ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cxlix.

An Act to authorize the *Shrewsbury and Hereford* Railway Company to provide Station Accommodation in *Shrewsbury* and *Hereford*, and to enter into Arrangements and Agreements with the *Hereford, Ross, and Gloucester* Railway Company. [10th *July* 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway* (9 & 10 Vict. c. cccxxv.) *from* Shrewsbury *to* Hereford, *to be called the* Shrewsbury and Hereford *Railway;* and by such Act a Company was incorporated under the Name and Style of "The *Shrewsbury and Hereford* Railway Company:" And whereas another Act was passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Act relating to* (13 & 14 Vict. c. xxvi.) *the* Shrewsbury and Hereford *Railway Company:* And whereas under the Powers of the said recited Acts the *Shrewsbury and Hereford* Railway Company have completed and opened for Traffic the said *Shrewsbury and Hereford* Railway: And whereas it is expedient, and will be for the public Advantage, that the *Shrewsbury and Hereford* Railway Company should be authorized to provide additional Land at *Shrewsbury*

for the Accommodation of their Goods Traffic in connexion with their Railway: And whereas the said *Shrewsbury and Hereford* Railway communicates in the City of *Hereford* with the *Hereford, Ross, and Gloucester* Railway, and it is also expedient, and will be for the public Advantage, that a Station should be constructed at *Hereford* for the joint Accommodation of the Traffic of the *Shrewsbury and Hereford*, and the *Hereford, Ross, and Gloucester* Railway Companies respectively, and that the *Shrewsbury and Hereford* Railway Company should be authorized, either alone or jointly with the *Hereford, Ross, and Gloucester* Railway Company, to acquire Land for the Purposes of such Station, and to enter into Arrangements and Agreements with the said last-named Company for the Construction, Arrangement, Maintenance, and Working, Use, and Apportionment of the said Station: And whereas the estimated Expense of the Station Accommodation proposed to be provided by the *Shrewsbury and Hereford* Railway Company under the Powers of this Act is Eight thousand Pounds: And whereas the said *Shrewsbury and Hereford* Railway Company are authorized by the said secondly above-recited Act to raise by Shares the Sum of Four hundred and fifty thousand Pounds, and to borrow upon Mortgage of their Undertaking the Sum of One hundred and fifty thousand Pounds, amounting together to the Sum of Six hundred thousand Pounds, of which Sum there now remains unexpended and uncalled up in respect of the said Shares the Sum of Seventy-five thousand Pounds, and after deducting therefrom the Sum which will be required for the Purposes of the said recited Acts or either of them there will remain a Surplus of more than the Sum of Eight thousand Pounds required by the *Shrewsbury and Hereford* Railway Company for the Purposes of this Act: And whereas it is expedient that the Company should be authorized and enabled to convert their Mortgage Debt or any Part thereof into Stock, with irredeemable annual Preference Dividend not exceeding Four and a Half *per Centum per Annum:* And whereas, in order to carry into effect the several Purposes aforesaid, it is expedient that the Powers and Provisions of the said recited Acts, and also of "The *Hereford, Ross, and Gloucester* Railway Act, 1851," or some of them, should be altered, amended, and enlarged; but these several 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,

Interpretation of Terms.

I. In this Act the following Words and Expressions shall have the Meanings hereby assigned, unless there be anything in the Subject or Context repugnant to such Construction; (that is to say,)

The

The Expression "the said recited Acts" shall mean the Acts of Parliament relating to the "*Shrewsbury and Hereford* Railway Company:"

The Expression "the Company" shall mean "The *Shrewsbury and Hereford* Railway Company."

Stations to form Part of Company's Undertaking.

II. The Station Accommodation hereby authorized to be provided by the *Shrewsbury and Hereford* Railway Company shall form Part of the Undertaking of the said Company.

Short Title.

III. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Shrewsbury and Hereford* Railway (Stations) Act, 1854."

8 & 9 Vict. cc. xviii. and xx. incorporated.

IV. All the Provisions of the "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," shall be incorporated with and held to apply to the Purposes of this Act.

Power to acquire Land for Goods Station at Shrewsbury.

V. And whereas a Plan showing the Lands and Property proposed to be taken for the Purposes of Station Accommodation for Goods at *Shrewsbury*, and which Lands adjoin the Main Line of Railway of the Company, and are situate within or near the Borough of *Shrewsbury* in the Parishes of *Holy Cross* and *Saint Giles* and *Saint Julian* in the County of *Salop*, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the said Lands and Property, have been deposited for public Inspection with the Clerk of the Peace for the County of *Salop*: Be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to provide all necessary Station Accommodation for Goods within the Limits and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to make and maintain, in connexion with the said Station Accommodation, all such Sidings, Approaches, Junctions, Communications, and other Works and Conveniences connected therewith as they may think necessary for more effectually working the Traffic of the *Shrewsbury and Hereford* Railway, or otherwise; and, subject to the Provisions in this and the said recited and incorporated Acts contained, it shall be lawful for the Company to purchase and take upon Lease or otherwise and to hold and use such of the said Lands and other Property as shall be necessary for the Purposes aforesaid.

Powers for compulsory Purchase of Lands at Shrewsbury limited.

VI. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of the said Station Accommodation at *Shrewsbury* shall not be exercised after the Expiration of Three Years from the passing of this Act.

VII. And

Power to acquire Land for Station at Hereford.

VII. And whereas a Plan showing the Lands and Property proposed to be taken for the Purposes of a Station at *Hereford* for the joint Accommodation of the Traffic of the *Shrewsbury and Hereford* and *Hereford, Ross, and Gloucester* Railway Companies as aforesaid, and which Lands and Property are situate at or near a Place called *Barr's Court*, in the Parishes of *St. John Baptist* and *All Saints* in the City of *Hereford*, or the Liberties thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the said Lands and Property, have been deposited for public Inspection with the Clerk of the Peace for the County of *Hereford*: Be it enacted, That, subject to the Provisions contained in this and the said recited and incorporated Acts, and in the said *Hereford, Ross, and Gloucester* Railway Act, 1851, it shall be lawful for the Company, either jointly with the *Hereford, Ross, and Gloucester* Railway Company, or alone, to purchase and take upon Lease or otherwise, and to hold and use, such of the said Lands and other Property as shall be necessary for the Purposes aforesaid, and to appropriate the same to the Purpose of providing Station Accommodation for the Traffic of the Company, or of the Company and the said *Hereford, Ross, and Gloucester* Railway Company, and to make and maintain, within the Limits described on the said Plan, all such Sidings, Approaches, Junctions, Communications, and other Conveniences as they may think necessary.

Power for compulsory Purchase of Lands at Hereford limited.

VIII. The Powers hereby granted for the compulsory Purchase of Lands for the Purposes of the said Station at *Hereford* shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to apply Corporate Funds to Purposes of this Act.

IX. It shall be lawful for the Company to apply, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting convened for the Purpose, towards the providing of the Station Accommodation by this Act authorized, all or any of the Moneys which they now have in their Hands, or which they have Power to raise by Shares or Mortgage, by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Tolls for small Parcels.

X. And with respect to small Parcels, notwithstanding the Rate of Tolls prescribed by the said recited Act of the Ninth and Tenth Year of the Reign of Her present Majesty *Victoria*, the Company may lawfully demand the Tolls following; (that is to say,)

For

For the Carriage of small Parcels on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Sixpence;

For any Parcel not exceeding Fourteen Pounds in Weight, One Shilling;

For any Parcel not exceeding Twenty-eight Pounds in Weight, Two Shillings;

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings and Sixpence;

And for Parcels exceeding Fifty-six and 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 of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

Passengers Luggage.

XI. Notwithstanding anything in the said recited *Acts* contained, every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Power to enter into Agreements with Hereford, Ross, and Gloucester Railway Company, as to Station at Hereford.

XII. Arrangements and Agreements may be made between the Company and the *Hereford, Ross, and Gloucester* Railway Company for the Formation, Maintenance, Arrangement, Management, and joint Use of a Station at *Hereford* for the Accommodation of the respective Traffic of the said Companies; and it shall be lawful for the said Companies to give effect to, and from Time to Time to alter, vary, or renew, such Arrangements and Agreements as may be made between them for the Purpose of making, constructing, or arranging such Station, and for the Regulation, Management, and Use thereof, as to the said Companies shall seem meet for the Public Accommodation, and to do or concur in all Acts necessary for the Purposes aforesaid; and it shall also be lawful for the said Companies to purchase and hold Lands for their joint Use and at their joint Disposal, and to raise and pay the Purchase or Consideration Money for the same, and to sell and dispose of superfluous Lands so acquired, and apply the Proceeds of such Sales for the Benefit of the said Companies, in the Proportions in which they respectively contributed to the Purchase thereof; and it shall be lawful for the same Companies to appoint a Joint Committee for the Regulation and Management of the Joint Station, and to agree on Regulations as to the Appointment and Duties of such Joint Committee, and to depute to such Joint Committee Powers

to agree to, and from Time to Time to vary or rescind, Regulations respecting the Management and Use of such Joint Station; and in case either of the said Companies shall have purchased or acquired Land for the said Joint Station, such Company shall hold such Land as shall have been so acquired, and as shall be used for the said Joint Station, in trust for the joint Use of the same Companies, upon such Terms as have been or may be agreed upon; and the Company who shall not have purchased the same shall contribute and pay to the Company who purchased such Land such Portion of the Purchase or Consideration Money, and other Expenses incurred in acquiring the same, as has been or shall be agreed upon.

Arbitration in regard to Hereford Station.

XIII. If any Questions, Disputes, or Differences shall arise between the Company and the said *Hereford, Ross, and Gloucester* Railway Company, in regard to the Construction, Arrangement, Management, or Use of the said Joint Station at *Hereford*, or in relation to the Lands acquired or to be acquired for the Purposes of the said Station, or otherwise in relation thereto, the same shall from Time to Time, so often as they shall arise, be settled by Arbitration in the Manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Power to Hereford, Ross, and Gloucester Company to raise additional Capital for Hereford Station.

XIV. For the Purpose of raising such Sums of Money as may be necessary for the Purpose of providing a Joint Station at *Hereford*, it shall be lawful for the *Hereford, Ross, and Gloucester* Railway Company, at any General Meeting or Meetings specially convened for the Purpose, with the Consent of Three Fifths of the Shareholders present at such Meeting, personally or by Proxy, in addition to the Sums of Money which the said Company is at present authorized to raise, from Time to Time to raise by the Creation of Shares, upon such Terms and Conditions, and with or without a Preference or Guarantee, not exceeding Five Pounds *per Centum per Annum*, such Sum or Sums of Money as may be necessary, not exceeding in the whole the Sum of Thirty thousand Pounds, and the Money so raised shall be applicable only to the Purposes of the said Station Accommodation.

Division of Capital into Shares.

XV. The Capital to be raised for the Purposes of such Joint Station at *Hereford* by the *Hereford, Ross, and Gloucester* Railway Company, by the Creation of new Shares, shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned, and shall be apportioned and allotted to such Persons and in such Manner as may be determined by the Order of any General Meeting of the said last-mentioned Company specially convened for the Purpose.

Shares to form Part of the general Capital.

XVI. All Shares which may be created by the *Hereford, Ross, and Gloucester* Railway Company under the Provisions of this Act shall form Part of the general Capital of the said Company, and shall be subject

ject to the same Provisions in all respects, whether with respect to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, to which such general Capital may be subject, except as to the Amount of such Shares, which shall be determined as herein-before provided, and except as to the Times of making Calls thereon, and the Amount of such Calls, which it shall be lawful for the Directors of the said last-mentioned Company from Time to Time to fix, as they shall think fit, subject to the Provisions of this Act; and the Proprietors of such Shares shall be entitled to the same Number of Votes in respect thereof, in proportion to the nominal Amount represented by such Shares, as the Proprietors of the existing Shares of the Stock of the said last-mentioned Company.

Calls.

XVII. One Fifth Part of each such Share shall be the largest Amount which shall be called at any One Time, and there shall be an Interval of at least Three Months between any Two successive Calls.

Saving Rights of Holders of existing Preference Shares.

XVIII. Any Priority in the Payment of Dividends which may be assigned to any Shares to be created by the *Hereford, Ross, and Gloucester* Railway Company by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the said last-named Company in pursuance of any previous Act of Parliament, or which may be lawfully subsisting at the Time of the Creation of the Shares by this Act authorized to be created.

Conversion of Debentures into Stock.

XIX. It shall be lawful for the Company, from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company convened with due Notice of that Object, to resolve that any Portion of the borrowed Capital of the Company, or any Debenture or other Security, for which or for the Interest whereof the Company are lawfully liable, then subsisting on the Security of outstanding Mortgages or Bonds, not exceeding an Amount to be defined in and by such Resolution, may be converted into Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds respectively before the same respectively became due, or by paying off the same respectively when due, and issuing Stock of a corresponding Amount, instead of reborrowing the Sums so paid off; and also, with the like Consent, from Time to Time to resolve that the whole or any Part, to be defined in and by such Resolution, of the Moneys which the Company shall have Authority to raise by borrowing, under the Powers of any of their Acts, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Stock of a corresponding Amount, instead of borrowing the same; and also, with the like Consent, to attach to the Stock so authorized to be

created

created and issued for any of the Purposes aforesaid a fixed and perpetual irredeemable yearly Dividend or Interest at any Rate not exceeding the Rate of Four Pounds Ten Shillings for every One hundred Pounds thereof, payable in equal half-yearly Portions; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions, by the Creation and Issue of so much Stock as may from Time to Time be necessary for that Purpose, having such fixed Rate of Interest or Dividend as aforesaid; and the Stock so created and issued shall be a Charge upon the Tolls and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate, and the said Interest or Dividend shall for ever have Priority of Payment over all other Dividends on any other Stock or Shares of the Company, whether ordinary, or preference, or guaranteed, and the Stock when so created shall be termed "*Shrewsbury and Hereford* Railway Debenture Stock;" and every Deed or other Instrument creating, issuing, granting, or transferring such Debenture Stock shall be chargeable with the same Stamp Duty as a Mortgage or Transfer of a Mortgage respectively, and shall be duly stamped for denoting the said Duty accordingly: Provided, that nothing herein contained shall in anywise prejudice or affect the Rights of the Holders of Mortgages or Bonds of the Company: Provided also, that after the Conversion of any such Mortgages or Bonds into Stock it shall not be lawful for the Company to issue Mortgages or Bonds or any other Securities, or again to borrow the Sum so converted, but the Powers of borrowing by the Company shall to the Extent of the Sums so from Time to Time converted into Stock be extinguished.

As to Votes of Holders of Debenture Stock.

XX. The Holders of the said Debenture Stock shall not be entitled to vote in the Affairs of the Company, unless it shall be otherwise resolved by a Majority of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting convened with due Notice that a Resolution for that Purpose will be proposed at such Meeting.

Arrears of Dividend may be enforced by Appointment of a Receiver.

XXI. If within Thirty Days after the Dividend or Interest on the said Debenture Stock has become payable, and after Demand thereof in Writing, the same be not paid, the Proprietor or Proprietors of such Stock holding individually or collectively an Amount in nominal Value of Twenty thousand Pounds or upwards may (without Prejudice to his and their Right to sue for the Dividend or Interest so in arrear in any Court of competent Jurisdiction) require the Appointment of a Receiver, by an Application to be made as herein-after provided.

XXII. Every

Appointment of a Receiver.

XXII. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices; and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Dividends or Interest, until all the Arrears of Dividend or Interest which may then be due on the said Stock, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Proprietors of the said Stock, or to the Use of those of the Proprietors to whom such Dividends or Interest shall be then due; and so soon as the full Amount of such Dividends, Interests, and Costs has been so received the Power of such Receiver shall cease: Provided always, that such Receiver shall distribute rateably and without Priority, among all the Proprietors of the said Stock to whom Interest or Dividends shall be in arrear, the Tolls or Moneys which shall so come into his Hands.

Interest not to be paid on Calls.

XXIII. It shall not be lawful for the Company, or for the *Hereford, Ross, and Gloucester* Railway Company, out of Money by this Act or any of the Acts relating to the said Companies or either of them authorized to be raised by Calls in respect of Shares, to pay Interest or Dividends to any Shareholder on account of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company, or the *Hereford, Ross, and Gloucester* Railway Company, from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XXIV. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to the Provi-

XXV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in

sions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. cc. 57. 105., 14 & 15 Vict. c. 64.

in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; and another Act was passed in the Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Works hereby authorized, or the Company, or the *Hereford, Ross, and Gloucester* Railway Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Works and Companies, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future General Act.

XXVI. Provided always, That nothing herein contained shall be deemed or construed to exempt the Works by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or for the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts, or of the Rates for small Parcels.

Expenses of Act.

XXVII. All the Costs, Charges, and Expenses of and attending the obtaining and passing of this Act, or incidental thereto, shall be paid by the Company.

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