

[36 & 37 VICT.] *Henley-in-Arden and Great* [Ch. ccxxxviii.]
Western Junction Railway Act, 1873.



CHAPTER ccxxxviii.

An Act to incorporate a company for the purpose of making and maintaining a railway from the Birmingham and Oxford section of the Great Western Railway in the parish of Rowington and county of Warwick to Henley-in-Arden in the same county ; and for other purposes. A.D. 1873.

[5th August 1873.]

WHEREAS by "The Henley-in-Arden Railway Act, 1861," a company was incorporated and authorised to make and maintain a railway from the Birmingham and Oxford Junction Railway (belonging to the Great Western Railway Company) in the parish of Rowington in the county of Warwick to Henley-in-Arden in the same county, and by "The Henley-in-Arden Railway Act, 1864," the powers for compulsory purchase of land and completing the railway were respectively extended, but those powers were only partially exercised, and they finally expired on 30th June 1865 : 24 & 25 Vict.
c. lxxvi.

And whereas the construction and completion of a railway similar to that authorised by the said Act would be attended with public and local advantage :

And whereas the persons in this Act named, with others, are willing, at their own expense, to construct and complete such railway, and it is expedient that powers should be conferred on them for that purpose :

And whereas plans and sections showing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Warwick, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

[Local.-238.]

A

1

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873.

And whereas it is expedient to authorise the working agreements herein-after mentioned:

And whereas these purposes 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,)

Short title.

1. This Act may be cited for all purposes as the "Henley-in-Arden and Great Western Junction Railway Act, 1873."

Provisions of Acts herein named incorporated.

2. The following Acts, so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act; (that is to say,) "The Companies Clauses Consolidation Act, 1845," Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part II. (construction of a railway) and Part III. (working agreements) of "The Railways Clauses Act, 1863."

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the railway" and "the undertaking" mean respectively the railway and undertaking by this Act authorised; the expression "the Company" means the company incorporated by this Act; and the expression "superior courts" or "courts 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.

Incorporation of Company.

4. Samuel Hollingsworth Agar, Edward Cooper, Edward Harvey, Edwin Dixon, Robert Edward Cooper, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united and incorporated into a company for the purpose of making and maintaining the railway and for other the purposes of this Act by and under the name of the Henley-in-Arden and Great Western Junction Railway Company, and by that name shall be a

[36 & 37 VICT.] *Henley-in-Arden and Great* [Ch. CCXXXVIII.]
Western Junction Railway Act, 1873.

body corporate, with perpetual succession and a common seal, and shall and may sue and be sued, and shall have power to purchase and hold lands for the purposes of the undertaking, subject to the restrictions and provisions herein and in the said incorporated Acts contained. A.D. 1873.

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 plans and sections the railway herein-after described, with all proper stations, sidings, 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 authorised by this Act is,— Power to make railway according to deposited plans.

A railway (three miles seven chains and thirty links in length) commencing in the parish of Rowington in the county of Warwick by a junction with the Birmingham and Oxford line of the Great Western Railway Company, about one hundred and twenty yards southward of the bridge carrying that line over the road leading from Rowington Green to Lawson Ford, and terminating in the township of Henley-in-Arden in the parish of Wootton Wawen in the same county, about eighty yards eastward of the gatehouse on the Birmingham and Stratford-on-Avon turnpike road at Henley-in-Arden.

6. The junction with the Birmingham and Oxford Junction Railway shall be made at such point as the engineer of the Great Western Railway Company approves, and, except as herein otherwise provided, the provisions of the Railways Clauses Act, 1863, with respect to junctions shall apply to the junction of the railway with the Birmingham and Oxford Junction Railway. Junction with Birmingham and Oxford Junction Railway.

7. The Company shall, at their own expense, build in a proper manner, and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company, a good and substantial bridge or viaduct over the Stratford-upon-Avon Canal Navigation and the towing-path and other works thereof respectively; and the clear opening or span of the arch of such bridge or viaduct between the walls or abutments thereof shall be of such width on the square as shall leave at the point of crossing a clear and unobstructed waterway for the said canal of not less than thirty-six feet, and a space of not less than six feet wide on the side thereof for the towing-path; and such bridge or viaduct shall have close fences of not less than six feet high above the level of the rails, and For protection of the Stratford-upon-Avon Canal Navigation.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 Vict.]

A.D. 1873. the spring of the arch or socket of the girders shall, at the point of crossing over the said canal, commence at a point not being less than eight feet above the present surface of the towing-path of the said canal, and the under side of the middle of the arch shall not be less than ten feet above the high-water level of the said canal: Provided always, that, with the consent of the Great Western Railway Company, it shall be lawful for the Company to make the said bridge or viaduct of less dimensions than herein-before provided.

Company to keep bridge in repair.

8. The Company shall at all times for ever after the said bridge or viaduct shall have been completed keep the same, together with all works belonging thereto or connected therewith respectively, in good and complete repair, and in case of any want of repair to such bridge or viaduct, or any works belonging thereto or connected therewith, and notice thereof in writing being given by the Great Western Railway Company to the Company or their secretary, then, if the Company shall not within the space of seven days after such notice commence the repairs of the said bridge or viaduct which shall be out of repair as aforesaid, or such part or parts thereof as it shall for the time being be requisite to repair, and proceed therein with all reasonable expedition until such repairing shall be wholly completed, it shall be lawful for the Great Western Railway Company to make all such repairs to such bridge or viaduct, or such part thereof as shall be necessary, in such manner as they may think proper, and all the expenses thereof shall be repaid by the Company to the Great Western Railway Company upon demand, and in default of such payment the Great Western Railway Company may sue for and recover the expenses as aforesaid against the Company in any court of competent jurisdiction.

Company not to alter the course or obstruct the navigation of the Stratford-upon-Avon Canal.

9. It shall not be lawful for the Company, or any person in execution of this Act (unless otherwise agreed between the Company and the Great Western Railway Company), during the construction of the bridge or viaduct by this Act authorised, to alter the course of the said canal or to contract the width of the same, or of the towing-path thereof, so that the clear waterway of the canal shall be less than ten feet in width, and the width of the towing-path less than four feet, or to obstruct the supply of the water in or to the said canal, and that it shall not be lawful for the Company (except for the purpose of crossing the same canal) to take or interfere with the said canal, or any of the works thereof, without the consent of that company:

Provision in case of obstruction.

10. If by or by reason or in execution of any of the works by this Act authorised, or by any act or omission of the Company, it

shall happen that the said canal or the towing-path thereof, or either of them, or the works connected therewith, shall be so injured or obstructed that boats or other vessels using the same shall be impeded in their passage along the said canal, or shall not be able to pass freely along the same, then and in such case the Company shall pay to the Great Western Railway Company, as or by way of ascertained damages, the sum of fifty pounds for every twenty-four hours during which any such impediment shall continue, and so in proportion for any less period than twenty-four hours; and in default of payment of any such sum on demand made on the Company, the Great Western Railway Company may sue for and recover the same, together with full costs of suit against the Company, by action in any of the superior courts.

A.D. 1873.

11. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, nor any person acting under or in the execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Railway Company, or in any manner to alter, vary, or interfere with their railway or works, or with their Stratford-on-Avon Canal or works, without the consent of the Great Western Railway Company under their common seal, save only for the purpose of constructing the railway and effecting the junction by this Act authorised; and the Company shall not, except by agreement, purchase and take any lands of the Great Western Railway Company, but the Company may purchase and take, and the Great Western Railway Company shall sell and grant, an easement or right of using the same for the purposes of the railway and the junction, but for no other purpose.

Not to take lands of or interfere with Great Western Company's railway except for purposes of junction.

12. Nothing in this Act contained shall extend to prejudice, diminish, or alter, or take away any of the rights, privileges, powers, or authorities of the Great Western Railway Company, except as is expressly enacted by this Act.

Nothing to prejudice rights of the Great Western Company.

13. The capital of the Company shall be thirty thousand pounds, in three thousand shares of ten pounds each.

Capital.

14. 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 is paid in respect thereof.

Shares not to issue until one fifth paid up.

15. 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 the successive calls, and four fifths of the amount of a share shall

Calls.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873. be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

16. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

17. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

18. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding five per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

19. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered, and certificates issued.

20. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in

respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

A.D. 1873.

21. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificate.

22. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeiture of preferred shares.

23. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

24. The several half shares under this Act shall be half shares in the capital of the Company; and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

25. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty thousand pounds is 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 Act, 1845," before he so certifies, that the whole of such 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

Power to borrow on mortgage.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873. share in such capital 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 persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 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 his certificate that the proof aforesaid has been given, which shall be deemed sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

26. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

27. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

28. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

29. The first ordinary meeting of the shareholders of the Company shall be held within six months after the passing of this Act.

Quorum of general meeting.

30. The quorum of every general meeting (whether ordinary or extraordinary) shall be five shareholders present personally or by proxy, holding in the aggregate not less than one tenth part of the capital of the Company which may then have been subscribed.

Number of directors.

31. The number of directors shall be five, but the Company may from time to time temporarily reduce the number, provided that the number be not less than three.

Qualification of directors.

32. The qualification of a director shall be the possession in his own right of not less than twenty shares.

[36 & 37 VICT.] *Henley-in-Arden and Great* [Ch. ccxxxviii.]
Western Junction Railway Act, 1873.

33. The quorum of a meeting of directors shall be three so long as the number of directors is more than three, and two when the number of directors is any lesser number. A.D. 1873.
Quorum.

34. Samuel Hollingsworth Agar, Edward Cooper, Edward Harvey, Edwin Dixon, and Robert Edward Cooper 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 places 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 direc-
tors.

Election of
directors.

35. The quantity of the land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres. Lands for
extraordi-
nary pur-
poses.

36. 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.

37. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively. Power to
take ease-
ments, &c.
by agree-
ment.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873.

Deposit not to be repaid until line opened, or half the capital paid up and expended.

38. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand and thirty-five pounds new three per cent. annuities, being five per centum upon the amount of the estimate in respect of the railway, has been transferred to the account of the Paymaster General on behalf of 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 Act, the said stock transferred as aforesaid in respect of the application for this Act shall not be re-transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised 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 Board of Trade, the said stock transferred as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

39. The said stock shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit, and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to

satisfy all just claims in respect of such compensation, then the said stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said stock has been re-transferred to the depositors, or become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, 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. A.D. 1873.

40. If the railway is not completed within three years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

41. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railway,—

For every person, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 3. For every calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage

A.D. 1873.

belonging to the Company, an additional sum per mile not exceeding one halfpenny.

Tolls for goods.

In respect of goods and minerals conveyed upon the railway,—

Class 4. For all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fire-clay), dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile one penny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fire-clay, and stone, copper ore, lead ore, tin ore, antimony and manganese, and all other ores, minerals, and semi-metals, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of 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, conveyed on a truck or platform belonging to the Company, sixpence per mile, 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.

Tolls for propelling power.

42. 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 authorised to be taken.

43. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three 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 number 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 tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

44. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway,—

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel not exceeding fourteen pounds in weight, fivepence:

For any parcel not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel not exceeding fifty-six pounds in weight, ninepence:

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee,

A.D. 1873.
 —
 Regulations as to tolls.

Short distances.

Fractional parts of a mile.

Fractional parts of a ton.

General weight.

Weight of stone and timber.

Tolls for small parcels and articles of great weight.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873. 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 on the railway,—

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 such sum as they think fit, not exceeding sixpence per ton per mile :

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, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

45. 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 halfpenny per mile.

Maximum rates for animals and goods.

46. The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for 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,)

For every animal in Class 1, fourpence per mile :

For every animal in Class 2, threepence per mile :

For every animal in Class 3, one penny halfpenny per mile :

For everything in Class 4, one penny halfpenny per ton per mile :

For everything in Class 5, twopence per ton per mile :

For everything in Class 6, threepence per ton per mile :

A.D. 1873.

For everything in Class 7, fourpence per ton per mile :

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a ton which such carriage may weigh.

47. 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.

48. 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.

Terminal
station.

49. 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.

Foregoing
charges not
to apply to
special trains.

50. 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, goods, or minerals 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, goods, or minerals, other than small parcels, by passenger trains.

Company
may take
increased
charges by
agreement.

51. The Company and the Great Western Railway Company may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

Power to
enter into
agreements
with the
Great Wes-
tern Railway
Company.

The use of the railway of the Company, or any part thereof, and of the works connected therewith;

The arrangement for the conduct of the traffic thereon; and

The fixing, collection, division, and appropriation of the revenue arising from that traffic.

[Ch. ccxxxviii.] *Henley-in-Arden and Great Western Junction Railway Act, 1873.* [36 & 37 VICT.]

A.D. 1873.

Tolls on traffic conveyed partly on the railway and partly on the Great Western Railway.

52. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the Great Western Railway Company, the railways of the Company and the Great Western Railway Company shall, for the purposes of the short-distance 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 Great Western Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three 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 a quarter of a mile beyond three 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 Great Western Railway.

Power to purchase works of abandoned railway.

53. The Company and the Henley-in-Arden Railway Company, being the Company incorporated by the first-recited Act, may make and carry into effect an agreement for the sale and transfer to the Company of the lands acquired by the said Henley-in-Arden Railway Company, and works executed by them, and their other property and effects, on such terms as the contracting companies think fit, or in case of difference as may be settled by arbitration under the powers of "The Railway Companies Arbitration Act, 1859."

Provision for distribution of purchase money.

54. If and when any transfer is made of the lands, works, property, and effects of the Henley-in-Arden Railway Company to the Company, then forthwith the Henley-in-Arden Railway Company shall, subject to the payment, satisfaction, or discharge of all their debts, liabilities, and engagements, distribute and pay the balance (if any) of the money received from the Company for or on account of the transfer to and among the several persons who at the time agreed on for the transfer to take effect are the registered holders of the shares in the capital of the Henley-in-Arden Railway Company, in proportion to their respective shares in that capital, or their respective executors, successors, or assigns.

Incorporation of Abandonment Acts.

55. For the purpose of distribution of such purchase money, the Henley-in-Arden Railway Company shall forthwith after the passing of this Act be considered a railway company in respect of whose whole railway a warrant of abandonment has been granted unconditionally under the provisions of "The Abandonment of Railways Act, 1850;" and "The Railway Companies Act, 1867," and "The Abandonment of Railways Act, 1869," shall apply to the Company as if such warrant as aforesaid had been granted.

[36 & 37 VICT.] *Henley-in-Arden and Great* [Ch. ccxxxviii.]
Western Junction Railway Act, 1873.

56. The Company shall not, out of any money by this Act authorised to be raised, 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 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."

A.D. 1873.
Interest not to be paid on calls paid up.

57. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway, or to execute any other work or undertaking.

Deposit for future Bills not to be paid out of capital.

58. Nothing herein contained shall be deemed or construed to exempt the railway by the Acts of 1861 and 1864 and this Act authorised to be made from the provisions of any general Act relating to railways, or the better or 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, authorised by the Act of 1861.

Railway not exempt from provisions of present and future general Acts.

59. 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.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1873.

