CHAP. cxlv.

An Act to authorise the Construction of Railways in the City of Worcester; and for other purposes. [1st August 1870.] A.D. 1870.

WHEREAS by the making of the railways herein-after described the heavy traffic between the stations of the Great Western Railway and of the Midland Railway in the city of Worcester, and the manufactory of Messrs. Hill, Evans, and Company, and other large manufactories in the said city near thereto, would be facilitated, and a great diminution of the traffic along the streets between the said manufactories and the said railway stations would be effected, and the expense of the repairs of such streets would be diminished, and it would therefore be of local and public advantage that the transmission of such traffic should be facilitated by means of the said railways:

And whereas Messrs. Hill, Evans, and Co. aforesaid are willing, at their own expense, to construct such railways on having the powers granted to them in this Act contained:

And whereas plans and sections showing the lines and levels of the railways by this Act authorised 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 clerk of the peace for the county of the city of Worcester, and those plans, sections, and books of reference are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained 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,)

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Short title.

1. This Act may be cited for all purposes as "The Worcester Railways Act, 1870."

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of 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; (namely,) "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part III. (relating to 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 in part incorporated herewith shall have the same respective meanings as in such Acts respectively, unless there be something in the subject or context repugnant to such construction; and in this Act, and in any Act wholly or in part incorporated herewith, the expression "superior courts," or "court of competent jurisdiction," or any other like expression, 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; the expression "street authority" shall mean the mayor, aldermen, and citizens of the city of Worcester acting as the local board of health for such city; and the expression "the Company" shall mean and include the several persons for the time being partners in the said firm of Hill, Evans, and Company, and their heirs and assigns, or other the owners or owner for the time being of the railways by this Act authorised; and in any proceedings at law or in equity or otherwise for the purposes of this Act it shall be sufficient to describe the partners in the said firm for the time being by the name of "Hill, Evans, and Company."

Power to make railways according to deposited plans.

4. Subject to the provisions of this Act, the Company may make, lay down, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways hereinafter described, with all proper stations, approaches, works, and conveniences connected therewith, and (subject as herein-after provided) may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are wholly in the county of the city of Worcester, and are,—

(1.) A railway about two furlongs and nine chains in length, commencing in the parish of Claines by a junction with the branch railway or siding from the West Midland line

of the Great Western Railway to the Worcester Engine Works, at a point where that siding crosses the Virgin's Tavern Road, and terminating in St. Martin Street, nearly opposite the northern boundary wall of that part of the manufactory of Messrs. Hill, Evans, and Company which is situate on the west side of that street:

(2.) A railway wholly in the parish of St. Martin, about eight and a quarter chains in length, commencing by a junction with Railway No. 1, near the junction of Padmore Street with Cromwell Street, and terminating in Padmore Street, near a yard occupied by Mr. Henry Chalk Webb.

Power to Company to cease as to a portion of Railway No. 1 in case same is made by Great Western Company.

5. Whereas the Great Western Railway Company are the owners of the land upon which so much of Railway (No. 1) as lies between its commencement and the public road in the parish of St. Martin numbered 4 on the deposited plans is intended to be made, and that Company are willing at their own expense to construct so much of the said railway: Therefore, in case the Great Western Railway Company do within three months from the passing of this Act commence the construction of such portion of Railway (No. 1), and forthwith complete the same simultaneously with the completion of the remaining portion of Railway (No. 1) for traffic in connexion with such remaining portion, it shall not be lawful for the Company to take by compulsion any land or property belonging to the Great Western Railway Company, or to construct the said portion of Railway (No. 1) lying between its commencement and the said road numbered 4 on the deposited plans: Provided always, that the Great Western Railway Company shall afford to the Midland Railway Company the same rights, powers, and privileges (if any) over the portion of Railway (No. 1) to be so constructed by them as the Midland Railway Company have (if any) over the branch railway or siding of which the said intended Railway (No. 1) is an extension.

Land of private persons not to be taken except by agreement.

6. The Company shall not take, use, or interfere with, otherwise than by agreement, any land or property belonging to any private person or persons.

Level crossing of roads.

7. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, and subject to the provisions herein-after contained, the Company may, in the construction of Railway (No. 1), carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the

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level of the road in the parish of St. Martin numbered 4 on the deposited plans, and across and on the level of the road in the same parish numbered 33 on the deposited plans.

Provisions as to level crossings of road to Shrub Hill Station.

8. Unless otherwise agreed between the Company and the trustees of the Worcester Turnpike Roads or other the corporation or persons for the time being having the control and care of the road herein-after referred to (and who are meant by the expression "the trustees" in this section), the following provisions shall be in force with reference to the crossing on the level by Railway No. 1 of the road in the parish of St. Martin numbered 4 on the deposited plans; (that is to say,)

(1.) The Company shall not at any time cause or allow any engine, truck, or carriage to pass along the railways at a greater speed than four miles an hour, nor cause or allow more than one train of such trucks and carriages to cross the said road at one time, if any person be then desirous to pass along the same; and before permitting another of such trains to cross, the Company shall allow a sufficient interval for all persons to pass who may then be waiting and desirous so to do:

(2.) The Company shall not at any time cause or allow the gates herein-after required to be provided at the level crossing on the said road to be opened so as to admit of the use in any manner of the said level crossing for the purposes of traffic on the Railway No. 1 within ten minutes before the advertised time of departure of any passenger train from the railway station at Shrub Hill, Worcester: Provided that this restriction shall not apply to any train from Shrub Hill Station which is intended to stop at the Foregate Street Station, in the city of Worcester:

(3.) The Company shall at their own expense provide, and for ever thereafter maintain and work, and keep in good working order, at the level crossing and at the point of the said road numbered 4 in the deposited plans where such road turns in an eastwardly direction towards the Shrub Hill Railway Station, good and sufficient signals, to the satisfaction of the street authority, by which all persons coming from Shrub Hill Station, or approaching the level crossing from Lowesmoor, may be made aware that a train is about to pass the level crossing:

(4.) The rails shall be laid even with the surface of the road at the said crossing thereof on the level, and the Company shall, at all times thereafter keep in good condition and repair, and maintain with such

materials and in such manner as the street authority shall direct, the entire width of the said road at the said level crossing, between the rails and for a distance of five yards at least from the centre of the said crossing each way, along and even with the said road, and shall at the like expense erect, and for ever maintain and keep in good and working order and use, at the said level crossing, proper gates across the said Railway (No. 1), opening inwardly and not across the road, and shall keep a competent person to attend to such gates, and shall also, at the like expense, provide proper lights, to the satisfaction of the trustees, and, in case of difference, to the satisfaction of an engineer nominated by the Board of Trade (whose remuneration shall be paid by the Company), and the forty-seventh section of "The Railways Clauses Consolidation Act, 1845," shall not apply to the said Railway (No. 1):

(5.) If the Company at any time or times fail to keep in order the said level crossing, or to erect, or to maintain and keep in good working order and use, proper gates, or to keep such competent person, or provide such lights as aforesaid, the trustees may keep in order the said level crossing, and erect, maintain, and keep in use proper gates, and keep such competent person, and provide such lights as aforesaid, as the case may require, and the expenses incurred by them in so doing from time to time shall be repaid to them by the Company, on demand, and, in default thereof, may be recovered by the trustees from the Company in like manner as a penalty is recoverable from the Company.

Provision as to level crossing of Pheasant Street.

9. Unless otherwise agreed between the Company and the street authority, the following provisions shall be in force with reference to the crossing on the level by the Railway No. 1 of the street or road called Pheasant Street, in the parish of St. Martin, numbered 33 on the deposited plans; (that is to say,)

(1.) Paragraph 1 of section 8 of this Act shall apply to this level crossing:

(2.) No gates shall be required to be constructed across the said street or road or across the said railway at the said level crossing, but the Company shall, at their own expense, provide and for ever thereafter maintain and work and keep in good working order, at the same level crossing, good and sufficient signals, to the satisfaction of the street authority, by which all persons passing along the said

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street or road may be made aware that a train is about to cross that street:

(3.) Paragraphs 4 and 5 of section 8 of this Act, except so far as the same or any of them relate to gates, shall apply to this level crossing.

Penalty for breach of provisions as to level crossings.

10. If the Company fail to comply with any of the provisions herein-before contained with reference to the said crossings on the level they shall forfeit and pay for every offence the sum of five pounds as liquidated damages, and an additional sum of five pounds for every day during which such breach continues after the first forfeiture is incurred, and such penalties shall be paid to the trustees or other authority for the time being having control over the road or street respectively affected by such breach, and shall form part of and be applied as the general funds of such trustees or other authority as aforesaid: Provided that the Company shall not be in any way responsible in respect of any misapplication or non-application of any moneys so paid by them; and provided also, that proceedings for the recovery of such penalties may be commenced and prosecuted by any authorised officer of the said trustees or other authority as aforesaid, or by any person impeded or injured by the wrongful act complained of, but only one penalty shall be recoverable for each separate offence, unless the magistrates adjudicating thereon shall otherwise expressly order, if, on consideration of the circumstances, they think the justice of the case so requires.

Power to stop up St. Martin Street.

11. At any time or times after the passing of this Act the Company may stop up the street or road called St. Martin Street, from its commencement at Pheasant Street to the termination of Railway (No. 1) or to the termination of the said street at Lowesmoor: Provided always, that the part of the said street extending from the termination of Railway (No. 1) to Lowesmoor shall not be stopped up without the consent in writing of the owner or owners for the time being of all the houses and land adjoining that part of the said street; and when the said street or any part thereof shall be stopped up under the authority of this Act, the soil and site of the said street, or of so much thereof as shall for the time being have been stopped up, shall be by virtue of this Act vested in the Company for their own use and benefit, and all rights of way and other rights and easements in and over the same shall be by virtue of this Act extinguished. And the owner of any land or building adjoining the said street who shall deem himself injured by stopping up the said street or any part thereof shall be entitled to claim and recover compensation for all injury (if any) that may be done to him thereby, the amount of compensation in case of dispute to be

settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845."

Restrictions as to breaking up streets.

12. Where the Company proceed to open or break up a street for the laying down and making of any railway, the following provisions shall have effect; (namely,)

(1.) They shall give to the street authority notice of their intention, specifying the time at which they will begin the work and the portion of street proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:

(2.) They shall not open or break up any street except under the superintendence and to the reasonable satisfaction of the street authority, unless that authority refuses or neglects to give such superintendence at the time specified in the Company's notice, or discontinues the same during the work:

(3.) They shall pay all reasonable expenses to which the street authority is put on account of such superintendence.

Completion of works and reinstatement of streets.

13. After the Company have opened or broken up any portion of any street they shall be under the following further obligations; (namely,)

(1.) They shall, with all convenient speed, and in all cases within six weeks at the most (unless the street authority otherwise consents in writing), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the railway) fill in the ground and make good the surface, and generally restore the portion of the street to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:

(2.) They shall in the meantime cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted at night:

(3.) They shall pay all reasonable expenses of the repair of the street for six months after the same is restored, so far as those expenses are increased by the opening or breaking up:

If the Company fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues

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after the first day on which such penalty is incurred, and every such penalty shall go and belong to the street authority, and shall form part of the funds applicable to the maintenance of the street.

Saving rights of street authority and others to open streets for repair of sewers, &c.

14. Nothing in this Act shall take away or abridge any power for the time being vested in the street authority, or any company or body, to open or break up any street across or along which any railway is laid, for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any sewer, gully, drain, watercourse, water pipe, gas pipe, or other work, but in the exercise of any such power such street authority, company, or body shall be subject to the following restrictions; (that is to say,)

(1.) They shall cause as little detriment or inconvenience to the Company as circumstances will admit:

(2.) Before they commence any work whereby the traffic on the railway will be interrupted, or whereby the safety of any persons using such railway may be endangered, they shall (except in cases of urgency not admitting of the delay attending the giving of notice) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before commencement of the work:

(3.) They shall at their own expense, without delay, repair and reinstate the railway, but shall not be liable to pay to the Company any compensation for injury done to the railway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:

(4.) If and whenever by such last-mentioned notice the street authority, company, or other body, for the purpose of enabling them to execute such work, shall so require, the Company shall either stop their traffic on the railway to which the notice shall refer where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of the work there; provided that such work shall always be completed by the street authority, company, or body with all reasonable expedition.

Form and delivery of notices.

15. With respect to the notices aforesaid, and to the delivery thereof by or to the Company, the following provisions shall have effect; (namely,)

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently

authenticated by being signed by the clerk or secretary of the Company, or of the street authority, company, or body giving such notice:

(2.) Any notice to be delivered by or to the Company to or by the street authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Difference between Company and street authority, &c.

16. If any difference should arise between the Company on the one hand, and the street authority, or any gas or water company, or any company, body, or person to whom any sewer or drain, or any tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, body, or person, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company by virtue of this Act, in relation to the said railways or works of the Company, or in relation to any work or proceeding of the street authority, body, company, or person, or with respect to the necessity or propriety of or the mode of execution of any railway or work, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the street authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee may direct.

Reservation of right of public to use streets.

17. Save as in this Act provided, and except as to so much of St. Martin Street as shall for the time being be stopped up as aforesaid, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any railway of the Company is laid, whether on foot or on horseback or with carriages having ordinary wheels.

Powers for compulsory purchases limited.

18. 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 one year from the passing of this Act.

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Period for completion of works.

19. The railways shall be completed within two 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Land by agreement.

20. The Company may from time to time purchase and acquire by agreement such land as they may require for their undertaking, not exceeding in the whole two acres.

Railways to be private railways.

21. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the railways by this Act authorised shall be private railways: Provided always, that the railways shall be used subject to and in accordance with such regulations for the prevention of danger, inconvenience, and impediment to traffic along the streets and roads, by reason of the use of those railways, as shall from time to time be made by the mayor, aldermen, and citizens of the city of Worcester acting as the local board of health for such city, and any act done in contravention of any such regulation so made shall be deemed to be an offence within the provisions of the twenty-eighth section of "The Towns Police Clauses Act, 1847:" Provided always, that if the Company shall deem any of such regulations to be oppressive or unjust, the Company may appeal to the Board of Trade, which Board, or an arbitrator to be appointed by them, shall, after hearing both parties, decide upon the regulations in dispute, or any alterations thereof, and the costs of the Board of Trade and their arbitrator (if any) shall be paid by the Company or by the said local board, as the Board of Trade or their arbitrator may decide: Provided also, that no such regulations shall take effect until after the expiration of seven days from the time at which notice in writing of such intended regulations, accompanied by a copy thereof, shall have been given by the local board to the Company, or during the pendency of any appeal to the Board of Trade.

Use of railways by other manufacturers.

22. And whereas the traffic between other manufactories and works on or near the line of the said railways may conveniently be accommodated thereby, be it enacted, that the owners and occupiers of any manufactories and works situate on or near the line of the said railways, and all other persons whose traffic to and from the said railway stations can conveniently be accommodated by the said railways, may use the said railways for the carriage of goods, wares, and merchandise, on payment to the Company of tolls, rates, and charges not exceeding those by this Act authorised.

Power to levy tolls.

23. It shall be lawful for the Company to levy and demand rates, tolls, and duties for the use of the railway not exceeding the following; (that is to say,)

In respect of the tonnage of all articles conveyed upon the railway, or any part thereof, as follows:

For all coals, coke, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, limestone, lime, bricks, salt, sand, fireclay, cinders, slag, and stone, per ton not exceeding one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding one penny:

For heavy iron castings, including railway chairs, per ton not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding one penny halfpenny:

For all culm, charcoal, and all stones for building, pitching, and paving, all tiles, slates, clay (except fireclay), sugar, grain, corn, flour, hides, dyewoods, earthenware, timber and deals, metals (except iron), nails, anvils, vices, and chains, and for light castings, per ton not exceeding sixpence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding threepence:

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, articles, matters or things, per ton not exceeding ninepence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding threepence.

Tolls for propelling power.

24. The toll which the Company may demand for the use of engines or other power for propelling carriages on the railway shall not exceed threepence for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken; but nothing in this Act contained shall render it compulsory on the Company to provide trucks or carriages or locomotive or other power for the conveyance of any goods, wares, or merchandise.

Regulations as to tolls.

25. The following provisions and regulations shall be applicable to the fixing of such tolls; (that is to say,)

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, and so in proportion for any smaller quantity.

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Maximum rates of charges.

26. The maximum rates of charge to be made by the Company, including the tolls for the use of the railway and waggons or trucks and locomotive power, and every expense incidental to such conveyance (except as herein-after mentioned), shall not exceed the following sums:

For coals, coke, ironstone, and other articles herein-before classed therewith, the sum of fourpence halfpenny per ton:

For heavy iron castings, including railway chairs, the sum of sixpence per ton:

For culm, charcoal, and other articles herein-before classed therewith, the sum of ninepence per ton:

For cotton and other goods and other articles herein-before classed therewith, the sum of one shilling per ton.

Tolls on goods less than four tons.

27. If the Company should be required to receive and carry upon the railway at any one time any quantity of goods less than four tons in weight, they shall be entitled to charge the tolls hereby authorised as for four tons of such goods.

Not to prevent charges for delivery and collection, &c. of goods.

28. Nothing in this Act contained shall prevent the Company from demanding and receiving a reasonable sum for loading, covering, unloading, and warehousing of goods, and for the delivery and collection of goods, and for other services incidental to the business or duty of a carrier, where such services shall be performed by the Company.

Company not bound to carry manure, &c.

29. It shall not be compulsory on the Company to carry on the railway any nightsoil, dung, manure, compost, or other offensive matter.

For facilitating traffic between the railways and the Great Western and Midland Railways.

30. In order to facilitate the transmission of traffic from or to the railways by this Act authorised to or from the stations at Worcester of the Great Western Railway Company and the Midland Railway Company respectively, the following provisions shall have effect; (that is to say,)

(1.) The Great Western Railway Company shall receive at the junction of Railway (No. 1) with their said branch railway or siding, or at the point where Railway (No. 1) is intended to cross the said road in the parish of St. Martin numbered 4 on the deposited plans, and shall thence forward and convey over so much of their railways or sidings as lies between the said points respectively and the station at Worcester of the Great Western Railway Company, all traffic arising on the railways by this Act authorised and destined for the said station, and the Great Western Railway Company shall also deliver at the same junction all traffic arriving at their said station and destined for

the said railways by this Act authorised; and the Great Western Railway Company shall afford all reasonable accommodation and facilities for the transmission in both directions of such traffic:

(2.) The Great Western Railway Company may pass over and use, with their engines, carriages, officers, and servants, and for the purposes of goods traffic of every description, the railways by this Act authorised, and all works and conveniences connected therewith:

(3.) The Midland Railway Company shall be bound to afford to the Company such or the like facilities and accommodations in respect of receiving, delivering, and forwarding traffic over the railways and sidings belonging to or used by the Midland Railway Company, and lying between the railways by this Act authorised to be made by the Company and the station at Worcester of the Midland Railway Company, as the Great Western Railway Company are hereby bound to afford to the Company, and the Midland Railway Company shall be entitled to exercise such and the same powers, rights, and privileges in respect of the user of the railways as are hereby granted to the Great Western Railway Company:

(4.) The user by the Great Western Railway Company and the Midland Railway Company respectively of the railways, works, and conveniences, and the facilities and accommodation for traffic under the provisions of this Act to be afforded by the Great Western Railway Company and the Midland Railway Company respectively, shall be on payment of such tolls, rates, rents, or consideration, and on such other terms and conditions, as may be agreed upon between the Company, on the one hand, and the Great Western Railway Company or the Midland Railway Company (as the case may be), on the other hand, or, failing agreement, as shall be from time to time determined by an arbitrator, on the application of the Company, or of the Great Western Railway Company, or the Midland Railway Company (as the case may be), to be appointed by the Board of Trade, and the decision of such arbitrator shall be binding and conclusive on both parties, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Power to enter into traffic arrangements

31. The Company on the one hand, and the Great Western Railway Company and the Midland Railway Company, or either of those companies, on the other hand, may from time to time enter

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with the Great Western and Midland Companies.

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 railways, 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 railways:

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 parties, and the fixing and division between them of the receipts arising from such traffic.

Tolls may taken by railway companies subject to working agreements.

32. If under the provisions in this Act contained the Company agree with the Great Western Railway Company and the Midland Railway Company, or with either of those companies, for the use by them or either of them of the railways, then and in such case tolls and charges not exceeding those authorised by this Act may be demanded and taken by the railway companies or company so agreeing with the Company for the use of the railways, in accordance with the terms and stipulations of any such agreement, and such tolls and charges, or any agreed proportionate part thereof, shall be paid over to the Company, or be retained by the Great Western Railway Company or the Midland Railway Company, as the case may be, for their own use or benefit, subject to such deductions, payments, or liabilities as may be provided for in any such agreement.

Saving of rights of Great Western and Midland Railway Companies.

33. Nothing in this Act contained shall alter, prejudice, or affect any of the rights, powers, or privileges of the Great Western Railway Company and the Midland Railway Company, or either of them, under and by virtue of certain heads of agreement dated the seventeenth day of March one thousand eight hundred and sixty-three, and made between the Midland Railway Company of the one part and the Great Western and West Midland Railway Companies of the other part.

Recovery of tolls, penalties, &c.

34. All tolls, charges, penalties, and other moneys which under this Act may become payable to or by the Company may be recovered in any court of competent jurisdiction, or (at the option of the party claiming the payment) in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the recovery of damages not specially provided for, and penalties.

Provision as to persons using rail-

35. All persons and companies using the railways, or any or either of them, under any agreement of the Company or by any

means whatever, shall be subject and liable to all obligations, provisions, stipulations, enactments, and penalties herein contained.

ways under agreement with Company.

36. Nothing herein contained shall be deemed or construed to exempt the railways from the provisions of any general Act relating to railways now in force, or which may hereafter pass during this or any future session of Parliament.

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

37. The Company shall not, either by themselves or with or by any other company or person, directly or indirectly, at any time oppose any Bill which may be promoted by the mayor, aldermen, and citizens of the city of Worcester acting as the local board of health for such city, or which may be promoted by any company or persons with the sanction of the said local board of health, such Bill having for its object a larger scheme of railways or street tramways, or both, in the said city than the scheme authorised by this Act, and part of such larger scheme being the purchase, on terms to be determined by the Board of Trade or an arbitrator appointed by them, of the railways by this Act authorised to be made, except the part thereof in St. Martin Street; provided that such Bill shall contain a provision whereby the railways shall be continued available for the traffic of the present Company, on such terms as may be agreed upon between the Company and the promoters of such Bill, or, in default of agreement, as may be settled and determined by the Board of Trade or an arbitrator appointed by them, upon hearing both parties.

Company not to oppose any future application for railways or street tramways in Worcester.

38. 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. 1870.