CHAPTER ccxxxiii.

An Act to authorize the Leominster and Bromyard Railway Company to complete their authorized Railway from Steens Bridge to Bromyard; and for other purposes. A.D. 1884.

[7th August 1884.]

WHEREAS by the Leominster and Bromyard Railway Act 1874 (in this Act called "Act of 1874") the Leominster and Bromyard Railway Company (in this Act called "the Company") were incorporated and were authorized to make a Railway from the Shrewsbury and Hereford Railway at Leominster to join the Worcester Bromyard and Leominster Railway at Bromyard:

And whereas by the Leominster and Bromyard Railway Act 1878 (in this Act called "the Act of 1878") the Company were authorized to make a Railway from the Railway No. 2 authorized by the Act of 1874 to the Shrewsbury and Hereford Railway at or near the northern end of the passenger platform of the Leominster Station:

And whereas the time limited for the completion of the Railway authorized by the Act of 1874 was by the Act of 1878 extended until the thirtieth day of July one thousand eight hundred and eighty-two:

And whereas the time for the completion of the Railway authorized by the Act of 1878 was by that Act limited to five years from the passing of that Act and which Act passed on the eighth day of August one thousand eight hundred and seventy-eight:

And whereas the only portion of the Railway authorized by the Act of 1874 which has been completed and is open for the public conveyance of passengers is that which lies between the commencement thereof at Leominster and Steens Bridge and the periods have expired for the completion of the Railways authorized by the Acts of 1874 and 1878:

And whereas it is expedient that the Company should be authorized to complete the Railway from Steens Bridge to join the Worcester Bromyard and Leominster Railway at Bromyard as originally authorized by the Act of 1874:

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And whereas in pursuance of the standing orders of both Houses of Parliament and of an Act passed in the ninth and tenth years of the reign of Her present Majesty chapter twenty a sum of four thousand five hundred and five pounds Consolidated Three per Centum Annuities being five pounds per centum on the estimate of expense of completing so much of the Railway authorized by the Act of 1874 as lies between Steens Bridge and Bromyard has been transferred to the Chancery Division of the High Court of Justice in England in respect of the application for this Act:

And whereas a sum of seven thousand seven hundred and ninety-nine pounds nine shillings Consolidated Three per Centum Annuities being five per centum upon the amount of the estimate in respect of the Railway authorized by the Act of 1874 was transferred to the Court of Chancery in England in respect of the application to Parliament for that Act:

And whereas so much of the Railway authorized by the Act of 1874 as is uncompleted is identical with the portion of Railway authorized to be completed by this Act and it is expedient that the sum so transferred in respect of the application to Parliament for the Act of 1874 be released:

And whereas plans and sections showing the lines and levels of the Railway authorized by this Act to be completed 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 have been duly deposited with the clerk of the peace for the county of Hereford and those documents are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act 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:—

Short Title.

1. This Act may be cited as the Leominster and Bromyard Railway Act 1884.

Incorporation of general Acts.

2. The Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) of the Railways Clauses Consolidation Act 1863 the Lands Clauses Consolidation Acts 1845

1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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 as in those Acts unless there be something in the subject or context repugnant to such construction The expression "the Railway" means the Railway by this Act authorized to be completed The expression "the undertaking" means the undertaking of the Company And for the purposes of this Act 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 simple contract debt and not a debt or demand created by statute.

Power to make Railway.

4. Subject to the provisions of this Act the Company may in the line and according to the levels shown on the deposited plans and sections complete the Railway authorized by the Act of 1874 from Steens Bridge to its authorized junction with the Railway of the Worcester Bromyard and Leominster Railway Company at Bromyard 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.

Saving rights of the Worcester Bromyard and Leominster Railway Company and Great Western Railway Company.

5. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges powers or authorities of the Worcester Bromyard and Leominster Railway Company or of the Great Western Railway Company except as is expressly enacted by this Act and sections 6 and 7 of the Act of 1874 shall be as valid and binding as if they were re-enacted in this Act.

Company may apply funds.

6. The Company may raise and apply for the purposes of the Railway by this Act authorised such a part of the moneys which they were authorised to raise by the Act of 1874 and the Act of 1878 as may not be required for the purposes of those Acts.

Power to borrow twenty thousand pounds when line opened to Steens Bridge.

7. Notwithstanding anything contained in section 13 of the Act of 1874 or section 17 of the Act of 1878 the Company may when they have completed and opened for public traffic so much of the Railway authorized by the said Act as lies between the commencement thereof at Leominster and Steens Bridge borrow on mortgage of the undertaking a sum of twenty thousand pounds

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part of the sum of seventy thousand pounds which they are by the said Act authorized to borrow.

Period for compulsory purchase of lands.

8. 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 three years from the passing of this Act.

Power to take easements &c. by agreement.

9. 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 Acts 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.

Deposit money not to be repaid except so far as Railway opened.

10. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter 20 a sum of four thousand five hundred and five pounds twelve shillings and five pence Consolidated Three per Centum Annuities being five per centum upon the amount of the estimate in respect of the Railway authorized to be completed by this Act has been deposited with the Court that is to say the Chancery Division of the High Court of Justice in England in respect to the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not 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 (which persons survivors or survivor are in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the Railway hereby authorized to be made open the said Railway for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the said Railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the said Railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said Railway so opened bears to the entire length of the said Railway hereby authorized the

Court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application of deposit.

11. If the Company do not previously to the expiration of the period limited by this Act for the completion of the Railway hereby authorized to be made complete the said Railway and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 said Railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory power of taking property conferred upon the Company by this Act or the recited Acts 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 may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to 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 paid or 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 deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as hereinbefore 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 depositors.

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Release of deposit under Act of 1874.

12. Subject to the provisions of section 29 of the Act of 1874 with respect to compensation to landowners and other persons injured and for protection of creditors the High Court of Justice (Chancery Division) may and shall at any time after the passing of this Act on application by the persons named in the warrant or order mentioned in the 28th section of the Act of 1874 or the survivors or survivor of them by petition in a summary way order that the sum of seven thousand seven hundred and ninety-nine pounds Consolidated Three per Cent. Annuities mentioned in the said 28th section of the Act of 1874 together with any dividends due and payable thereon may be transferred and paid to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of Consolidated Three per Cent. Annuities and the dividends thereon shall be transferred and paid to such person or persons accordingly.

Period for completion of works.

13. If the Railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted 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.

New Railway and works to be part of the Company's undertaking.

14. The Railway by this Act authorized shall for the purposes of tolls and charges and all purposes whatsoever be part of the Railway of the Company as authorized by the Act of 1874 and the lands and property from time to time acquired by the Company under this Act and the Railway and works hereinbefore described shall be comprised in the undertaking of the Company as if the Company had by the Act of 1874 been authorized to acquire make and maintain the same.

Provision as to general Railway Acts.

15. Nothing in this Act contained shall exempt the Company or the Railway 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 the recited Acts.

Costs of Act.

16. 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.

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