



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxii.

An Act for making a Railway from the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at *Ashchurch* in the County of *Gloucester* to *Great Malvern* in the County of *Worcester*, and for other Purposes. [25th May 1860.]

WHEREAS a Railway from the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at *Ashchurch* in the County of *Gloucester* to *Great Malvern* in the County of *Worcester* would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry the said Undertaking into execution: And whereas it is expedient that the *Midland* Railway Company and the *Worcester and Hereford* Railway Company respectively should be authorized to contribute to the said Undertaking: And whereas Plans and Sections showing the Lines and Levels of the said intended Railway, with a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands proposed to be taken for the Purposes of the said Railway, have been deposited with the respective Clerks of the Peace for the Counties of *Gloucester*,
[Local.] 10 X Worcester,

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Worcester, and the Borough of *Tewkesbury*: And whereas the said intended Railway will communicate with the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway near *Tewkesbury*, and with the *Worcester and Hereford* Railway near *Great Malvern*; and it is expedient that Provisions should be made for enabling the Company herein-after incorporated and the *Midland* Railway Company and the *Worcester and Hereford* Railway Company respectively to make and enter into such Agreements and Arrangements as are herein-after authorized with respect to the Working and Use of the Line of Railway hereby authorized, and the Regulation and Management of the Traffic thereon, and the Division and Apportionment of the Profits arising therefrom: And whereas the Objects 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.
cc. 16. 18.
and 20. in-
corporated.

I. The several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall, excepting in so far as they are expressly varied or altered by this Act, be incorporated with this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "*The Tewkesbury and Malvern Railway Act, 1860.*"

Interpreta-
tion of
Terms.

III. The Words "the Company" shall mean the Company hereby incorporated, and "the Railway" shall mean the Railway hereby authorized to be made.

Subscribers
incorporated.

IV. *Robert Francis Gordon, William Galwey, George Carter, David Joseph Henry, Henry Jeffreys Longcluse, William Goodchap, and George Bate*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after mentioned, and for such Purpose shall be incorporated by the Name of "*The Tewkesbury and Malvern Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to purchase and hold Lands for the Purpose of the Undertaking, within the Restrictions herein and in the said Acts contained.

Power for
the Midland
Railway
Company
to subscribe
and to raise
Capital.

V. The *Midland* Railway Company may subscribe towards and become Shareholders in the said Undertaking to any Extent not exceeding Forty thousand Pounds, and may, with the Authority of Three Fifths of their Shareholders present, personally or by Proxy, at a General

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a General Meeting of that Company specially convened for the Purpose, raise such Sums of Money as may be required for the Purpose of such Subscription, either by the Creation of new Shares in their Undertaking, or by the Appropriation of surplus Monies not made applicable to any Purpose by Act of Parliament not necessary for the same, or partly by each of those Means; provided that all and every Part of the Money so to be raised shall be applied to the Purposes of this Act, and to no other Purpose.

VI. Any new Shares which the *Midland* Railway Company may create for the Purposes of this Act shall be of such Amount, and shall be appropriated and disposed of in such Manner, and to such Persons, and with or without a preferential Dividend, as may be determined by such Meeting as aforesaid.

VII. Provided always, That any Preference or Priority in the Payment of Interest or Dividend granted by the *Midland* Railway Company with respect to any new Shares created by them in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares previously granted by them by or in pursuance of or confirmed by any Act of Parliament passed before this Act, or in the present Session of Parliament, or otherwise from Time to Time lawfully subsisting.

VIII. The new Shares shall be entitled to the preferential Dividend, if any, which may be attached to them by the Company as aforesaid, out of the Profits of each Year, in priority to the ordinary Shares of the Company; but if in any Year ending the First Day of *August* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend 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.

IX. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer and Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Consolidation of Shares into Stock, and with respect to the Conversion of borrowed Money into Capital, shall be applicable to the raising of Money by the *Midland* Railway Company for the Purposes of this Act.

X. The *Worcester and Hereford* Railway Company may subscribe towards and become Shareholders in the said Undertaking to any Extent

Disposal of new Shares.

Saving existing preferential Shares of *Midland* Railway Company.

New Shares entitled to preferential Dividend out of Profits of each Year only.

Certain Provisions of 8 & 9 Vict. c. 16. applicable to those Shares.

Power for the *Worcester and Hereford*

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Railway
Company
to subscribe
and raise
Capital.

Extent not exceeding Forty thousand Pounds, and may, with the Authority of Three Fifths of their Shareholders present, personally or by Proxy, at a General Meeting of that Company specially convened for the Purpose, appropriate any surplus Monies belonging to them, not made applicable to any Purpose by Act of Parliament, not necessary for the same.

Capital.

XI. The Share Capital of the Company shall be One hundred and forty-five thousand Pounds, and all and every Part thereof shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and
Amount of
Shares.

XII. The Number of Shares into which the said Capital shall be divided shall be Fourteen thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

XIII. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Power to
borrow on
Mortgage.

XIV. The Company may borrow upon Mortgage any Monies not exceeding in the whole Forty-eight thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital of One hundred and forty-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Justice who is to certify, under the Provisions contained in the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by such Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable; and all and every Part of the Monies so to be borrowed on Mortgage shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

XV. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Two thousand Pounds in the whole.

XVI. It

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XVI. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company; but nothing herein contained shall prevent the Company from paying to any Shareholder Interest on Money advanced by him beyond the Amount of the Calls made, in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid on Calls paid up.

XVII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any 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.

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

XVIII. The First General Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent General Meeting of the Company shall be held twice in every Year, in the Months of *March* and *September*, or in such other Months as the Company, by the Resolution of an Extraordinary General Meeting, may from Time to Time determine, and the Quorum at the General Meetings of the Company shall be Seven Shareholders present, personally or by Proxy, holding in the aggregate not less than Eight thousand Pounds in the Capital of the Company.

First and subsequent General Meetings.

XIX. Subject to the Provisions of this Act with respect to reducing the Number of Directors, the Number of Directors shall be Seven, and the Qualification of a Director (except the Directors appointed by the *Midland* Railway Company and the *Worcester and Hereford* Railway Company respectively, as herein-after mentioned,) shall be his being the Holder in his own Right of Shares in the Capital of the Company to the aggregate nominal Amount of at least Five hundred Pounds.

Number and Qualification of Directors.

XX. The Quorum of a Meeting of Directors and of any Committee of Directors shall be Three.

Quorum for Meetings and Committees of Directors.

XXI. *Robert Francis Gordon, William Galwey, George Carter, David Joseph Henry, Henry Jeffreys Longcluse, William Goodchap, and George Bate* shall be the First Directors of the Company.

First Directors.

[Local.]

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XXII. So

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Directors to be appointed by the Midland Railway Company.

XXII. So long as the *Midland* Railway Company and the *Worcester and Hereford* Railway Company respectively shall continue Shareholders in the Company to the Extent of Twenty thousand Pounds at the least, the Directors for the Time being of those Companies respectively may appoint, from and out of the Members of their own Boards respectively, One or more of the Directors of the Company hereby incorporated, in proportion to the Amount so subscribed by such Companies respectively, and such Directors so appointed shall be in all respects qualified to act as Directors of the Company, notwithstanding their respective Names shall not appear upon the Registry of Shareholders of the Company hereby incorporated.

Directors to be appointed by the Company and the Midland Railway Company.

XXIII. The remaining Directors of the Company, or when the *Midland* Railway Company and the *Worcester and Hereford* Railway Company shall not be Shareholders to the Extent aforesaid, or shall have neglected, after Three Months Notice from the Company hereby incorporated, under the Hand of the Secretary thereof, and delivered at the Offices of the *Midland* Railway Company and *Worcester and Hereford* Railway Company respectively, to appoint Directors, then the whole of the Directors of the Company hereby incorporated, shall be elected by the other Shareholders of the Company.

Election of Directors at First Ordinary Meeting and subsequent Election of Directors.

XXIV. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any of them, or may elect other Directors to supply their Place, the retiring Directors being, if qualified, eligible for Re-election, and the several Persons so elected, being neither dead, removed, nor disqualified, nor having resigned, shall continue to be Directors of the Company until the First General Meeting of the Company to be held after the Railway shall have been opened for public Traffic.

Hereford Railway Company may appoint Persons to vote.

XXV. The *Worcester and Hereford* Railway Company, or the Directors of that Company, may from Time to Time, so long as that Company continue Shareholders in the Undertaking, appoint One or more Persons (whether such Person or Persons shall hold Shares in the Company or not) to vote on behalf of that Company at any Meeting or Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint another Person or Persons in the Stead of the Person or Persons previously appointed, and the Person or Persons as for the Time being appointed shall, during his or their Appointment, have the same Right of voting and acting at any such Meeting as he or they would have had if the Shares in the Undertaking for the Time being held by the *Worcester and Hereford* Railway Company were held by such Person or Persons in his or their own Right: Provided always, that every such

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such Appointment or Revocation shall be in Writing, and under the Seal of the *Worcester and Hereford* Railway Company, or under the Hand of the Chairman for the Time being of the Directors of that Company.

XXVI. The *Midland* Railway Company, or the Directors of that Company, may from Time to Time, so long as that Company continue Shareholders in the Undertaking, appoint One or more Persons (whether such Person or Persons shall hold Shares in the Company or not) to vote on behalf of that Company at any Meeting or Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint another Person or Persons in the Stead of the Person or Persons previously appointed, and the Person or Persons as for the Time being appointed shall, during his or their Appointment, have the same Right of voting and acting at any such Meeting as he or they would have had if the Shares in the Undertaking for the Time being held by the *Midland* Railway Company were held by such Person or Persons in his or their own Right: Provided always, that every such Appointment or Revocation shall be in Writing, and under the Seal of the *Midland* Railway Company, or under the Hand of the Chairman for the Time being of the Directors of that Company.

Midland
Railway
Company
may appoint
Persons to
vote.

XXVII. The Railway and Works by this Act authorized shall be the following; that is to say,

The Railway
to be con-
structed.

A Railway commencing in the County of *Gloucester* by a Junction with the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at a Point Forty Yards or thereabouts Westward of the Bridge which carries the said Branch of the *Midland* Railway over the public Highway leading from *Northway* to *Ashchurch*, and terminating by a Junction with the *Worcester and Hereford* Railway at a Point about Thirty Yards or thereabouts to the South of the Bridge carrying the said *Worcester and Hereford* Railway over the public Highway called *Mill Lane* in the Township and Parish of *Great Malvern* aforesaid in the County of *Worcester*.

XXVIII. Subject to the Powers and Provisions in this and the Acts incorporated herewith contained, the Company may make and maintain the Railway and Works on the Line and upon the Lands delineated on the Plans and described in the Books of Reference deposited as aforesaid, and according to the Levels defined on the said Sections, and may enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to
make Rail-
way ac-
cording to
deposited
Plans.

XXIX. Provided, That in case within Twelve Months after the passing of this Act the *Worcester and Hereford* Railway Company shall be willing and shall offer to the Company to enter into an Agreement with

Company
may enter
into an
Agreement
with

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with the Worcester and Hereford Railway Company as to Junction with their Railway at Malvern.

with them for the working of the Traffic of the Railway of the Company by the Company, or by the *Midland* Railway Company over the Railway of the *Worcester and Hereford* Railway Company, between the Junction herein-after mentioned and the Station at *Great Malvern*, and for permitting the Company to form a Junction for that Purpose with the *Worcester and Hereford* Railway at a convenient Point at or near their *Malvern Wells* Station, and being a Junction which the Company may lawfully make, and at such Point as shall be determined by the Engineer of the *Worcester and Hereford* Railway Company, and for granting Power to the Company and the *Midland* Railway Company to use, for the Purposes of the Traffic of the Company, the Stations, Sidings, and Works belonging to the *Worcester and Hereford* Railway Company, between that Point and the Station at *Great Malvern* inclusive, upon Terms and Conditions to be in case of Difference determined by Arbitration, under "The Railway Companies Arbitration Act, 1859," then the Company shall not, without the Consent in Writing of the *Worcester and Hereford* Railway Company, construct any Part of the Railway between the Termination thereof at *Great Malvern* and the Junction so to be made with the *Worcester and Hereford* Railway.

Land, &c. of *Midland* Railway Company not to be taken without their Consent.

XXX. No more of the Land or Property of the *Midland* Railway Company shall be taken or used for the Purposes of this Act than shall be absolutely required for the Purpose of effecting such Junction as aforesaid, without the Consent of the *Midland* Railway Company under their Common Seal first had and obtained.

Land, &c. of *Worcester and Hereford* Railway Company not to be taken without their Consent.

XXXI. No more of the Land or Property of the *Worcester and Hereford* Railway Company shall be taken or used for the Purposes of this Act than shall be absolutely required for the Purpose of effecting such Junction as aforesaid, without the Consent of the *Worcester and Hereford* Railway Company, under their Common Seal, first had and obtained.

Provisions respecting Lands of the Rev. F. Laing.

XXXII. Provided always, That the Lands of the Reverend *Francis Laing*, respectively numbered 79, 80, 81, 86, 87, and 88. on the said deposited Plans in the Parish of *Tewkesbury*, shall not nor shall any Part thereof be taken by the Company for the Purposes of the Railway, save for the Purpose of constructing the Tunnel under the *Mythe Hill*, as delineated on the said Plans and Sections, and for the Purpose of maintaining, working, and keeping the same in repair; and the Company shall purchase, and the Reverend *Francis Laing*, his Heirs, Executors, Administrators, and Assigns, shall sell to the Company, a perpetual Way-leave through the Lands belonging to the said Reverend *Francis Laing*, under which the said Tunnel shall be constructed, which Tunnel shall be constructed at the Distance of One hundred and forty Feet at the least from the Dwelling House of the said Reverend *Francis Laing*, and at an average

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average Depth of not less than Thirty Feet from the Surface of the said Lands, except at that Portion of the Tunnel situate within One hundred Feet of *Paget's Lane*.

XXXIII. Provided also, That the Lands and Premises of *Charles Porter* Esquire, numbered 76, 77, and 78. on the said deposited Plans in the said Parish of *Tewkesbury*, shall not, nor shall any Part thereof, be taken by the Company for the Purposes of the Railway, save for the Purpose of constructing the Tunnel under the said *Mythe Hill*, as delineated on the said Plans and Sections, and for the Purpose of maintaining, working, and keeping the same in repair; and the Company shall purchase, and the said *Charles Porter*, his Heirs, Executors, Administrators, and Assigns, shall sell to the Company, a perpetual Wayleave through the Lands belonging to the said *Charles Porter*, under which the said Tunnel shall be constructed.

Provision respecting Lands of C. Porter, Esq.

XXXIV. The Railway may be carried across the Meadow Lands in the Parishes of *Tewkesbury* and *Upton-upon-Severn* upon Embankments instead of Viaducts.

Railway may be carried across certain Lands on Embankments instead of Viaducts.

XXXV. The Company shall, at their own Expense, before the opening or Use of the said Railway for Traffic of any Kind, construct, erect, and for ever afterwards maintain and keep in repair Parapet and Screen Walls or Fences to, at, and upon both Sides of the Bridge, whereby it is intended to carry the said Railway over the *Worcester Turnpike Roads* between *Malvern Wells* and *Hanley Swan* for a Distance of One hundred and sixty Feet along the Line of the said Railway on each Side of the said Bridge, measured from the Centre of the said Bridge, such Parapet and Screen Walls or Fences to be at least Eight Feet in Height, measured from the Surface of the said Line of Railway, and the Descent made in the said Turnpike Road in order to carry the same under the Bridge shall not be more than One Foot in Thirty Feet; and further, the Bridge shall be erected and formed in all respects in conformity with the Regulations contained in "The Railways Clauses Consolidation Act, 1845," Section 49., and that all proper and necessary Drains, Gratings, and Cesspools upon and under the Turnpike Road shall be provided by and at the Expense of the Company, and to the Satisfaction of the Trustees of the said *Worcester Turnpike Roads*.

Company to erect and maintain a Screen over the Worcester Turnpike Road.

XXXVI. The Bridge to be constructed for carrying the said Railway over the said River *Severn* shall be constructed so and in such a Manner that in a suitable and proper Part of such Bridge the said Company shall have and maintain a Drawbridge, with a clear Opening of not less in Width than Forty Feet, for the Passage of Vessels through the same, and the Piers of the said Bridge shall be made parallel to the Stream.

Mode of Construction of Bridge over the River Severn.

[Local.]

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XXXVII. Pre-

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Previous to
Construc-
tion of
Bridges over
Rivers Avon
and Severn,
Admiralty to
approve of
same.

XXXVII. Previously to commencing either of the Bridges over the Rivers *Avon* and *Severn*, or the Works respectively connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of each of the said Bridges and Works respectively connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridges and Works shall be constructed only in accordance with such Approval; and when both or either of such Bridges and Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if both or either of such Bridges or Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

How Bridges
to be con-
structed.

XXXVIII. The Bridges over the Rivers *Avon* and *Severn* shall be constructed by the Company with such Headway and Waterway as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall previously approve of, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and the Bridge to be constructed by the Company over the *Severn* shall give a Headway of at least Twelve Feet Three Inches more than the *Upton* New Opening Bridge.

Lights to be
exhibited
during Con-
struction of
Bridges.

XXXIX. During the Construction of each of the Bridges over the Rivers *Avon* and *Severn*, and Works respectively connected therewith, the Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of each of the Bridges the Company shall cause to be hung out or exhibited upon or near to the Centre of each of the Bridges, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the Company in such Manner and be of such Description and be so used and placed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by
Writing

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Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep either or any of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

XL. If any Work to be constructed by the Company in, under, over, through, or across the Rivers *Avon* and *Severn*, or either of them, or if any Portion of any Work which affects or may affect any such Rivers or either of them, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works abandoned, Admiralty may remove the same at Expense of Company.

XLI. The Bridge over the River *Severn* shall not deviate from the continuous centre Line marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

Bridge over *Severn* not to deviate from the centre Line marked on Plans deposited at Admiralty.

XLII. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation, or any Part thereof; and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If any Deviation be made without Consent of Admiralty they may abate the same at Expense of Company.

XLIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Company in, over, or affecting the Rivers *Avon* and *Severn*, or either of them, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order a local Survey, at Expense of Company.

XLIV. The

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Company to purchase Land for a Double Line.

XLIV. The Company shall and they are hereby required, previously to the Completion of the Railway and the opening of the same for public Traffic, to purchase and take such a Quantity of Land as shall be sufficient for the Purpose of laying down a Double Line of Rails thereon, and shall plant and construct the Hedges and Fences to the Railway at such Distances from each other as will leave sufficient Width between the same Hedges and Fences for the Purpose of laying down a Double Line of Rails, and shall construct the Bridges of such Dimensions as will admit of a Double Line of Rails being placed on the Railway, and being used for the Purposes of the same.

Lords of Manors, &c. interested in Common Lands, and Parties under Disability, may sell Lands to Company, in consideration of a Chief Rent.

XLV. And whereas certain Commonable and Waste Lands situate in the Parishes of *Great Malvern, Upton-upon-Severn, Twynning, and Tewkesbury* will be required to be taken for the Purposes of this Act; and inasmuch as numerous Persons claim to have Interests therein, by reason whereof the Amount to be apportioned to each would be exceedingly small: Subject, therefore, to the Provisions of this Act, it shall be lawful for the Lords of the Manors, the Committees of Commoners, the Surveyors of the Highways, and any other Persons interested, to agree for the Purchase by the Company of any Common Land or Commonable Rights vested in such Lords of the Manors, Committees, Surveyors, or other Persons respectively, and which may be required by the Company for the Purposes of their Undertaking, such Purchase in every Case being in consideration of a Rentcharge or other annual Sum instead of a Sum in gross; and it shall also be lawful for any of the Parties referred to in the Seventh Section of "The Lands Clauses Consolidation Act, 1845," to sell and convey to the Company any Lands which the Company are authorized to purchase for the Purposes of their Undertaking, in consideration of an annual Rentcharge payable by the Company instead of a Sum in gross; and every such Rentcharge shall be deemed the Compensation for the Purchase of the Lands and Interests so purchased.

Lands conveyed to be at best yearly Rent.

XLVI. Provided always, That no Fine, Premium, or Foregift shall be paid upon or in respect of any such Sale or Conveyance, and the yearly Rent shall be the best or most usual yearly Rent for or in respect of the Premises conveyed, and such Rent shall not be less than shall be determined by a Surveyor, in accordance with "The Lands Clauses Consolidation Act, 1845."

Rent to enure to same Uses as Land conveyed.

XLVII. The said yearly Rent shall be and remain upon and for the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so conveyed stood settled or assured at or immediately before the Conveyance thereof.

XLVIII. Every

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XLVIII. Every such yearly Rent shall be a Charge on the Undertaking of the Company and the Tolls thereof, in preference to any Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Company, with Costs of Suit, by Action in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Company.

Rents to be a first Charge.

Remedies for Recovery thereof.

XLIX. The Junction of the Railway with the *Midland* Railway, and all such Openings in the Ledges, Switches, or Flanches of such last-mentioned Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Midland* Railway Company.

Communications with the *Midland* Railway.

L. The *Midland* Railway Company may from Time to Time erect, maintain, and alter such Signals and other Works and Conveniences connected therewith, and appoint and remove such Watchmen, Pointsmen, or other Servants, as that Company may deem necessary for the Prevention of Danger or Obstructions to or Interference with the Traffic at and near the Points of Junction between their Railway and the Railway by this Act authorized; and the Working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants, shall be under the exclusive Management and Regulation of the *Midland* Railway Company; and all the Costs and Expenses of erecting, maintaining, and altering such Signals, Works, and Conveniences, and the Wages of such Watchmen, Pointsmen, and other Servants, shall at the Expiration of every Half Year be repaid by the Company to the *Midland* Railway Company, on Demand, and in default of such Repayment the Amount of such Costs and Expenses and Wages may be recovered from the Company, by the *Midland* Railway Company in any Court of competent Jurisdiction.

Signals, &c. to be erected, &c., and Persons appointed by *Midland* Railway Company, to prevent Danger at Points of Junction.

LI. The Junction of the Railway with the *Worcester and Hereford* Railway, and all such Openings in the Ledges, Switches, or Flanches of such last-mentioned Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Worcester and Hereford* Railway Company.

Communications with the *Worcester and Hereford* Railway.

LII. The *Worcester and Hereford* Railway Company may from Time to Time erect, maintain, and alter such Signals and other Works and Conveniences connected therewith, and appoint and remove such Watchmen, Pointsmen, or other Servants, as that Company may deem necessary for the Prevention of Danger or Obstruction to or Interference with the

Signals, &c. to be erected, &c., and Persons appointed by *Worcester and Hereford* Railway

The Tewkesbury and Malvern Railway Act, 1860.

Company,
to prevent
Danger at
Points of
Junction.

Traffic at and near the Points of Junction between their Railway and the Railway by this Act authorized; and the Working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants, shall be under the exclusive Management and Regulation of the *Worcester and Hereford* Railway Company; and all the Costs and Expenses of erecting, maintaining, and altering such Signals, Works, and Conveniences, and the Wages of such Watchmen, Pointsmen, and other Servants, shall at the Expiration of every Half Year be repaid by the Company to the *Worcester and Hereford* Railway Company, on Demand, and in default of such Repayment the Amount of such Costs and Expenses and Wages may be recovered from the Company by the *Worcester and Hereford* Railway Company in any Court of competent Jurisdiction.

Lands for ex-
traordinary
Purposes.

LIII. The Company may purchase by Agreement and hold any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding in the whole Two Acres.

Powers for
compulsory
Purchases
limited.

LIV. The Powers for the compulsory Purchase of Lands by this Act conferred upon the Company shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for
Completion
of Works.

LV. The Railway shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act or the said Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Providing
for Com-
pletion of
Railway.

LVI. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Eleven thousand six hundred Pounds, being Eight Pounds *per Centum* of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum of Eleven thousand six hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company hereby incorporated shall, previously to the Expiration of the
Period

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Period limited by this Act for Completion of the Railway hereby authorized to be made, open the said Railway for the public Convenience of Passengers, or prove to the Satisfaction of the Board of Trade that the said Company have paid One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the Sum of Eleven thousand six hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved of by the Solicitor of the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Eleven thousand six hundred Pounds, if the Company shall not within the Time limited for the Completion of the said Railway either open the said 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 said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the deposited Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had been executed and deposited as aforesaid; and the Certificate of the Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Fact so certified.

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Tolls.

LVII. It shall be lawful for the Company to demand any Tolls 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, Culm, Ironstone, Iron Ore, Limestone, Lime, Bricks, Salt, Sand, Fireclay, Slag, and Stone, *per Ton per Mile* One Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing :

For all Pig Iron, Bar Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, *per Ton per Mile* Three Farthings; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Dung, Cinders, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all 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 per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per Mile* not exceeding Five-pence : And

A Sum of One Penny Farthing *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
Passengers
and Cattle.

LVIII. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows :

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage

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riage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Bull, Cow, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

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

LIX. 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 or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

LX. The following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,) Regulations as to the Tolls.

LXI. For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles. Short Distances.

LXII. For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls as for One Mile, and in respect of Animals and Goods for each Fraction in proportion to the Number of Quarters of a Mile contained therein, and the Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile, and in respect of Passengers any Fraction of a Mile shall be deemed to be One Mile. Fractional Part of a Mile.

LXIII. 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. Fractional Part of a Ton.

LXIV. With respect to Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight. General Weight.

LXV. 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 on in proportion for any smaller Quantity. Weight of Stone and Timber.

[*Local.*]

11 B

LXVI. And

The Tewkesbury and Malvern Railway Act, 1860.

Tolls for
small Parcels
and Articles
of great
Weight.

LXVI. And with respect to small Packages, and single Articles of great Weight, the Company, notwithstanding the Rate of Tolls prescribed by this Act, may lawfully demand the Tolls following; (that is to say,)

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

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, Eightpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, One Shilling:

And for the Carriage of any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up 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:

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 single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

LXVII. 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.

Maximum
Rate of
Charges for
Passengers.

LXVIII. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per Mile*:

For

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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*.

LXIX. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate 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 the loading and unloading of Goods, where such Service is performed by the Company,) shall not exceed the following Sums:

Maximum
Rate of
Charges
for Cattle,
Goods, &c.

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Fivepence *per Mile*:

For Cattle, the Sum of Twopence *per Head per Mile*:

For Calves and Pigs, One Penny each *per Mile*:

For Sheep and small Animals, Three Farthings each *per Mile*:

For every Carriage, the Sum of Sixpence *per Mile*:

For Coals, Coke, Ironstone, and other Articles herein before classed therewith, the Sum of One Penny Halfpenny *per Ton per Mile*:

For Pig Iron, Bar Iron, and other Articles herein-before classed therewith, the Sum of Twopence *per Ton per Mile*:

For Manure and other Articles herein-before classed therewith, the Sum of Twopence *per Ton per Mile*:

For Sugar and other Articles herein-before classed therewith, the Sum of Threepence *per Ton per Mile*:

For Cotton and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per Ton per Mile*.

LXX. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railway, but shall apply only to the ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers upon the Railway.

Restriction
as to
Charges not
to apply
to Special
Trains.

LXXI. Provided further, That nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, except small Parcels, by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company
may take
increased
Charges by
Agreement.

LXXII. Any Traffic destined to pass between any Part of the Railway or of the *Tewkesbury* Branch of the *Midland* Railway, including *Ashchurch*,

For facili-
tating
Trans-

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mission of
Traffic.

church, and any Part of the *Worcester and Hereford* Railway, shall be carried by the *Midland* Railway Company over the Railway and the *Tewkesbury* Branch of the *Midland* Railway at Fares, Rates, and Charges not exceeding the Fares, Rates, and Charges demanded or taken by the *Midland* Railway Company on any Part of their Railway for any other Traffic of the same Description which shall be carried by them over any Part of the Railway and the *Tewkesbury* Branch of the *Midland* Railway respectively, unless such last-mentioned Fares, Rates, and Charges shall be lower than the Fares, Rates, and Charges demanded or taken by the *Worcester and Hereford* Railway Company on any Portion of their Railway in respect of any particular Traffic destined to pass on any Part of the Railway, in which Case the Fares, Rates, and Charges payable to the *Midland* Railway Company in respect of such particular Traffic shall be the Fares, Rates, and Charges so demanded and taken by the *Worcester and Hereford* Railway Company in respect thereof, and so from Time to Time; and in regard to the Traffic first above mentioned, the *Midland* Railway Company shall afford the same Facilities, Advantages, and Accommodation in every respect for receiving, forwarding, and delivering the same, and for the Return of Carriages, Trucks, and other Vehicles, as shall be reasonably required by the *Worcester and Hereford* Railway Company, or as shall be afforded by the *Midland* Railway Company, to or for the Purposes of any other Traffic of the same Description on any Part of the Railway. If the *Midland* Company shall decline or refuse (after Notice from the *Worcester and Hereford* Railway Company) to observe any of the above Stipulations, any Complaint of the last-mentioned Company thereupon shall from Time to Time be determined by Arbitration, in accordance with the "Railway Companies Arbitration Act, 1859;" and if the Arbitrator shall be of opinion that the Complaint is well founded, he may give such Orders and Directions in the Matter as in his Opinion shall be fit and proper for the Removal of the Complaint; and if the *Midland* Railway Company shall decline or refuse to obey any such Order or Direction, then, upon Proof of the Fact to the Satisfaction of the Arbitrator, the *Worcester and Hereford* Railway Company shall be entitled thenceforth to use, with Engines, Carriages, and otherwise, the Railway and the *Tewkesbury* Branch of the *Midland* Railway, and any Parts thereof respectively, and any Stations on the same respectively, including *Ashchurch*, and all the Works and Conveniences thereof or connected therewith, on such Terms and Conditions in every respect as in case of Difference shall be determined by Arbitration, in accordance with the "Railway Companies Arbitration Act, 1859."

Arrange-
ments as in
Schedule
confirmed
and to be
binding.

LXXIII. The Heads of Arrangement which are set forth in the Schedule to this Act are by this Act confirmed, and shall be binding on the Company and the *Midland* Railway Company and the *Worcester and Hereford* Railway Company, and may and shall be carried into effect.

LXXIV. Nothing

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LXXIV. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of Railway Accounts, now in force or which may 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 or of the Rates and Charges for small Parcels authorized by this Act.

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

LXXV. All the Costs, Charges, and Expenses connected with or incidental to the passing of this Act shall be paid by the Company.

Expenses of Act.

The Tewkesbury and Malvern Railway Act, 1860.

SCHEDULE.

Heads of Arrangement between the Tewkesbury and Malvern Railway Company on the one hand, and each of the Midland Railway Company and the Worcester and Hereford Railway Company, so far, but so far only, as they respectively are interested, on the other hand.

Firstly, these Heads to be subject to the Sanction of Parliament.

Secondly, the Tewkesbury Company, at their own Expense, to make and complete the new Line, Buildings, and Works, according to their Act, as a Single Line, but, except as regards the Tunnel, with Land and Overbridges for a Double Line, and with Double Line where requisite, and all to the reasonable Satisfaction of the Midland Company's Engineer.

Thirdly, the new Line and Works to be maintained by the Contractor for making the Railway for Twelve Months after Completion, to the Satisfaction of the Midland Company's Engineer.

Fourthly, after the new Line is authorized to be opened for public Traffic, the Midland Company at all Times, at their own Expense, to maintain (without Prejudice to the Third Head), manage, man, stock, work, and use the new Line and Works, and to work and use the same so as properly to develop and accommodate not only the through Traffic, but also the local Traffic of the District to be served by the new Line.

Fifthly, the Midland Company to pay Taxes, Government Duty on Passengers Rates, and all other Landlords and Tenants Charges and Outgoings, except Chief Rents (if any), Tithe, Tithe Rent-charge, and Land Tax.

Sixthly, the Midland Company to receive Payment half-yearly for their Passenger Station Accommodation at Tewkesbury such Part of Interest at Six Pounds per Cent. per Annum on the Midland Company's Outlay for Construction and Maintenance on that Accommodation chargeable to Capital as bears the same Proportion to the whole of the Interest as the Passenger Traffic on the Tewkesbury Railway using that Accommodation bears to the whole Passenger Traffic using that Accommodation, and the working Expenses of that Accommodation to be borne in like Proportion.

Seventhly, the Worcester and Hereford Company, on like Terms, to receive Payment for their Station Accommodation at Great Malvern; and if the Tewkesbury Company elect to use their Station Accommodation at Malvern Wells, then to receive Payment for the same on like Terms.

Eighthly,

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Eighthly, the short Distance Charges for through Traffic to be as follow, and no other :—

(A.) The Midland Mileage between the Point of Junction at Tewkesbury and Ashchurch for Traffic to, from, and through Malvern and intermediate Stations on the new Line to be calculated as Three Miles.

(B.) The Worcester and Hereford Mileage between the Point of Junction (if any) near Malvern Wells Station and Great Malvern, for Traffic to, from, and through Ashchurch and intermediate Stations on the new Line, including any Station at Tewkesbury, and the Great Malvern Station, and the Link Station respectively, to be calculated, as regards the Great Malvern Station, at Two Miles, and as regards the Malvern Link Station, at Three Miles.

Ninthly, the Mileage Charge for through Traffic to be as follows :—

(C.) The Midland Company to receive their actual Mileage (Three Miles the Minimum) upon all Traffic passing to, from, and over the new Line, and going beyond Ashchurch on the Midland Railway.

(D.) The Worcester and Hereford Company to receive their actual Mileage (Three Miles the Minimum) upon all Traffic passing to, from, and over the new Line, and going beyond Malvern Link Station on the Worcester and Hereford Railway.

Tenthly, the Tewkesbury Company to account to the Midland Company for all Receipts of the Tewkesbury Company from all Traffic Sources, Tolls from Third Parties (except for Traffic passing as regards the new Line compulsorily to, from, and over the Worcester and Hereford Railway) to be as between the Tewkesbury Company and the Midland Company estimated at the Parliamentary Maximum.

Eleventhly, from the Total of the gross Receipts for all Traffic conveyed by the Midland Company on or over the new Line for all or any Part of the Distance between the Malvern Link Station and Ashchurch, and the Receipts to be accounted for under the Tenth Head, the following Deductions to be made :

(E.) The Payments for Passenger Accommodation under the Sixth and Seventh Heads.

(F.) The short Distance Charges under the Eighth Head.

(G.) The due Proportion of the Mileage Charges under the Ninth Head.

(H.) Paid-ons and Clearing House Terminals, except at any Station on the new Line itself.

And the Residue shall be the Receipts divisible between the Midland Company and the Tewkesbury Company.

Twelfthly,

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- Twelfthly, in estimating the gross Receipts all Traffic carried by the Midland Company between the Great Malvern and Malvern Link Stations respectively on the one hand, and the Stations on the Midland Railway between Ashchurch and Bristol, both inclusive, on the other hand, to be taken, as to one Half thereof, as passing viâ Tewkesbury, and as to the other Half thereof as passing viâ Worcester.
- Thirteenthly, Fifty per Cent. of the divisible Receipts to be paid to the Midland Company for their Expenses of the Maintenance, Management, and Working of the new Line, and the other Fifty per Cent. to be paid to the Tewkesbury Company.
- Fourteenthly, the Division of the gross Receipts to be made half-yearly, and Accounts to be rendered half-yearly.
- Fifteenthly, the Midland Company to keep all proper Accounts and Vouchers, and to afford proper Inspections thereof to the Tewkesbury Company.
- Sixteenthly, all Differences between the Companies, or any Two of them, and all Questions as to the carrying into effect of the Provisions of the Arrangement, to be determined by Arbitration, under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator, to be, if not agreed on, appointed by the Board of Trade, with ample Powers.
- Seventeenthly, a formal Agreement for carrying these Heads into effect to be prepared, on behalf of both Companies, by John Bullar, Esq., with such Details and incidental Provisions as he thinks proper, and with such Modifications as the Companies mutually agree on, and to be executed under Seal, and binding on them all.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.