application of Monies.

**13.** All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

First Ordinary Meeting.

**14.** The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

Advertisements.

**15.** The Newspapers for Advertisements shall be any Newspapers published and circulating within the Counties of *Gloucester* or *Worcester*.

**16.** The

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- 16.** The Number of Directors shall not exceed Five, but it shall be lawful for the Company from Time to Time to reduce the Number, provided that the Number be not less than Three. Number of Directors.
- 17.** The Qualification of a Director shall be the Possession in his own Right of not less than Fifty Shares. Qualification of Directors.
- 18.** The Quorum of a Meeting of Directors shall be Three, but when there are only Three Directors the Quorum shall be Two. Quorum.
- 19.** *John Coucher Dent, William Smith, John James Sexty,* and Two other Persons to be appointed at the First Ordinary Meeting, shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held after the passing of this Act; at that Meeting the Shareholders present in person or by proxy may either continue in Office the Directors appointed by this Act, or any of them, or may elect a new Body of Directors, or Directors to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for re-election; and at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting the Shareholders present in person or by proxy shall (subject to the Power herein-before contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in The Companies Clauses Consolidation 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 same Act. First Directors.  
Election of Directors.
- 20.** The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in The Railways Clauses Consolidation Act, 1845, shall not exceed Two Acres. Lands for extraordinary Purposes.
- 21.** 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. Powers for compulsory Purchases limited.
- 22.** The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that 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 thereof as shall then be completed. Period for Completion of Works.
- 23.** The Junction between the Railway hereby authorized and the *Midland Railway* shall not be made at the Points where, according to *[Local.]* Mode of effecting Communications with the

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Midland  
Railway.

the Plans deposited as in this Act mentioned, such Railway appears to communicate therewith, without the Consent in Writing of the *Midland* Railway Company under their Common Seal first had and obtained; but all Communications between the Railway hereby authorized and the *Midland* Railway shall be effected in a substantial Manner by means of Connexion Rails and Points of the Construction, and laid in the Manner and in such Position within the Limits of Deviation shown on the deposited Plans, as the Engineer for the Time being of the *Midland* Railway Company may from Time to Time approve and require, and shall be executed to his Satisfaction in all respects.

Company to  
acquire only  
Easements  
in Land of  
the *Midland*  
Railway  
Company.

24. With respect to any Land of the *Midland* Railway Company which the Company are by this Act from Time to Time authorized to use, enter upon, or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the *Midland* Railway Company may and shall sell and grant accordingly, an Easement or Right of using the same for the Purposes for which but for this Enactment the Company might purchase and take the same.

Company  
not to take  
more Land  
than is  
required for  
Junction.

25. The Company shall not take or use more Land of the *Midland* Railway Company than is necessary for the Purpose of effecting the Junction hereby authorized.

Deposit  
Money not  
to be repaid  
until Line  
opened, or  
Half the  
Capital paid  
up and  
expended,  
except on  
Execution of  
Bond, &c.

26. 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, a Sum of Three thousand two hundred and forty-seven Pounds Twelve Shillings, being Eight *per Centum* on Forty thousand five hundred and ninety-five Pounds, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been deposited in the Name of *William Montagu Baillie* (being a Subscriber to the Undertaking), with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid, or the Interest or Dividends thereof, 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 the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords  
of

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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 the Company shall either have opened the 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 Sum so 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 Sum so deposited shall have been executed by the Company, with One or more Surety or 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 the Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company shall not, within the Time limited for the Completion of the Railway, either open the 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 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 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 Monies 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.

*The Winchcomb and Midland Railway Act, 1866.*Tolls for  
Passengers  
and Animals.

27. The Company may demand and take in respect of the Use of the Railway, any Tolls not exceeding the following; (that is to say,)

In respect of Passengers and Animals conveyed on the Railway :

For every Person conveyed in or upon any Carriage *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Ox, Cow, Bull, or Head of Neat Cattle conveyed in or upon any Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per* Mile not exceeding One Penny :

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

Tolls for  
Goods.

In respect of Goods conveyed on the Railway :

For all Coals, Cinders, 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 not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny :

For all Coke, Culm, Charcoal, and 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 Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings :

For all Cotton and other Wools, Drugs, manufactured Goods, Fish, and all other Wares, Merchandise, Articles, Matters,  
or



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or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny: 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 and conveyed on a Truck or Platform belonging to the Company, *per Mile* not exceeding Sixpence; and a Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

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

29. The following Provisions and Regulations shall apply to the fixing of all Tolls and Charges payable under this Act; (that is to say;) Regulations as to Tolls.

For all Passengers, Animals, or Goods 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 on Animals and Goods for such Fraction in proportion to the Numbers of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a 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.

30. With respect to small Parcels not exceeding Five hundred Pounds in Weight, and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Company may demand and take any Tolls not exceeding the following; (that is to say,) Tolls for small Parcels and single Articles of great Weight.

[*Local.*]

30 *G*

For Weight.

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

- If not exceeding Seven Pounds in Weight, Threepence ;
- If exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Fivepence ;
- If exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, Sevenpence ;
- If exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, Ninepence ;
- If exceeding Fifty-six Pounds in Weight, but not exceeding One hundred and twelve Pounds in Weight, One Shilling and Fourpence ;
- If exceeding One hundred and twelve Pounds in Weight, but not exceeding Two hundred and fifty Pounds in Weight, One Shilling and Eightpence ;

And for Parcels exceeding Two hundred and fifty Pounds in Weight, but 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 in separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages.

For the Carriage of single Articles of great Weight :

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

Maximum  
Rates for  
Passengers.

**31.** 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 for Carriages and locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following ; (that is to say,)

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

**32.** The

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**32.** The maximum Rate of Charge to be made by the Company for the Conveyance of Animals and Goods on the Railway, including the Tolls for the Use of the Railway and for Waggon or Trucks and locomotive Power, and every other Expense incidental to the Conveyance, except a reasonable Charge for loading and unloading Goods at any Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Service incidental to the Business or Duty of a Carrier, where any such Service is performed by the Company, shall not exceed the following Sums; (that is to say,)

Maximum  
Charges for  
Animals and  
Goods.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile not exceeding Fourpence :

For every Ox, Cow, Bull, or Head of Neat Cattle, *per* Mile not exceeding Twopence Halfpenny :

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile not exceeding Twopence :

For all Coals, Cinders, 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 not exceeding Twopence :

For all Coke, Culm, Charcoal, and 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 Twopence :

For all Sugar, Grain, Cord, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Threepence :

For all Cotton and other Wools, Drugs, manufactured Goods, Fish, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Sixpence :

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 and conveyed on a Truck or Platform belonging to the Company, *per* Mile not exceeding Sixpence, and a Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

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

Passengers  
Luggage.

**34.** No

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Terminal  
Station.

**34.** No Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railway unless such Goods have been received thereat direct from the Consignor, or are directed to be delivered thereat to the Consignee.

Restrictions  
as to Charges  
not to apply  
to Special  
Trains.

**35.** The Restrictions as to the Charges to be made for Passengers shall not extend to any Special Train run upon the Railway, in respect of which the Company may make such Charges as they think fit, but shall apply only to the Ordinary and Express Trains 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.

**36.** Nothing in this Act shall prevent the Company from taking any increased Charges over and above the Charges by this Act limited for the Conveyance of Animals or Goods of any Description by Agreement with the Owners or Persons in charge thereof, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of Animals or Goods (other than small Parcels) by Passenger Trains.

Power to  
enter into  
Traffic  
Arrange-  
ments with  
Midland  
Company.

**37.** The Company on the one hand, and the *Midland* Company on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

The Management, Use, Working, and Maintenance of the Railway, or of any Part or Parts thereof:

The Supply of any Rolling or Working Stock, and of Officers and Servants, for the Conduct of the Traffic on the Railway:

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic.

Tolls on  
Traffic  
conveyed  
partly on the  
Railway and  
partly on the  
Railway of  
the Midland  
Company.

**38.** During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by the *Midland* Company, the Railways of the Company and of the *Midland* Company shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the Railway of the *Midland* Company, for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Four Miles, Tolls and Charges as for One Mile only; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction

of

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of a Quarter of a Mile beyond Four Miles, Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on the Railway of the *Midland Company*.

39. The *Midland Company* may from Time to Time raise for the Purposes of their Subscription to the Undertaking hereby authorized any Sums of Money not exceeding in the whole the Amount which the said Company may as aforesaid agree to subscribe by the Creation and Issue of new Shares in their Capital, and such new Shares may be either ordinary or preferential, or Part ordinary and Part preferential, as the Company may from Time to Time determine; and the Clauses and Provisions of The Companies Clauses Consolidation Act, 1845, with respect to the following Matters, (that is to say,)

Power to  
Midland  
Company  
to raise  
Money by  
the Creation  
of Shares.

- The Distribution of the Capital of the Company into Shares;
- The Transfer and Transmission of Shares;
- The Payment of Subscriptions and the Means of enforcing the Payment of Calls;
- The Forfeiture of Shares for Nonpayment of Calls;
- The Remedies of Creditors of the Company against the Shareholders;
- The Consolidation of the Shares into Stock;
- The General Meetings of the Company and the Exercise of the Right of voting by the Shareholders;
- The making of Dividends;
- The giving of Notices; and
- The Access to be afforded to the Special Act;

And Part II. (relating to additional Capital) of The Companies Clauses Act, 1863, shall extend and apply to the *Midland Company*, and to the additional Capital which they are by this Act authorized to raise.

40. If at the Time of the Creation of new Shares under this Act the then existing ordinary Consolidated Stock in the *Midland Company* be at a Premium or of greater actual Value (according to the Market Price thereof in the City of *London*) than the nominal Value thereof, such new Shares shall be of such Amounts (not other than an integral Number of Pounds Sterling *per Share*) as will allow the same to be conveniently apportioned among the then Holders of all Shares or Stock in the *Midland Company* (other than and except Shares or Stock to which any guaranteed or preferential Dividend of a fixed Amount without further Participation in the Profits of the *Midland Company* shall have been assigned) in proportion to the Number of Shares or Amount of Stock held by them respectively; and such new Shares may be either of one Class or of different Classes, and the

As to  
Amount and  
Issue of new  
Shares.

*The Winchcomb and Midland Railway Act, 1866.*

Directors of the *Midland* Company may from Time to Time (but subject to the Provisions of this Act) fix the Amounts and Times of Payment of the Calls on the new Shares created under the Powers of this Act; and every Holder of Shares or Stock in the *Midland* Company at the Time of such Creation as aforesaid (other than and except as aforesaid) shall in such Proportion as aforesaid be entitled to an Allotment of the new Shares according to the Provisions of this Act, and no Holder of any Shares or Stock entitled to a fixed Amount of Dividend without further Participation in the Profits of the *Midland* Company shall be entitled to any Apportionment of any such new Shares.

Shares of  
Midland  
Company  
not to issue  
until One  
Fifth paid  
up.

41. The *Midland* Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares of  
same Class  
to have like  
Privileges.

42. All Shares of the same Class created under this Act shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any).

Vesting or  
other Dispo-  
sition of new  
Shares.

43. All new Shares created under this Act shall vest in and belong to the then Shareholders who shall accept the same and pay the first Instalment thereon to the Amount and at the Time which shall be fixed by the Directors and specified in the Letter offering the new Shares.

Shares not  
accepted  
may be  
disposed of  
by Company.

44. If any Shareholder, for One Month after such Offer of new Shares, fail to accept the same and pay the First Instalment called for in respect thereof, then the *Midland* Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the *Midland* Company.

Saving  
Rights of  
existing  
Preference  
Share-  
holders.

45. This Act or anything therein contained shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the *Midland* Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any Dividend on any *Midland* Mortgage Preference Shares or Stock, or any Payment in respect of *Midland* Annuities.

Application  
of Monies  
raised by the  
Midland  
Company.

46. All Monies which the *Midland* Company may raise under the Powers of this Act shall be applied for the Purposes of the before-mentioned Contribution only.

47. The

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*The Winchcomb and Midland Railway Act, 1866.*

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47. The *Midland* Company whilst Shareholders of the Company may, by Writing under their Common Seal, from Time to Time appoint some Person to attend any Meeting of the Company, and 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 *Midland* Company.

Votes of  
Midland  
Company at  
General  
Meetings.

48. The Company and the *Midland* Company respectively shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company or the *Midland* Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with The Companies Clauses Consolidation Act, 1845.

Interest not  
to be paid on  
Calls paid up.

49. The Company and the *Midland* Company respectively shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter 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 or the *Midland* Company to construct any other Railway, or to execute any other Work or Undertaking.

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

50. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act.

Railway not  
exempt from  
Provisions  
of present  
and future  
General  
Acts.

51. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of  
Act.

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the first part of the reign of King Henry the Second, who was crowned in the year 1154. The first part of his reign was spent in the conquest of Ireland, which he completed in the year 1171. The second part of his reign was spent in the conquest of Normandy, which he completed in the year 1188. The third part of his reign was spent in the conquest of the Holy Land, which he completed in the year 1187. The fourth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198.

The fifth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The sixth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The seventh part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The eighth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198.

The ninth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The tenth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The eleventh part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198. The twelfth part of his reign was spent in the conquest of the East Indies, which he completed in the year 1198.