



CHAPTER cxcvii.

An Act for making a Railway from Stroud to Painswick to be called "the Painswick Railway" and for other purposes. A.D. 1889.
[26th August 1889.]

WHEREAS the making and maintaining of a railway from Stroud to Painswick in the county of Gloucester would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct the railway and are desirous of being incorporated into a company for the purpose :

And whereas it is expedient that such agreements should be authorised with the Great Western Railway Company as are hereinafter provided :

And whereas plans and sections showing the lines and levels of the railway as 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 or under the powers of this Act were duly deposited with the clerk of the peace for the county of Gloucester and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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 Commons in this present Parliament assembled and by the authority of the same as follows :

1. This Act may be cited as the Painswick Railway Act 1889. 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 Incorporation of general Acts.

[Price 1s. 9d.]

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A.D. 1889. — as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion.

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 and the undertaking by this Act authorised the expression "the Great Western Company" means the Great Western Railway Company and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company
incorporated.

4. The Reverend William Herbert Seddon Edwin Francis Gyde Charles William Rushworth Ward George William Godsell Frederick Henry Croome 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 Painswick 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-
way and
works.

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 railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith 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 railway herein-before referred to and authorised by this Act is:—

A railway three miles four furlongs and 5·50 chains in length commencing in the parish of Stroud by a junction with the

Great Western Railway (Swindon and Gloucester Branch) at a point ninety-three yards or thereabouts west of the up platform of the Stroud Station of the Great Western Company and terminating in the parish of Painswick at or near the north-east boundary of the field numbered 778 on the 25-inch ordnance map of the said parish.

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6. Notwithstanding anything herein or in the incorporated Acts contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or temporarily any of the lands works or property of the Great Western Railway Company or in any manner to alter vary or interfere with the railway of that Company or the works of or connected therewith without the consent of the Great Western Railway Company under their common seal save only for the purpose of effecting the junction by this Act authorised and the Great Western Railway Company may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junction and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith.

Not to take lands or interfere with railway of Great Western Railway Company except for the purpose of a junction.

7. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain lands and buildings.

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Capital.

8. The capital of the Company shall be thirty-three thousand pounds in three thousand three hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation 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.

Calls.

10. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

11. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

12. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

13. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say): First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share 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.

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Dividend
on preferred
shares to be
paid out of
the profits of
the year only.

15. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares
to be
registered
and certifi-
cates issued.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of
issue to be
stated in
certificates.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of
preferred
shares.

18. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred
shares not to
be cancelled
or surren-
dered.

19. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares
to be half
shares in
capital.

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Power to borrow.

20. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eleven thousand pounds but no sum shall be borrowed until the whole capital of thirty-three 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 to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

21. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

24. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

25. The number of directors shall be six but the Company may from time to time reduce the number provided that the number be not less than five.

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Number of directors.

26. The qualification of a director shall be the possession in his own right of not less than ten shares.

Qualification of directors.

27. The quorum of a meeting of directors shall be three.

Quorum of directors.

28. The Reverend William Herbert Seddon Edwin Francis Gyde Charles William Rushworth Ward George William Godsell Frederick Henry Croome and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

29. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding three acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

31. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of

Height and span of certain bridges.

A.D. 1889. any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
38	Painswick - - -	Public road - - -	16 feet	45 feet
76	Do. - - -	Do. - - -	16 "	20 "
84	Do. - - -	Do. - - -	16 "	18 "
110	Do. - - -	Do. - - -	16 "	22 "
117	Do. - - -	Do. - - -	16 "	20 "

Width of certain roadway.

32. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned (that is to say):—

No. on Deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
135	Painswick - - -	Public road - - -	45 feet

Power to divert roads as shown on deposited plans.

33. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as the new portions of road are made to the satisfaction of two justices and are open for public use may stop up and cause to be discontinued as roads so much of the existing roads as will be rendered unnecessary by the new portions of road (that is to say):—

Parish.	No. of Road on Plan.
Painswick - - -	38
" - - -	40

And when and so soon as the said roads are so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the sites of the roads stopped up as far as the same are bounded on both sides by lands of the Company.

34. 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 rent-charges 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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Power to
take ease-
ments by
agreement.

35. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand three hundred and forty-two pounds sixteen shillings (now invested in stock of the nominal value of one thousand three hundred and fifty-one pounds five shillings and a penny) equal to five per cent. upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum or stock is referred to in this Act as the deposit fund : Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers : Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above mentioned Act to the contrary notwithstanding.

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

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Application
of deposit.

36. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any land-owners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

37. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Restrictions
on displacing
persons of
labouring
class.

38.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this

Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any such scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of

A.D. 1889. the United Kingdom : Provided that the court may if it thinks fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers

as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. A.D. 1889.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

39. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):— Tolls.

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof as follows— Passengers.

For every person conveyed in or upon any such carriage per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny;

Class I.—For every horse mule ass or other beast of draught or burden conveyed in or upon such carriage per mile fourpence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny; Animals.

Class II.—For cattle conveyed in or upon any such carriage per head per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny;

Class III.—For every calf pig sheep or other small animal conveyed in or upon any such carriage per mile one penny and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one halfpenny:

In respect of goods conveyed on the railway— Goods.

Class IV.—For all coal dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways all stones for building pitching and paving tiles slates clay ironstone iron ore and pig iron per ton per mile one penny halfpenny and if conveyed in carriages

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belonging to the Company an additional sum per ton per mile not exceeding one penny ;

Class V.—For all coke culm charcoal and cinders sheet iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils bricks salt sand fireclay and stone 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 ;

Class VI.—For sugar grain corn flour hides dyewoods earthenware timber staves and deals nails anvils vices and chains per ton per mile threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny ;

Class VII.—For cotton and other wools drugs manufactured goods and metals (except iron and tin) and all other wares merchandise fish articles matters or things per ton per mile fourpence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny ;

Class VIII.—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 belonging to the Company per mile sixpence 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.

Limiting charges for propelling power.

40. 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 authorised to be taken.

Regulations as to tolls.

41. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act (that is to say) :—

Short distances.

For all passengers animals minerals or goods conveyed on the railway for a less distance than three miles the Company may demand and receive the before-mentioned tolls as for three miles ;

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods 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; A.D. 1889.

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; Fractional parts of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight; General 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. Weight of stone and timber.

42. 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 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 exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

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

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight the Company may demand any sum they 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 articles in separate packages.

For the carriage of single articles of great weight—

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding sixpence per ton per mile;

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls Maximum rates for passengers.

A.D. 1889. — for the use of the railway and for carriages and for 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 per mile.

Maximum rates for animals and goods.

44. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (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 services 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 mentioned in Class I. per mile fourpence ;

For every animal mentioned in Class II. per mile threepence ;

For every animal mentioned in Class III. except lambs and other small animals per mile one penny halfpenny and for lambs and other small animals per mile three farthings ;

For the articles and goods mentioned in Class IV. per ton per mile one penny halfpenny ;

For the articles and goods mentioned in Class V. per ton per mile twopence ;

For the articles and goods mentioned in Class VI. per ton per mile threepence ;

For the articles and goods mentioned in Class VII. per ton per mile fourpence ;

For any carriage mentioned under Class VIII. not weighing more than one ton sixpence per mile if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers' luggage.

45. 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.

46. 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. A.D. 1889.
Terminal station.

47. 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. Foregoing charges not to apply to special trains.

48. 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 or goods 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 or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

49. The Company on the one hand and the Great Western Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):— Working and traffic arrangements with Great Western Railway Company.

The maintenance and management by the Great Western Company of the railway of the Company or any part thereof and of the works connected therewith;

The use or working of the railway or of any part thereof and the conveyance of traffic thereon and the employment of officers and servants for the conduct of the traffic;

The supply and maintenance under any agreement for the railway being worked and used by the Great Western Company of engines stock and plant necessary for and during the continuance of such agreement;

The regulation collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies;

The fixing and collection and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic;

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

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Confirma-
tion of
agreement
with the
Great
Western
Railway
Company.

50. The agreement entered into between the persons therein called the promoters and the Great Western Railway Company dated the first day of August 1889 which is set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Company and the Great Western Railway Company and full effect may and shall be given thereto as an incorporated part of this Act as if the Company were named in the said agreement instead of the promoters.

Saving
rights of
Postmaster-
General.

51. Nothing in this Act or in the agreement set forth in the Second Schedule to this Act or in any agreement made under the authority of this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of the said agreement set forth in the Second Schedule or the making of any agreement under the authority of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is owned leased or worked by the Great Western Railway Company.

Tolls on
traffic
conveyed
partly on the
railway and
partly on the
railway of
Great
Western
Company.

52. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Great Western Company the railway of the Company and of the Great Western Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of such other company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the railway of the Great Western Railway Company.

Application
of provisions
of Railway
and Canal
Traffic Act
1888 as to
revision of
rates.

53. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said

enactment in terms applied: Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit. A.D. 1889.

54. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

Power to pay interest out of capital during construction.

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same;

(B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(C.) The aggregate amount to be so paid for interest shall not exceed one thousand five hundred pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid;

(D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares;

(E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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 share-

A.D. 1889. — holder 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.

55. 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.

Provision as to general Railway Acts.

56. 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.

57. 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.

THE FIRST SCHEDULE.

A.D. 1889.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED BY THE COMPANY.

Parish.	Number on deposited Plans.
Painswick - - - -	35
Do. - - - -	36
Do. - - - -	37
Do. - - - -	46
Do. - - - -	56
Do. - - - -	61
Do. - - - -	88
Do. - - - -	120

THE SECOND SCHEDULE.

AN AGREEMENT made the first day of August 1889 between EDWIN FRANCIS GYDE of Ebley House near Stroud in the county of Gloucester Esquire CHARLES WILLIAM RUSHWORTH WARD of Roslyn Weybridge in the county of Surrey Esquire GEORGE WILLIAM GODSELL of The Grange Stroud aforesaid Esquire and FREDERICK HENRY CROOME of Greenhouse Court near Stroud aforesaid Esquire on behalf of themselves and all other the promoters of the Bill herein-after mentioned (herein-after called "the promoters") of the one part and THE GREAT WESTERN RAILWAY COMPANY (herein-after called "the Great Western Company") of the other part.

WHEREAS the promoters in conjunction with others are promoting in the present session of Parliament a Bill to incorporate a company by the name of the Painswick Railway Company (herein-after called "the Painswick Company") and to authorise such company to construct the railway therein particularly described with all proper stations approaches works and conveniences connected therewith all of which are herein-after included in the term "railway": AND WHEREAS the railway when constructed will form a junction with the railway of the Great Western Company at or near the Stroud Station of that company and it would be to the interest of the public that the railway should be worked in connexion with the system of the Great Western Company: NOW THEREFORE THESE PRESENTS WITNESS and it is hereby mutually agreed between the

A.D. 1889. promoters on behalf of the Painswick Company and their assigns and the Great Western Company for themselves and their assigns as follows:—

1. When and so soon as the railway shall have been completed by the Painswick Company to the reasonable satisfaction of the engineer for the time being of the Great Western Company with a single line of rails on the narrow gauge including all proper and sufficient junctions and all other necessary works at the Stroud station of the Great Western Company and all proper and sufficient stations sidings approaches and conveniences station fittings furniture sheds engine sheds cranes weigh-bridges water water-tanks water cranes signals electric telegraph and other works and conveniences and including also all proper and sufficient dwelling houses at level crossings and so that the railway shall at the latest by the time limited by Parliament for the completion thereof or such other time as may hereafter be limited have been passed by the inspecting officer appointed by the Board of Trade as being in all respects fit to be opened and used for public traffic the Great Western Company in consideration of the apportionment of the tolls to be taken upon the railway of the Painswick Company and the railway of the Great Western Company and the amounts to be paid thereout to the Great Western Company as herein-after mentioned shall have full right and power at all times thenceforth during the continuance of this agreement to the extent for the purposes and upon the terms herein-after mentioned to pass over and use the railway sidings stations and appurtenances and the works and conveniences thereto belonging or connected therewith with engines and carriages of every description and whether their own or used by them and for traffic of all kinds.

2. In consideration of and as one of the conditions of such privilege the Great Western Company will in the exercise of such running powers carry over the railway for the Painswick Company not only the traffic brought upon or passing from the railway of that Company from or to any of their own railways or beyond but also the traffic arising and terminating on the railway and will carry all such traffic with regularity and expedition and in all respects as if such traffic were their own proper traffic upon one of their own branch lines.

3. Each company shall be responsible for the acts and defaults of their own drivers signalmen and other servants on the railway.

4. The Great Western Company in order to exercise such powers as are herein-before conferred on them will each and every day (except as herein-after mentioned) provide one engine and one van one long composite carriage consisting of first second and third compartments and one third-class carriage all in proper working order and all necessary fuel oil grease and other running stores and equipments and the requisite staff of engine drivers and stokers for the due and proper carrying of the traffic of all kinds over the railway and when and as required for the purposes of any such traffic will also provide one extra composite carriage one horse box one carriage truck and twelve goods trucks for the local traffic on the line with such additional carriages trucks vans and tarpaulins as may from time to time be required for the through traffic to and from the Painswick line on the usual railway clearing house terms as to demurrage and damage.

5. The Great Western Company will until it shall be otherwise agreed or at the request of the Painswick Company determined by arbitration run over the Painswick Railway five trains each way daily (Sundays Christmas Day and Good Friday excepted) at such hours as shall be reasonably convenient for the accommodation of the traffic and in the event of the Painswick Company objecting to the number of the trains or to the times at which any such trains may be run the question of the times and number of the trains shall be determined by arbitration in the manner herein-after provided.

6. The directors of the Painswick Company shall fix the rates and fares for the local traffic on the Painswick Railway and between that railway and Stroud station and the directors of the Great Western Company shall fix the rates and fares for the through traffic but if the Painswick Company object to the amount of any such through rates or fares then after one week's notice the proportion to be allowed to the Painswick line thereout shall be referred to arbitration.

7. The Painswick Company shall at their own expense keep and maintain their railway in an efficient state of repair for the exercise by the Great Western Company of the running powers hereby granted to that company and they shall also provide at their own expense the necessary station masters clerks porters and other staff required for the conduct of the traffic on that railway (except Stroud station which shall be provided by the Great Western Company) and for the maintenance of the railway and until the net divisible profits of the Painswick Company amount to such a sum as would be sufficient to pay a dividend at the rate of $3\frac{1}{2}\%$ per cent. per annum upon the whole of the then share capital of the Painswick Company the Great Western Company will accommodate in their Stroud station the traffic to and from the Painswick Railway conveyed by them under this arrangement without any payment for such accommodation but when a dividend at the rate of $3\frac{1}{2}\%$ per cent. per annum has been paid the Painswick Company shall further pay the Great Western Company for the use of their station at Stroud and for the services performed by the Great Western Company in respect of the traffic of the Painswick Company there the fixed sum of 100*l.* per annum the Stroud station being considered from the date from which such rent shall first accrue due and begin to be payable for the purposes of traffic arising or terminating at that station and passing over the Painswick Railway a station upon that railway.

8. The gross receipts in respect of the railway from tolls rates and charges in respect of traffic of all kinds as well local as through on or over the railway or any part thereof shall until otherwise agreed or determined by arbitration be apportioned as follows viz. :—

The Great Western Company shall be entitled to receive out of the gross receipts the sum of 1090*l.* in each year for the use and working of their engines carriages and wagons over the railway of the Painswick Company for the traffic of that company. In the event of its being agreed or at the request of the Painswick Company as provided by Article 5 determined that any greater number of trains than the five trains as herein-before provided shall be run over the Painswick Railway the Great Western Company shall be entitled to receive out of the gross receipts in

A.D. 1889.

each year a sum over and above the said sum of 1090*l.* calculated at the rate of 2*s.* per train mile in respect of each additional train which shall be so agreed or determined to be run as aforesaid and the residue or balance shall be retained by the Painswick Company or paid over to them by the Great Western Company as the case may be subject always to the payment by them of the aforesaid sum of 100*l.* to the Great Western Company as and when the same becomes payable.

9. Should an extension of the railway beyond Painswick be at any time constructed the apportionment of the receipts shall be subject to revision and such apportionment failing agreement shall be settled by arbitration.

10. The apportionment of receipts from through traffic passing over the railways of the Great Western and Painswick Companies shall be in accordance with the rules of the railway clearing house subject to the provisions of Articles 6 and 7 of this agreement. The mileage proportion to be allowed to the Painswick Company in respect of all through traffic to and from Painswick station shall not in any case be less than as for four miles: Provided always that upon all traffic passing beyond their Stroud station the Great Western Company shall only be entitled to receive the mileage proportion of the receipts with terminals if any attributable to the distance for which the traffic shall be actually carried on their line and upon traffic arising or terminating at Stroud a mileage proportion of one half a mile of the receipts with terminals at Stroud if any.

11. Proper and regular books of account such as are usually kept by railway companies in relation to their traffic and to their receipts or proportion of receipts shall at all times be kept by each of the two companies of and in relation to the traffic carried upon the railway and to the gross receipts for the same and shall be at all reasonable times open to the duly authorised officers of the other company to examine and take copies thereof.

12. The accounts shall be adjusted every month and the amounts found due to each of the companies paid over to the Company entitled thereto every six months that is to say within forty days after the 1st day of January and the 1st day of July in every year during the continuance of this agreement

13. In case an interval less than half a year shall elapse between the first opening of the Painswick Railway for public traffic and the 30th day of June or the 31st day of December (as the case may be) next following the provisions of the preceding article shall apply *mutatis mutandis* to such shorter period.

14. This agreement shall take effect from the completion of the railway to the reasonable satisfaction of the engineer of the Great Western Company and the approval of it by the inspector or other person appointed by the Board of Trade and shall continue in perpetuity: Provided always that this agreement shall be subject to revision by the Railway Commissioners in the manner provided by section 27 of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873.

15. If at any time during the continuance of this agreement any question or dispute shall arise between the two companies as to the construction or effect of this agreement or as to any matter or thing done or to be done in relation to or for giving effect thereto or in any way arising thereout the same shall as and

when it arises be referred to and be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859. A.D. 1889.

16. This agreement is made subject to the sanction of Parliament and to such alteration as Parliament may see fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to any of the parties hereto to withdraw from the same.

IN WITNESS whereof the parties hereto of the first part have hereunto set their hands and seals and the Great Western Company have caused their common seal to be hereunto affixed the day and year first before written.

Signed, sealed and delivered by the
above-named Edwin Francis Gyde
in the presence of
R. H. SMITH,
Solicitor, Stroud.

E. F. GYDE.

L.S.

Signed, sealed and delivered by the
above-named Charles William
Rushworth Ward in the presence
of
J. CUNNINGHAM,
Clerk to Messrs. Baxters & Co., Solrs.,
12, Victoria Street, Westminster.

C. W. R. WARD.

L.S.

Signed, sealed and delivered by the
above-named George William
Godsell in the presence of
R. H. SMITH,
Solicitor, Stroud.

GEO. WM. GODSELL.

L.S.

Signed, sealed and delivered by the
above-named Frederick Henry
Croome in the presence of
R. H. SMITH,
Solicitor, Stroud.

F. H. CROOME.

L.S.

The common seal of the Great Western
Railway Company was hereunto
affixed in the presence of

J. D. HIGGINS,
Secretary.

Seal of
the Great
Western Railway
Company.

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