



## CHAPTER cxxvii.

An Act for making a Railway from Coalville to Loughborough in the county of Leicester, to be called the "Charnwood Forest Railway;" and for other purposes. [16th July 1874.] A.D. 1874.

**W**HEREAS the making of the railways herein-after described would be attended with public and local advantage:

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

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Charnwood Forest Railway Act, 1874." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. Provisions of certain general Acts incorporated.

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Interpreta-  
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway or railways and the undertaking by this Act authorised; and for the purposes of this Act, the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company  
incorporated.

4. Marmaduke Sheild, George Thomas Mowbray, Joseph John Fairfax Scott, Henry Humphreys, George Louis Vaughan, Henry Hughes, Edward Handley Warner, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the "Charnwood Forest Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to  
make rail-  
ways accord-  
ing to  
deposited  
plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

- (1.) A railway one mile one furlong and one chain in length, commencing in the township of Hugglescote by a junction with the Leicester and Burton Branch of the Midland Railway, about forty yards from a signal-box thereon called "Coalville Junction," and terminating in the township of Swannington in the parish of Whitwick, about one hundred and sixty-five yards from the northern end of the fence separating the two fields belonging to the Midland

Brick and Terra Cotta Company (Limited), which fields are numbered 203 and 204 respectively on the Swannington tithe map: A.D. 1874.

(2.) A railway ten miles three furlongs and two chains in length, commencing in the parish of Whitwick by a junction with the said Leicester and Burton Branch Railway, about ninety yards from the level crossing by that railway of the public road from Coalville to Whitwick, and terminating in the parish of Loughborough by a junction with the Midland Railway at or near the place where the footpath from Loughborough to the Falcon Ironworks is carried by a foot-bridge over the last-mentioned railway.

6. The capital of the Company shall be one hundred and thirty-five thousand pounds, in thirteen thousand five hundred shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to issue until one fifth paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty-five thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and thirty-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production Power to borrow on mortgage.

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Height and span of bridge.

**23.** The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish and Township.	Description of Road.	Height.	Span.
RAILWAY No. 2.				
223	Whitwick and Thringston.	Turnpike - -	15	25

Width of certain roadways.

**24.** The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish and Township.	Description of Road.	Width of Roadway.
RAILWAY No. 1.			
10	Hugglescote - -	Public - -	20
{ 18	Hugglescote - -	Public - -	20
1	Whitwick - -		
19	Whitwick - -	Public - -	18
RAILWAY No. 2.			
92	Whitwick - -	Public - -	20
156	Whitwick and Thringston.	Public - -	20
176	Whitwick and Thringston.	Public - -	20
10	Belton - -	Public - -	20
{ 3	Belton - -	Public - -	20
159	Sheepshed - -		
139	Sheepshed - -	Public - -	20
116	Sheepshed - -	Public - -	20
38	Sheepshed - -	Public - -	20
29	Sheepshed - -	Turnpike - -	25
100	Loughborough - -	Public - -	20
11	Loughborough - -	Public - -	20

Power to take easements, &c. by agreement.

**25.** Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts (Amendment Act), 1860," and of this Act,

grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

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**26.** In constructing the junctions hereby authorised with the main line, and with the Leicester and Burton Branch of the Midland Railway, the Company shall conform to the following conditions :

For protec-  
tion of the  
Midland  
Railway  
Company.

1. The junctions shall be made at such points as the principal engineer for the time being of the Midland Railway Company shall designate, and according to plans to be reasonably approved by him; and all works necessary to be executed upon the lands of the Midland Railway Company for the purpose of effecting such junctions shall be executed by the Midland Railway Company at the request and expense of the Company :
2. The Midland Railway Company may from time to time erect, maintain, and alter such signals and other works and conveniences as may reasonably be found requisite in consequence of the construction of the said junctions, and may appoint and remove such watchmen, pointsmen, switchmen, or other persons as may be reasonably necessary for the prevention of danger, or detention to or interference with traffic, at or near the junctions between the railway and the Midland Railway, by the construction of the intended railways; and the working of such signals, works, and conveniences, and the control and direction of such watchmen, pointsmen, switchmen, and other persons, shall belong exclusively to that Company; and all the costs and expenses of erecting and maintaining such signals, works, and conveniences, and the wages of such watchmen, pointsmen, switchmen, and other persons, shall at the end 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, expenses, and wages may be recovered from the Company by the Midland Railway Company in any court of competent jurisdiction :
3. The Company shall not, without in every case obtaining the previous consent of the Midland Railway Company under their common seal, take, use, or interfere with any of the lands or property from time to time belonging to or in the

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

Class 3. For any calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

Tolls for  
goods.

In respect of goods and minerals conveyed upon the railway :

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

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

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

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

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile, and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

**31.** The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

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Tolls for propelling power.

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

Regulations as to tolls.

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

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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

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

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

Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway :

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

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

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

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

And for any parcel exceeding fifty-six pounds but not exceed-

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ing five hundred pounds in weight, the Company may demand any sum which they may think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding one shilling per ton per mile :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum  
rates for  
passengers.

**34.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum  
rates for  
animals and  
goods.

**35.** The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

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

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



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For everything in Class 5, twopence halfpenny per ton per mile ; A.D. 1874.  
For everything in Class 6, fourpence per ton per mile ;  
For everything in Class 7, fivepence per ton per mile ;

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

**36.** Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

**37.** No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal station.

**38.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Restrictions as to charges not to apply to special trains.

**39.** Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals, goods, or minerals of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals, goods, or minerals other than small parcels by passenger trains. Company may take increased charges by agreement.

**40.** The Midland Railway Company and the London and North-western Railway Company respectively shall from time to time grant all proper and reasonable facilities for the transmission upon and along their railways, or any part thereof, of all traffic which, having passed or being intended to pass over the railway, or any part thereof, may be tendered to them for transmission along their own railways, or any part thereof. Traffic facilities.

**41.** All such traffic facilities shall be afforded upon and subject to such conditions, rules, and regulations, and upon payment of such Terms for affording traffic facilities.

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A.D. 1874. — tolls, rates, and charges, as may be agreed on or settled by an arbitrator to be appointed by the Board of Trade.

Interest not to be paid on calls paid up.

42. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

43. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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

44. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

45. 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.