

The West Midland Railway Act, 1860.

respectively, and the Two first-named Companies have accordingly each become Shareholders in the *Hereford* Railway Company: And whereas the *Hereford* Railway Company do not possess a terminal Station either at *Worcester* or at *Hereford*, but are dependent on the *Oxford* and the *Newport* Railway Companies for such Stations: And whereas it will conduce to the Public Advantage, and to the convenient and economical working of the Undertakings of the *Oxford*, the *Newport*, and the *Hereford* Railway Companies, that those Undertakings should be united under One Management; and the same Companies are desirous that their Undertakings should be amalgamated, and that the *Newport* and the *Hereford* Railway Companies should cease to be separate Corporations, and should be united with and form Part of the *Oxford* Railway Company, upon the Conditions in this Act contained: And whereas the Acts directly relating to the *Newport* and to the *Hereford* Railway Companies are enumerated in the Schedule to this Act: And whereas the Capital which the *Oxford* Railway Company were on the First Day of *January* One thousand eight hundred and sixty authorized to raise by Shares and Loan is as follows:

By "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1845," the Sum of One million five hundred thousand Pounds by Shares, called the Ordinary Stock of the Company, and Five hundred thousand Pounds on Loan:

By "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1846," the Sum of Two hundred and twenty thousand Pounds by Shares, and Seventy-three thousand Pounds on Loan:

By "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1848," the Sum of Seven hundred and fifty thousand Pounds by Shares, and Two hundred and fifty thousand Pounds on Loan:

By "The *Oxford, Worcester, and Wolverhampton* Railway (Deviation) Act, 1848," the Sum of One hundred thousand Pounds by Shares, and Thirty-three thousand three hundred and thirty-three Pounds on Loan:

And by "The *Oxford, Worcester, and Wolverhampton* Railway (Amendment) Act, 1850," the Company were authorized to attach a preferential Dividend to all or any of the Shares to be created for raising the said Sums of Two hundred and twenty thousand Pounds, Seven hundred and fifty thousand Pounds, and One hundred thousand Pounds, authorized by the Act of 1846 and the Two Acts of 1848 to be raised by Shares:

By "The *Oxford, Worcester, and Wolverhampton* Railway (Extensions of Time) Act, 1852," the Sum of Five hundred thousand Pounds by Shares, and One hundred and sixty-six thousand six hundred and sixty-six Pounds on Loan; and by "The *Oxford, Worcester, and Wolverhampton* Railway (Branches and Extension) Act, 1853," the Company were authorized to attach a Preference Dividend to the Shares for raising the said Sum of Five hundred thousand Pounds:

By

The West Midland Railway Act, 1860.

By "The *Oxford, Worcester, and Wolverhampton* Railway (Improvements and Branches) Act, 1855," the Sum of Forty-nine thousand Pounds on Loan :

By "The *Oxford, Worcester, and Wolverhampton* Railway (Capital) Act, 1856," the Sum of Three hundred and fifty thousand Pounds by Debenture Stock :

By "The *Oxford, Worcester, and Wolverhampton* Railway Act, 1859," the Sum of One hundred and sixty thousand Pounds by Debenture Stock ; and by "The *Oxford, Worcester, and Wolverhampton* Railway (*Chipping Norton* Branch) Act, 1854," as a separate Capital, the Sum of Twenty-four thousand Pounds by Shares, and Eight thousand Pounds on Loan :

And whereas the Sums of Money which the *Oxford* Railway Company had raised on the First Day of *January* One thousand eight hundred and sixty were as follows ; that is to say,

	£	£
Under the Act of 1845 - By Shares -	1,500,000	
By Loan -	500,000	
Under the Acts of 1848 and 1850 - - - - -	849,990	2,000,000
at Six Pounds <i>per Centum per Annum</i> , which Sum now constitutes the First Guaranteed Stock of the Company.		
By Loan -	283,333	
	1,133,323	
Under the Acts of 1852 and 1853 - - - - -	500,000	
which Sum now constitutes the Second Guaranteed Stock of the Company.		
By Loan -	166,666	
	666,666	
Under the Act of 1855 - By Loan -	49,000	
Under the Act of 1856		
By Debenture Stock -	350,000	
Bearing $4\frac{1}{2}$ <i>per Cent.</i> Interest.		
Under the Act of 1859		
By Debenture Stock -	160,000	
Bearing $4\frac{1}{2}$ <i>per Cent.</i> Interest.		
Under the <i>Chipping Norton</i> Railway Act		
By Shares -	24,000	
By Loan -	8,000	
	32,000	
		4,390,989
		And

The West Midland Railway Act, 1860.

And whereas the Capital which the *Newport* Railway Company were, on the First Day of *January* One thousand eight hundred and sixty, authorized to raise by Shares and Loan is as follows:

By "The *Newport, Abergavenny, and Hereford* Railway Act, 1846," the Sum of Seven hundred and thirty-three thousand Pounds by Shares called the Ordinary Stock of the Company, and Two hundred and forty thousand Pounds on Loan:

By "The *Newport, Abergavenny, and Hereford* Railway (Extension to *Taff Vale* Railway) Act, 1847," the Sum of Four hundred thousand Pounds by Shares, and One hundred and thirty-three thousand three hundred and thirty-three Pounds on Loan, and were authorized to attach a Preference to such Shares:

By "The *Newport, Abergavenny, and Hereford* Railway Branches Act, 1847," the Company were authorized to attach a Preference to any of their authorized Share Capital not exceeding One hundred and thirty-five thousand Pounds:

And whereas the Sums of Money which the *Newport* Railway Company had received on the First Day of *January* One thousand eight hundred and sixty were as follows; that is to say,

	£	s.	d.
By Ordinary Stock - - - - -	547,270	5	0
By £5 <i>per Centum</i> Preference Shares, Part of the Sum of £400,000 - - - - -	166,106	0	0
By £6 <i>per Centum</i> Preference Shares, other Part of the Sum of £400,000 - - - - -	222,835	10	0
By new £6 <i>per Centum</i> Preference Shares, Part of the Sum of £135,000 - - - - -	24,862	10	0
By Loan on Debentures - - - - -	377,000	0	0

And whereas the Capital which the *Hereford* Railway Company were, on the First Day of *January* One thousand eight hundred and sixty, authorized to raise by Shares was Five hundred and eighty thousand Pounds, whereof Three hundred and thirty-eight thousand and seventy Pounds had on that Day been paid up, and on Loan One hundred and seventy thousand Pounds, whereof Forty-six thousand four hundred and seventy Pounds had on that Day been borrowed: And whereas the *Midland* Railway Company have Power to use Part of the *Oxford, Worcester, and Wolverhampton* Railway near *Worcester*, and Agreements subsist between them and the before-named Companies; and it is expedient that the Powers herein-after contained should be granted to the *Midland* Railway Company: And whereas the Amalgamation of the Three Companies and the other 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:

I. This

The West Midland Railway Act, 1860.

I. This Act shall commence and come into operation on the First Day of *July* One thousand eight hundred and sixty. Commencement of Act.

II. The Undertaking of the *Newport* Railway Company to which the Provisions of this Act shall apply, (and which is herein-after referred to as the *Newport* Railway,) is hereby declared to be the several Railways, Branches, and Extensions, Stations, Sidings, Approaches, Buildings, fixed Plant, and all other Works, and all the Land, and all other the Property Estate, Monies, and Effects, whether Real or Personal, which at the Time of the passing of this Act belonged to or were vested in the *Newport* Railway Company, except the Portion of Railway situate between the *Hay* Turnpike Road and the *Shrewsbury and Hereford* Railway, referred to in the Seventy-third Section of "The *Worcester and Hereford* Railway Act, 1853," and also the Rights, Interest, or Estate which the same Company possesses in any Railways, Stations, Canals, or Works, jointly or in common with any other Company, and also all Rights, Powers, and Privileges, Interest or Estate, which the *Newport* Railway Company enjoys or is entitled to exercise over other Undertakings. Defining Undertaking of the Newport Railway Company.

III. The Undertaking of the *Hereford* Railway Company to which the Provisions of this Act shall apply (and which is herein-after referred to as the *Hereford* Railway) is hereby declared to be the Railway and Branches, Stations, Sidings, Approaches, Buildings, fixed Plant, and Works which the same Company have constructed or are authorized to construct by virtue of the Acts relating to them, including the before-mentioned Portion of Railway situate between the *Hay* Turnpike Road and the *Shrewsbury and Hereford* Railway, and all the Land which by virtue of the same Acts they have acquired or have a Right to acquire, and all the Property, Estate, Monies, and Effects, whether Real or Personal, which at the Time of the passing of this Act belonged to or were vested in them, and also the Rights, Interest, or Estate which the same Company possesses in any Railways, Stations, or Works jointly with any other Company, and also all Rights, Powers, and Privileges, Interest or Estate, which the *Hereford* Railway Company enjoys or is entitled to exercise over other Undertakings. Defining Undertaking of the Hereford Railway Company.

IV. Upon and from the Commencement of this Act the *Newport* and the *Hereford* Railway Companies shall be dissolved, and their Undertakings, as herein-before defined, and all their several Estate, Right, Title, and Interest in and to the said Undertakings respectively, and all the Rights, Privileges, Easements, Powers, and Authorities incident to or affecting the same, shall (subject to the existing Charges, Debts, Leases, Covenants, Contracts, Engagements, Obligations, and Liabilities of the said Companies then affecting the same Undertakings,) become and be absolutely merged and vested in the *Oxford* Railway Company, and shall and may be held, possessed, enjoyed, used, exercised, Dissolution of Two Companies, and vesting their Undertakings in the Oxford Railway Company,

[Local.]

and

The West Midland Railway Act, 1860.

by the Name
of the West
Midland
Railway
Company.

and executed by the last-mentioned Company in the same Manner and to the same Extent as they respectively were or could or might, if this Act had not passed, have been held, possessed, enjoyed, used, exercised, or executed by the dissolved Companies respectively; and thereupon and thenceforth the Undertakings of the Three Companies shall be amalgamated, and shall be and constitute One united Undertaking, and shall be called "*The West Midland Railway,*" and shall be deemed to be and shall be the Undertaking of the *Oxford* Railway Company, who shall thenceforth be called and who are herein-after called "*The West Midland Railway Company,*" and the several Railways and Undertakings which under the Provisions of this or any other Act of the present or any former Session of Parliament are or shall be solely vested in or become the Property of the *Oxford* Railway Company shall be called and known by the Name of "*The West Midland Railway.*"

Change of
Name to
West Mid-
land Railway
not to affect
Rights or
Proceedings.

V. No Action, Suit, Bill, Process, Writ, Indictment, Information, or any other Proceeding, whether Civil or Criminal, which at or immediately before the Commencement of this Act had been commenced and was then pending, whether at the Suit or Instance of the *Oxford* Railway Company against any other Corporation or against any Person, or at the Suit or Instance of any other Corporation or of any Person against the same Company, shall abate, determine, or be otherwise impeached or affected for or by reason of the aforesaid Change of the Name of the said Company, nor shall any Notice, Tender, Requisition, Warrant, Summons, Pleading, Civil or Criminal, Writ or other Process, Record, Deed, Contract, Agreement, Writing, or Instrument that shall have been or shall be made, issued, written, or commenced, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the said Company or Railways being therein respectively called by the Name of the *Oxford, Worcester, and Wolverhampton* Railway Company, or the *Oxford, Worcester, and Wolverhampton* Railway; and it shall be sufficient in any such legal Process or Document and in any other Instrument or Matter, without averring the said Change of Name, to aver the Style and describe the said Company by the Name of the *West Midland* Railway Company, and their Undertaking by the Name of the *West Midland* Railway, in the same Manner as if the said Company had been originally incorporated by the Name of the *West Midland* Railway Company, and if their Undertaking had been called and known by the Name of the *West Midland* Railway.

Acts relating
to dissolved
Companies
applied to
united Com-
pany.

VI. All Clauses, Provisions, and Enactments contained in the Acts enumerated in the Schedule hereto, or any other Act relating to or affecting the *Newport* or the *Hereford* Railways, which were in force immediately before the Commencement of this Act, and which are not hereby varied or repealed, shall remain applicable to the same Railways, and

The West Midland Railway Act, 1860.

and all Rights and Powers vested in the dissolved Companies, whether with relation to their own Undertakings or to any other Company or Undertaking, shall be exercised and enjoyed by the *West Midland Railway Company*; and all Matters to be done, continued, or completed, or which but for the passing of this Act would, might, or ought to be done, continued, or completed by the dissolved Companies, or either of them, or by their Directors, Officers, or Servants respectively, under or in virtue of those Acts, shall be Matters to be done, continued, or completed by the *West Midland Railway Company*, its Directors, Officers, or Servants; and the said Acts respectively, so far as they relate to or affect the *Newport Railway Company* or the *Hereford Railway Company* by those or any other Names, shall be read as if the Name of the *West Midland Railway Company* had been used therein, instead of that of the Company to which the same respectively then related.

VII. Subject to the Provisions in this Act contained, all Debts due from or to the dissolved Companies at the Time of their Dissolution shall be payable and paid by or to the *West Midland Railway Company*; and all Rates, Tolls, Duties, and Monies which shall at the Time of such Dissolution be due or accruing due, or which but for such Dissolution would have been or become payable to or from or by the dissolved Companies, shall be payable to or by the *West Midland Railway Company*, and shall be recoverable by or from that Company by the same Ways and Means and subject to the same Conditions as the same would or might have been recovered or recoverable by or from the dissolved Companies respectively.

Their Debts
and Claims
transferred
to the same
Company;

VIII. All Deeds, Conveyances, Grants, Leases, Purchases, Sales, Mortgages, Bonds, Covenants, Contracts, and Securities which before the Commencement of this Act shall have been made, executed, or entered into by, with, or in relation to the dissolved Companies respectively, and which are still in force, and all Obligations and Liabilities which shall have been incurred by or which but for their Dissolution might or would have attached to the same Companies, shall, subject to the Provisions in this Act contained, be as valid and of as full Force and Effect to or upon or against the *West Midland Railway Company* as if the same had been made, executed, or entered into by, with, or to, or in relation to, or had been incurred by or had attached to that Company by Name.

also all Con-
veyances,
Contracts,
&c.;

IX. All Causes or Rights of Action or Suit in respect of Injuries, Misfeazances, Nonfeazances, or otherwise, which shall have accrued before and shall be in any Manner enforceable by, for, or against the dissolved Companies at the Time of their Dissolution, shall, subject to the Provisions in this Act contained, be and remain as good, valid, and effectual by, for, or against the *West Midland Railway Company* as they

and all
Causes of
Action, &c.

The West Midland Railway Act, 1860.

they would or might have been by, for, or against the dissolved Companies.

Actions and Suits not to be prejudiced ;

X. Nothing in this Act contained shall abate or prejudice any Action, Suit, or other Proceeding at Law or in Equity which shall have been commenced by or against the dissolved Companies or either of them before their Dissolution, either solely, or jointly with any other Company or Persons, but the same may be continued, prosecuted, and enforced by or against the *West Midland* Railway Company, either solely, or, as the Case may be, jointly with such other Company or Person, upon a Suggestion to be entered upon the Proceedings, setting forth the Dissolution of the other Companies and the Substitution of the *West Midland* Railway Company in its Stead.

or Submissions to Arbitration and Awards.

XI. No Submission to Arbitration of any Matter in dispute between the Companies or either of them on the one hand, and any other Company or Person, under which any Reference shall have been agreed upon or be pending and incomplete at the Time of the said Dissolution, and no Award made before and remaining in force at the Time of such Dissolution, shall be revoked or prejudicially affected by anything herein contained, but shall respectively be as valid and effectual for or against the *West Midland* Railway Company as it would have been for or against the dissolved Companies or either of them.

Unexecuted Works of dissolved Companies to be executed by *West Midland* Company.

XII. All Works which, under the Provisions of any Act or Acts of Parliament, the dissolved Companies or either of them are authorized or required to execute and complete, and which shall not have been executed and completed at the Commencement of this Act, may or shall (as the Case may be), subject to the Provisions of this Act, be executed or completed by the *West Midland* Railway Company, and the same Company for that Purpose shall have and be subject to all the Powers, Rights, and Conditions which but for this Act might have been exercised or performed by or would have been binding upon the dissolved Companies respectively.

Application of Money payable under Acts of dissolved Companies.

XIII. In all Cases in which, under any Act relating to the dissolved Companies or either of them, any Sum of Money has already been paid by such Company, or shall hereafter be paid by the *West Midland* Railway Company into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, by Order of the Court of Chancery, or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall, after the Dissolution of the Two Companies, be applied and disposed of pursuant

The West-Midland Railway Act, 1860.

pursuant to the same Act; and all the Clauses, Provisions, Powers, and Authorities contained in such Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall be construed and taken as if the *West Midland Railway Company* was named in such Act instead of the dissolved Companies or either of them.

XV. All Officers and Persons who at the Time of such Dissolution have in their Possession or under their Control any Books, Documents, Papers, or Effects belonging to the dissolved Companies respectively or to which such Companies would but for such Dissolution have been entitled, shall be liable to account for and deliver up the same to the *West Midland Railway Company*, or to such Person or Persons as they may appoint to receive the same, in the same Manner, and subject to the same Consequences for Refusal or Neglect, as though such Officers and Persons had been appointed by and become possessed of such Books, Documents, Papers, or other Effects for the *West Midland Railway Company*, under the Provisions of the Acts relating to such Company.

Officers of dissolved Companies to account to West Midland Company.

XV. All Clerks, Officers, and Servants who at the Time of the said Dissolution shall be in the Employ or Service of the dissolved Companies respectively, and whose Service shall not be then determined, shall become and be Clerks, Officers, or Servants, as the Case may be, of the *West Midland Railway Company*, with the same Rights and subject to the same Obligations and Incidents in respect of such Employ or Service as they would have had or been subject to as the Clerks, Officers, or Servants of the dissolved Companies or either of them.

Service of Clerks, &c. transferred.

XVI. All Books and other Documents whatever which would have been Evidence for or against the dissolved Companies shall, after the said Dissolution, be admitted as Evidence for or against the *West Midland Railway Company*, in respect of any Matters as to which they would have been admissible as Evidence for or against the dissolved Companies or either of them.

Books, &c. to be Evidence for West Midland Company.

XVII. All Resolutions of any General Meeting or Board of Directors of either of the dissolved Companies, or of any duly constituted and authorized Committee thereof, so far as they are applicable and remain in force, shall, notwithstanding the Dissolution of the said Company, continue to be operative, and shall apply to the *West Midland Railway Company*, and the Directors, Officers, and Servants of that Company; and all Calls made by the Board of either of the dissolved Companies, and not paid at the Time of their Dissolution, shall be payable to and may be enforced by the *West Midland Railway Company* as if such Calls respectively had been made by the last-named Company.

Resolutions of General Meetings or Boards still valid.

Calls made payable to West Midland Company.

[Local.]

12 K

XVIII. All

The West Midland Railway Act, 1860.

Registers
and Certifi-
cates to
continue
valid.

XVIII. All Registers of Shares, Stock, Mortgages, and Debentures respectively, and all Registers of Transfers thereof respectively, and all Shareholders Address Books, and all Certificates of Shares or Stock of and in the dissolved Companies, which shall be valid and subsisting at the Time of their Dissolution, shall continue to be valid and subsisting and to have the same Operation and Effect as before the Dissolution, unless and until new or altered Registers, Books, and Certificates respectively shall be substituted in their Stead; and all Transfers, Sales, and Dispositions of Stock or Shares made before the Dissolution and complete shall have the same Operation and Effect as if made then the Dissolution.

Byelaws,
&c. to remain
in force ;

XIX. All the Byelaws, Rules, and Regulations of the dissolved Companies relating to the Management, Use, or Control of the respective Railways and Undertakings shall, notwithstanding their dissolution, continue to be in force and applicable to such Railways and Undertakings, and shall and may be enforced by and be available to the *West Midland* Railway Company in its own Name, as if the said Byelaws, Rules, and Regulations respectively had been originally made by that Company, until other Byelaws, Rules, and Regulations shall be duly made in their Stead.

and all Acts
lawfully done
by or to the
dissolved
Companies.

XX. Everything which before the said Dissolution shall have been lawfully done or suffered by either of the dissolved Companies, under or in virtue of any Act relating to such Companies, shall, notwithstanding such Dissolution, be and remain valid, and such Dissolution and this Act respectively shall not prejudice or affect anything so done or suffered, or any Rights, Liabilities, Claims, or Demands, present or future, which, if such Dissolution had not taken effect, and this Act had not been passed, would be incident to and consequent upon anything so done or suffered.

General
Saving of
Rights under
recited Acts.

XXI. Notwithstanding such Amalgamation, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively by the said Three Companies or either of them shall be as valid as if this Act were not passed; and such Amalgamation and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Amalgamation had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

Debts on
Mortgage
and Bond to

XXII. Provided always, That all subsisting Debts and Liabilities on Mortgage or Bond of the Three Companies respectively shall, notwithstanding

The West Midland Railway Act, 1860.

pursuant to
 Authority
 Funds,
 shall
 was

same Act; and all the Clauses, Provisions, Powers, and
 ained in such Acts in relation to such Monies, Stocks,
 urities, and the Dividends and annual Produce thereof,
 ed and taken as if the *West Midland* Railway Company
 such Act instead of the dissolved Companies or either of

Officers and Persons who at the Time of such Dissolution
 in their Possession or under their Control any Books, Docu-
 ments, or Effects belonging to the dissolved Companies respec-
 tively, to which such Companies would but for such Dissolution have
 been entitled, shall be liable to account for and deliver up the same to
 the *West Midland* Railway Company, or to such Person or Persons as
 may be appointed to receive the same, in the same Manner, and subject
 to the same Consequences for Refusal or Neglect, as though such Officers
 and Persons had been appointed by and become possessed of such Books,
 Documents, Papers, or other Effects for the *West Midland* Railway
 Company, under the Provisions of the Acts relating to such Company.

Officers of
 dissolved
 Companies
 to account
 to West
 Midland
 Company.

V. All Clerks, Officers, and Servants who at the Time of the said
 Dissolution shall be in the Employ or Service of the dissolved Companies
 respectively, and whose Service shall not be then determined, shall
 continue to be Clerks, Officers, or Servants, as the Case may be, of the
West Midland Railway Company, with the same Rights and subject to
 the same Obligations and Incidents in respect of such Employ or Service
 as they would have had or been subject to as the Clerks, Officers, or
 Servants of the dissolved Companies or either of them.

Service of
 Clerks, &c.
 transferred.

XVI. All Books and other Documents whatever which would have
 been Evidence for or against the dissolved Companies shall, after the said
 Dissolution, be admitted as Evidence for or against the *West Midland*
 Railway Company, in respect of any Matters as to which they would
 have been admissible as Evidence for or against the dissolved Companies
 or either of them.

Books, &c.
 to be Evi-
 dence for
 West Mid-
 land Com-
 pany.

XVII. All Resolutions of any General Meeting or Board of Directors
 of either of the dissolved Companies, or of any duly constituted and
 authorized Committee thereof, so far as they are applicable and remain in
 force, shall, notwithstanding the Dissolution of the said Company, continue
 to be operative, and shall apply to the *West Midland* Railway Company,
 and the Directors, Officers, and Servants of that Company; and all Calls
 made by the Board of either of the dissolved Companies, and not paid at
 the Time of their Dissolution, shall be payable to and may be enforced by
 the *West Midland* Railway Company as if such Calls respectively had
 been made by the last-named Company.

Resolutions
 of General
 Meetings or
 Boards still
 valid.

Calls made
 payable to
 West Mid-
 land Com-
 pany.

The West Midland Railway Act, 1861

Registers and Certificates to continue valid.

XVIII. All Registers of Shares, Stock, Mortgage and Debentures respectively, and all Registers of Transfers thereof respectively, and all Shareholders Address Books, and all Certificates of Share or Stock of and in the dissolved Companies, which shall be valid existing at the Time of their Dissolution, shall continue to be valid existing at the and until new or altered Registers, Books, and Certificates, unless shall be substituted in their Stead; and all Transfers respectively Dispositions of Stock or Shares made before the Dissolution, unless complete shall have the same Operation and Effect as then the Dissolution.

Byelaws, &c. to remain in force;

XIX. All the Byelaws, Rules, and Regulations of Companies relating to the Management, Use, or Operation of respective Railways and Undertakings shall, notwithstanding the Dissolution, continue to be in force and applicable to the said Undertakings, and shall and may be enforced by the said Companies as if the *West Midland* Railway Company in its own Name respectively had been originally made by that Company; and all Byelaws, Rules, and Regulations shall be duly made in

and all Acts lawfully done by or to the dissolved Companies.

XX. Everything which before the said Dissolution was lawfully done or suffered by either of the dissolved Companies in virtue of any Act relating to such Companies, shall, notwithstanding such Dissolution, be and remain valid, and such Dissolution shall not prejudice or affect anything so done or any Rights, Liabilities, Claims, or Demands, present or future, as if such Dissolution had not taken effect, and this Act, if passed, would be incident to and consequent upon any Act so suffered.

General Saving of Rights under recited Acts.

XXI. Notwithstanding such Amalgamation, and except in so far as this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed respectively by the said Companies or either of them shall be as valid as if this Act had not been passed; and such Amalgamation and this Act respectively shall not be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Amalgamation had happened and this Act were not passed, would be incident to and consequent upon any and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

Debts on Mortgage and Bond to

XXII. Provided always, That all subsisting Debts and Liabilities on Mortgage or Bond of the Three Companies respectively shall, notwithstanding

Debtures respectively, and all Share or Stock of existing at the time, unless Dispositions made before the Dissolution then

rest bet W th a

The West Midland Railway Act, 1860.

pursuant to the same Act; and all the Clauses, Provisions, Powers, and Authorities contained in such Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall be construed and taken as if the *West Midland Railway Company* was named in such Act instead of the dissolved Companies or either of them.

XIV. All Officers and Persons who at the Time of such Dissolution shall have in their Possession or under their Control any Books, Documents, Papers, or Effects belonging to the dissolved Companies respectively, or to which such Companies would but for such Dissolution have been entitled, shall be liable to account for and deliver up the same to the *West Midland Railway Company*, or to such Person or Persons as they may appoint to receive the same, in the same Manner, and subject to the same Consequences for Refusal or Neglect, as though such Officers and Persons had been appointed by and become possessed of such Books, Documents, Papers, or other Effects for the *West Midland Railway Company*, under the Provisions of the Acts relating to such Company.

Officers of dissolved Companies to account to West Midland Company.

XV. All Clerks, Officers, and Servants who at the Time of the said Dissolution shall be in the Employ or Service of the dissolved Companies respectively, and whose Service shall not be then determined, shall become and be Clerks, Officers, or Servants, as the Case may be, of the *West Midland Railway Company*, with the same Rights and subject to the same Obligations and Incidents in respect of such Employ or Service as they would have had or been subject to as the Clerks, Officers, or Servants of the dissolved Companies or either of them.

Service of Clerks, &c. transferred.

XVI. All Books and other Documents whatever which would have been Evidence for or against the dissolved Companies shall, after the said Dissolution, be admitted as Evidence for or against the *West Midland Railway Company*, in respect of any Matters as to which they would have been admissible as Evidence for or against the dissolved Companies or either of them.

Books, &c. to be Evidence for West Midland Company.

XVII. All Resolutions of any General Meeting or Board of Directors of either of the dissolved Companies, or of any duly constituted and authorized Committee thereof, so far as they are applicable and remain in force, shall, notwithstanding the Dissolution of the said Company, continue to be operative, and shall apply to the *West Midland Railway Company*, and the Directors, Officers, and Servants of that Company; and all Calls made by the Board of either of the dissolved Companies, and not paid at the Time of their Dissolution, shall be payable to and may be enforced by the *West Midland Railway Company* as if such Calls respectively had been made by the last-named Company.

Resolutions of General Meetings or Boards still valid.

Calls made payable to West Midland Company.

[Local.]

12 K

XVIII. All

The West Midland Railway Act, 1860.

Registers
and Certifi-
cates to
continue
valid.

XVIII. All Registers of Shares, Stock, Mortgages, and Debentures respectively, and all Registers of Transfers thereof respectively, and all Shareholders Address Books, and all Certificates of Shares or Stock of and in the dissolved Companies, which shall be valid and subsisting at the Time of their Dissolution, shall continue to be valid and subsisting and to have the same Operation and Effect as before the Dissolution, unless and until new or altered Registers, Books, and Certificates respectively shall be substituted in their Stead; and all Transfers, Sales, or Dispositions of Stock or Shares made before the Dissolution and not then complete shall have the same Operation and Effect as if made after the Dissolution.

Byelaws,
&c. to remain
in force ;

XIX. All the Byelaws, Rules, and Regulations of the dissolved Companies relating to the Management, Use, or Control of their respective Railways and Undertakings shall, notwithstanding their Dissolution, continue to be in force and applicable to such Railways and Undertakings, and shall and may be enforced by and be available to the *West Midland* Railway Company in its own Name, as if the same respectively had been originally made by that Company, until other Byelaws, Rules, and Regulations shall be duly made in their Stead.

and all Acts
lawfully done
by or to the
dissolved
Companies.

XX. Everything which before the said Dissolution shall have been lawfully done or suffered by either of the dissolved Companies, under or in virtue of any Act relating to such Companies, shall, notwithstanding such Dissolution, be and remain valid, and such Dissolution and this Act respectively shall not prejudice or affect anything so done or suffered, or any Rights, Liabilities, Claims, or Demands, present or future, which, if such Dissolution had not taken effect, and this Act had not been passed, would be incident to and consequent upon anything so done or suffered.

General
Saving of
Rights under
recited Acts.

XXI. Notwithstanding such Amalgamation, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively by the said Three Companies or either of them shall be as valid as if this Act were not passed; and such Amalgamation and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Amalgamation had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

Debts on
Mortgage
and Bond to

XXII. Provided always, That all subsisting Debts and Liabilities on Mortgage or Bond of the Three Companies respectively shall, notwithstanding

The West Midland Railway Act, 1860.

the Amalgamation, remain a Charge upon the separate Undertaking of the same Company; and all Rights, Powers, and Remedies of the Holders of such Mortgages or Bonds would respectively have and might have been enforced upon or against the Undertakings of the respective Companies before the Amalgamation shall be enjoyed and may be exercised and enforced upon and against the same Undertakings respectively, and all Actions and Suits in respect thereof may be prosecuted in the Name of any one of the Companies against the *West Midland Railway Company*: Provided also, that all Mortgages or Bonds issued after the Commencement of this Act by the *West Midland Railway Company*, whether under the Powers of the Acts relating to the same Company or of the Acts relating to the Companies, shall, as between the Holders of such Mortgages or Bonds and the *West Midland Railway Company*, be a Charge upon the Undertaking.

be a Charge on respective Undertakings.

XXIII. All Acts of Parliament, including all Acts passed or to be passed in the present Session of Parliament, and all Contracts and Agreements in which the *Oxford, Worcester, and Wolverhampton Railway Company* or their Undertaking is mentioned, shall be construed and have Effect to all Intents and Purposes as if the Words "*West Midland*" were inserted therein in lieu of the Words "*Oxford, Worcester, and Wolverhampton*."

Saving Rights and Liabilities of Oxford Company.

XXIV. Upon the Commencement of this Act the Capital of the *West Midland Railway Company* shall consist of the Capital in Stock and Shares and in Money borrowed on Mortgage or Bond which on that Day was the existing Capital of the *Oxford Railway Company*, and of the Capital in Stock and Shares and in Money borrowed on Mortgage and Bond which on that Day was the existing Capital of the Two dissolved Companies; and all the Powers of the *Oxford Railway Company* as to the raising of further Capital, whether by the Issue of new Shares or Stock or by borrowing, which at the Commencement of this Act were subsisting, and not then exercised or not fully exercised, shall, subject to the Restrictions herein-after contained, continue in force; and all the Powers of the Two dissolved Companies as to the raising of further Capital, whether by the Creation and Issue of new Shares or Stock or by borrowing, which on that Day were subsisting, and not then exercised or not fully exercised, shall be vested in and may be exercised by the *West Midland Railway Company* in like Manner and to the same Extent as they might have been exercised by the dissolved Companies respectively; and all Monies thereafter paid upon or in respect of Shares of either of the Companies not fully paid up on that Day, and upon or in respect of Shares or Stock thereafter created, and upon any Mortgages or Bonds thereafter issued, under any of the Powers and Authorities aforesaid, shall, subject to the Provisions herein-after contained, become and be Part of the Capital of the *West Midland Railway Company*.

Defining Capital of Company, upon the Amalgamation.

XXV. Upon

The West Midland Railway Act, 1860.

Proprietors
in dissolved
Companies
to become
so in West
Midland
Company.

XXV. Upon the Commencement of this Act the several Corporations who were then Proprietors of Shares or Stock, of what Class, Quality, or Designation, and whether preferential or ordinary, and in the Capital of the dissolved Companies, shall become and be Proprietors of Shares or Stock of and in the Capital of the West Midland Railway Company, of the like Denominations, Quantities, and Amounts respectively, and with the same Rights, Privileges, and Priorities respectively, as between themselves, as were annexed or incident to such Shares or Stock in the said dissolved Companies.

Providing
for Exchange
of Certifi-
cates.

XXVI. Any Proprietor of Shares or Stock in the dissolved Companies who, on or after the First Day of December One thousand eight hundred and sixty, shall deliver the Certificate for such Shares or Stock to the principal Office of the West Midland Railway Company to be at the said Office, and cancelled, shall receive free of any Charge in respect thereof, in the Stead of such Certificate, another Certificate for Shares or Stock of the same nominal Value and Denomination in the West Midland Railway Company. Provided always, that until such Exchange the Certificates for Shares and Stock in the dissolved Companies respectively shall be deemed to be Certificates for Shares and Stock in the West Midland Railway, and shall have and possess whatever Rights and Advantages would be incident to such Certificates if they bore the Name or were under the Seal of the West Midland Railway Company; provided also, that the Certificates so to be issued shall bear the Name of the Company in the Stead of whose Certificates the same were issued, and shall be headed respectively "*West Midland (Oxford) Railway,*" "*West Midland (Newport) Railway,*" and "*West Midland (Hereford) Railway.*"

Separate
Accounts to
be kept.

XXVII. Immediately after the Commencement of this Act the West Midland Railway Company shall keep separate Accounts of the joint Capital and Capital Expenditure and Revenue of the united Company, and of the separate Capital and Capital Expenditure and Proportion of Revenue of the Three Sections of Proprietors in the united Company, namely, the Oxford Section, the Newport Section, and the Hereford Section, and also a joint Loan Account for the united Company, to which latter Account shall be debited all Monies then or thereafter to be owing on Mortgages, Debentures, Bonds, or Loans, and also a joint Interest Account, to which shall be debited the Interest of all Monies owing on joint Loan Account, and the Dividends or Interest of all Monies which may be raised by capitalizing the Debt of the united Company generally, or by the Creation and Issue of Debenture Stock of such Company, or otherwise.

Monies
hereafter
required (ex-
cept in cer-
tain Cases)

XXVIII. Except and subject as herein-after mentioned and provided for, all Monies or Funds which shall be required for the Payment off or Renewal of Loans, or to answer other Liabilities on Capital Account, whether

The West Midland Railway Act, 1860.

standing the Amalgamation, remain a Charge upon the separate Undertaking of the same Company; and all Rights, Powers, and Remedies which the Holders of such Mortgages or Bonds would respectively have had and might have enforced upon or against the Undertakings of the respective Companies before the Amalgamation shall be enjoyed and may be exercised and enforced upon and against the same Undertakings respectively, and all Actions and Suits in respect thereof may be prosecuted in the Name of and against the *West Midland Railway Company*: Provided also, that all Mortgages or Bonds issued after the Commencement of this Act by the *West Midland Railway Company*, whether under the Powers of the Acts relating to the same Company or of the Acts relating to the dissolved Companies, shall, as between the Holders of such Mortgages or Bonds and the *West Midland Railway Company*, be a Charge upon the united Undertaking.

be a Charge
on respective
Under-
takings.

XXIII. All Acts of Parliament, including all Acts passed or to be passed in the present Session of Parliament, and all Contracts and Agreements in which the *Oxford, Worcester, and Wolverhampton Railway Company* or their Undertaking is mentioned, shall be construed and have Effect to all Intents and Purposes as if the Words "*West Midland*" were inserted therein in lieu of the Words "*Oxford, Worcester, and Wolverhampton*."

Saving
Rights and
Liabilities
of Oxford
Company.

XXIV. Upon the Commencement of this Act the Capital of the *West Midland Railway Company* shall consist of the Capital in Stock and Shares and in Money borrowed on Mortgage or Bond which on that Day was the existing Capital of the *Oxford Railway Company*, and of the Capital in Stock and Shares and in Money borrowed on Mortgage and Bond which on that Day was the existing Capital of the Two dissolved Companies; and all the Powers of the *Oxford Railway Company* as to the raising of further Capital, whether by the Issue of new Shares or Stock or by borrowing, which at the Commencement of this Act were subsisting, and not then exercised or not fully exercised, shall, subject to the Restrictions herein-after contained, continue in force; and all the Powers of the Two dissolved Companies as to the raising of further Capital, whether by the Creation and Issue of new Shares or Stock or by borrowing, which on that Day were subsisting, and not then exercised or not fully exercised, shall be vested in and may be exercised by the *West Midland Railway Company* in like Manner and to the same Extent as they might have been exercised by the dissolved Companies respectively; and all Monies thereafter paid upon or in respect of Shares of either of the Companies not fully paid up on that Day, and upon or in respect of Shares or Stock thereafter created, and upon any Mortgages or Bonds thereafter issued, under any of the Powers and Authorities aforesaid, shall, subject to the Provisions herein-after contained, become and be Part of the Capital of the *West Midland Railway Company*.

Defining
Capital of
Company,
upon the
Amalgama-
tion.

XXV. Upon

The West Midland Railway Act, 1860.

Proprietors
in dissolved
Companies
to become
so in West
Midland
Company.

XXV. Upon the Commencement of this Act the several Persons and Corporations who were then Proprietors of Shares or Stock, of whatever Class, Quality, or Designation, and whether preferential or ordinary, of and in the Capital of the dissolved Companies, shall become and be Proprietors of Shares or Stock of and in the Capital of the *West Midland Railway Company*, of the like Denominations, Qualities, and Amounts respectively, and with the same Rights, Privileges, and Priorities respectively, as between themselves, as were annexed or incident to such Shares or Stock in the said dissolved Companies.

Providing
for Exchange
of Certifi-
cates.

XXVI. Any Proprietor of Shares or Stock in the dissolved Companies who, on or after the First Day of *December* One thousand eight hundred and sixty, shall deliver the Certificate for such Shares or Stock at the principal Office of the *West Midland Railway Company* to be exchanged and cancelled, shall receive free of any Charge in respect thereof, in the Stead of such Certificate, another Certificate for Shares or Stock of the same nominal Value and Denomination in the *West Midland Railway*: Provided always, that until such Exchange the Certificates for Shares and Stock in the dissolved Companies respectively shall be deemed to be Certificates for Shares and Stock in the *West Midland Railway*, and shall have and possess whatever Rights and Advantages would be incident to such Certificates if they bore the Name or were under the Seal of the *West Midland Railway Company*; provided also, that the Certificates so to be issued shall bear the Name of the Company in the Stead of whose Certificates the same were issued, and shall be headed respectively "*West Midland (Oxford) Railway*," "*West Midland (Newport) Railway*," and "*West Midland (Hereford) Railway*."

Separate
Accounts to
be kept.

XXVII. Immediately after the Commencement of this Act the *West Midland Railway Company* shall keep separate Accounts of the joint Capital and Capital Expenditure and Revenue of the united Company, and of the separate Capital and Capital Expenditure and Proportion of Revenue of the Three Sections of Proprietors in the united Company, namely, the *Oxford* Section, the *Newport* Section, and the *Hereford* Section, and also a joint Loan Account for the united Company, to which latter Account shall be debited all Monies then or thereafter to be owing on Mortgages, Debentures, Bonds, or Loans, and also a joint Interest Account, to which shall be debited the Interest of all Monies owing on joint Loan Account, and the Dividends or Interest of all Monies which may be raised by capitalizing the Debt of the united Company generally, or by the Creation and Issue of Debenture Stock of such Company, or otherwise.

Monies
hereafter
required (ex-
cept in cer-
tain Cases)

XXVIII. Except and subject as herein-after mentioned and provided for, all Monies or Funds which shall be required for the Payment off or Renewal of Loans, or to answer other Liabilities on Capital Account, whether

The West Midland Railway Act, 1860.

whether existing at the Commencement of this Act, or to be undertaken by the united Company on joint Capital Account, shall be borrowed and obtained or raised by the united Company on Loan or otherwise as they shall from Time to Time resolve, and the Interest or Dividends payable in respect thereof shall be charged to the joint Interest Account aforesaid in the Books of the united Company.

to be raised
on joint
Account.

XXIX. The Interest in respect of the Mortgages, Bonds, or other Debts, Liabilities, or Engagements on Capital Account for the Time being of each of the said Three Companies shall be borne and paid by its Section of Proprietors out of their Proportion of joint Revenue, such Interest being calculated at the average Rate for the Time being payable by the united Company on its Mortgages or Bonds, without regard to the Rate of Interest actually payable in respect of each particular Mortgage, Bond, Debt, Liability, or Engagement.

Each Section
of Share-
holders to
be charged
with the
Interest on
its separate
Debts.

XXX. The Cost of any Railways, Stations, or other Works in progress at the Commencement of this Act, but unfinished, as also any Sums of Money which may have to be paid for the Purchase or Completion of the Purchase of Lands for the same, and the Costs thereof, shall be charged, as between the said Three Sections of Proprietors, to the separate Capital Expenditure Account of the particular Section representing the Company by whom the same were then being constructed: Provided always, that so soon as may be after the Commencement of this Act the *West Midland* Railway Company shall redeem the Land Tax over any Part of the united Undertaking where the same has not been redeemed, and charge the Expense thereof upon the separate Capital Expenditure Account of the particular Section representing the Company to whom the Land belonged; provided also, that any subsequent Outlay on or in respect of any Portion of the Undertaking of the united Company, and the Cost of any new Lines, Branches, or other Works, shall be provided by and out of joint Capital, and charged to the joint Capital Expenditure accordingly.

Works un-
finished
charged to
the separate
Capital Ex-
penditure
Account.

Fresh Works
to be pro-
vided out of
joint Capital.

XXXI. All Lands and other Real Property belonging at the Time of the Commencement of this Act to each of the Three Companies, and not required for the Purposes of the separate Undertaking, shall be forthwith valued, and thereupon the same, with the Rents and Profits thereof, shall be taken by the united Company, the Value thereof being charged against the joint Capital of the united Company in the joint Capital Expenditure Account aforesaid, and at the same Time credited to the separate Capital Expenditure Account of the Section of Proprietors representing the Company to whom such Property belonged; and all Shares held by either of the Companies in other Undertakings shall be charged as aforesaid against the joint Capital, and credited to the

As to sur-
plus Land
and Shares.

[Local.]

12 L

separate

The West Midland Railway Act, 1860.

separate Capital of the Section of Proprietors to whom such Shares belonged.

As to Stores on hand.

XXXII. All Stores (excepting old Materials) belonging to any of the said Three Companies (not damaged or unfit for Use), and including therein all new Rails, Chairs, Sleepers, and the like, not required for Works herein-before provided to be completed, and charged to separate Account, shall be taken by the united Company at the Cost Price thereof, and charged to a joint Stores Account to be opened for it, and such Price shall be credited to the separate Capital Expenditure or Revenue Account, as the Case may be, of the Section of Proprietors representing the Company to whom such Stores belonged.

Book Debts to be credited to Company entitled thereto ;

XXXIII. The Book and other Debts and Credits on Traffic or other Accounts of each of the said Companies at the Time of the Commencement of this Act shall be wound up by the united Company, and the separate Accounts of each of the said Sections of Proprietors shall be credited with the respective Amounts owing thereto respectively, and debited with such as thereafter prove to be bad or erroneous ; and in all Cases in which Arrangements have been made for the gradual Liquidation or Security of such Debts, the same shall be fairly acted upon by the united Company on behalf of the particular Section of Proprietors entitled thereto respectively, but no Interest shall, as against the united Company, be allowed on any such Debts to any such particular Section of Proprietors.

and also Calls in arrear, and Interest.

XXXIV. The Calls in arrear, and such Interest as may be due thereon at the Time of the Commencement of this Act, and future Calls on Shares in any of the said Three Companies, shall belong to the Capital or Revenue Account, as the Case may be, of the particular Section of Proprietors representing the Company in which such Shares exist, and all Interest on Calls subsequently accruing shall belong to the united Company.

As to Income of Hereford Company.

XXXV. There shall be kept by the *West Midland* Railway Company a separate Account of the gross Revenue (whether Tolls or other Charges) arising out of all Traffic herein-after distinguished as *Hereford* District Traffic conveyed upon the *Hereford* Railway, in respect of its Conveyance upon that Railway, and out of all Traffic derived from the *Hereford* Railway, or destined for the same Railway, and conveyed over any Portion of the *Newport* or the *Oxford* Railway, in respect of its Conveyance on that Portion, and which Traffic is herein-after distinguished as *Hereford* Through Traffic, and there shall be deducted out of such gross Revenue Fifty *per Centum* by way of Working Expenses ; and the

The West Midland Railway Act, 1860.

the Balance of such Revenue shall be applicable in the first instance (but subject as herein-after mentioned as regards the *Hereford* Through Traffic) to the Payment of any Rents, and to the Payment of the Interest on any Mortgages or Bonds especially charged on the *Hereford* Capital, and then, so far as it shall extend, in paying to the Holders of "*West Midland (Hereford)* Railway" Certificates a Dividend upon the Amounts paid up by them respectively at the Rate of Four *per Centum* for the First Year after the *Hereford* Railway shall be opened for Traffic from End to End, and a Dividend at the Rate of Four and a Half *per Centum* for the Second Year after that Event, and a Dividend at the Rate of Five *per Centum* for the Third and every subsequent Year, and the Residue, if any, in each Year, after Payment of the said Dividends of Four *per Centum*, Four and a Half *per Centum*, and Five *per Centum*, shall be deemed Part of the General Revenue of the Company: Provided always, that the Holders of the said Certificates shall not be entitled to any Participation in the Profits of the united Company other than aforesaid until they shall become entitled to a fixed Dividend, as herein-after mentioned.

XXXVI. Any Application of the Balance of Revenue from *Hereford* Through Traffic shall be subject and without Prejudice to the Rights of the Holders of the existing preferential and guaranteed Shares and Stock of the *Oxford* Railway Company and *Newport* Railway Company respectively, to the Payment of Dividend out of the Revenues arising on the *Oxford* Section and *Newport* Section respectively, including the Revenues arising on those respective Sections from *Hereford* Through Traffic: Provided always, that the Balance of Revenue on *Hereford* District Traffic shall always be applicable to the Payment by this Act directed in respect of *West Midland (Hereford)* Shares, whether or not the same have become entitled to the fixed Dividend herein-after mentioned.

Preference Shareholders of *Oxford* Railway Company and *Newport* Railway Company to remain entitled to Revenues on their own Lines.

XXXVII. If for Two successive Years the Sum divisible amongst the Holders of *West Midland (Hereford)* Railway Certificates shall be at the Rate of Five *per Centum per Annum*, then and from thenceforth it shall no longer be necessary to keep the separate Account of *Hereford* Through Traffic or *Hereford* District Traffic, but the Holders of the said Certificates shall be entitled to a perpetual fixed Dividend of Five *per Centum per Annum*, and no more, out of the Revenues of the *West Midland* Railway Company: Provided always, that such Payment of Dividends shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares which may have been granted by either of the united Companies in pursuance of or which may have been confirmed by any previous Act, or which may otherwise be lawfully subsisting.

Guarantee of same.

Saving Rights of Holders of existing Preference Shares.

XXXVIII. After

The West Midland Railway Act, 1860.

As to Share
of Profits on
Oxford and
Newport
Capital.

XXXVIII. After providing, subject as herein mentioned, for the Payment herein-before prescribed to the Holders of *Hereford* Certificates, and after providing also for the necessary Working Expenses of the united Undertaking, the Revenue of the united Company shall be divided in the Proportion of Seventy-eight Hundredths and Twenty-two Hundredths, whereof the Seventy-eight Hundredths shall be devoted to discharging the Rents, the Interest on Mortgages and Bonds or on Debenture Stock, and the guaranteed and preferential Dividends which if this Act had not been passed would be Liabilities of the *Oxford* Railway Company, and the remaining Twenty-two Hundredths shall be devoted to the Discharge of similar Liabilities which would if this Act had not been passed be Liabilities of the *Newport* Railway Company; and the several Liabilities aforesaid shall be discharged out of the Proportions aforesaid according to their legal Priorities; and whatsoever Monies shall remain out of the Seventy-eight Hundredths aforesaid after discharging the said Liabilities of the *Oxford* Railway Company shall be divided among the Holders of the "*West Midland (Oxford)* Railway" Certificates for ordinary Shares or Stock, and whatsoever remains of the Twenty-two Hundredths after discharging the said Liabilities of the *Newport* Railway Company shall be divided among the Holders of the "*West Midland (Newport)* Railway" Certificates for ordinary Shares or Stock.

Certain Pro-
visions of
Acts relating
to Oxford
Railway
Company to
apply to
Shares of
dissolved
Companies.

XXXIX. Notwithstanding anything contained in the Acts relating to the dissolved Companies, the Enactments in force at the Time of the Commencement of this Act relating to the *Oxford* Railway Company as to the Rights of voting of the Holders of Stock or Shares therein, the Payment of Calls, and Means of enforcing Payment thereof, the Forfeiture of Shares, the Assignment and Merger of Shares, the Issue of Shares in lieu of merged Shares, and the Creation and Issue of Stock or Shares, shall enure and apply to the Stock and Shares respectively of the dissolved Companies as aforesaid, and to the Holders of such Stock and Shares respectively.

Board of
Directors
of united
Company.

XL. Within One Month from the Commencement of this Act, the Directors of the *Oxford* Railway Company, with Five Persons to be chosen by the Directors of the *Newport* Railway Company, and Two Persons to be chosen by the Directors of the *Hereford* Railway Company, as herein-after provided, shall constitute the Board of Directors of the *West Midland* Railway Company until the First Ordinary Meeting of that Company to be held in the Year One thousand eight hundred and sixty-two.

Introduction
of Directors
of the
dissolved
Companies
therein.

XLI. Within One Month after the Commencement of this Act a Meeting of the Persons who immediately before the Commencement of this Act constituted the Board of Directors of the *Newport* Railway Company shall be held, the same having been convened by Circular under

The West Midland Railway Act, 1860.

Companies respectively were each authorized to demand and receive in respect of the said several Portions of Railway: Provided always, that for the Purpose of ascertaining the Amount of such Tolls and Charges in respect of Traffic carried for short Distances the Railways of the dissolved Companies and of the *Oxford Railway Company* shall be considered as One Railway.

As to short
Traffic on
Newport
Section.

XLV. For Traffic which shall be conveyed for a less Distance than Four Miles on the *Newport Railway* the *West Midland Railway Company* shall be entitled to demand and take Tolls as for Four Miles, and so much and such Parts of any Acts relating to the *Newport Railway Company* as authorizes that Company to demand and take Tolls and Charges as for Six Miles for Traffic conveyed on their Railway or any Part thereof for a less Distance than Six Miles shall be and is hereby repealed.

As to certain
Traffic of the
Midland
Railway
Company.

XLVI. Any Traffic destined to pass between any Part of the *Midland Railway* and any Part of the *Hereford Railway* or of the *Newport Railway* shall be carried by the *West Midland Company* over any Part of the last-mentioned Railways at Rates and Charges not exceeding the Rates and Charges demanded or taken by the *West Midland 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 *Hereford* and *Newport Railways*, unless such last-mentioned Rates and Charges shall be lower than the Rates and Charges demanded or taken by the *Midland Railway Company* on any Portion of their Railway in respect of any particular Traffic destined to pass on any Part of the *Hereford* or *Newport Railways*, in which Case the Rates and Charges payable to the *West Midland Railway Company* in respect of such particular Traffic shall be the Rates and Charges so demanded and taken by the *Midland Railway Company* in respect thereof, and so from Time to Time; and in regard of the Traffic first above mentioned the *West 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 *Midland Company*, or as shall be afforded by the *West Midland Company* to or for the Purposes of any other Traffic of the same Description on any Part of the last-mentioned Railways.

Provision in
case West
Midland
Company
refuse to
facilitate
Traffic to
Midland
Railway.

XLVII. If the *West Midland Company* shall decline or refuse (after Notice from the *Midland Company*) to observe any of the above Stipulations, any Complaint of the *Midland Company* thereupon shall from Time to Time be referred to an Arbitrator (according to "The Railways Clauses Consolidation Act, 1845"); and if such Arbitrator shall be of opinion that such Complaint is well founded, he may give such Orders and Directions in the Matter as in his Opinion shall be fit and proper

The West Midland Railway Act, 1860.

under the Hand either of the Person who immediately before the passing of this Act was Chairman, or of the Person who was Secretary of the said Company, at which Meeting Five Members of the Board shall be selected by Agreement, or failing such Agreement by Ballot, to be Directors of the *West Midland Railway Company*, and the Names of the Persons so chosen shall be certified in Writing under the Hand of such Chairman or Secretary, and the Five Persons so certified shall immediately thereupon become and be Directors of the *West Midland Railway Company*; and by the like Means Two Directors shall be selected on behalf of the *Hereford Railway Company*, and when so certified as aforesaid shall forthwith become Directors of the *West Midland Railway Company*.

XLII. The several Persons who shall constitute the Board of Directors of the *West Midland Railway Company* at the First half-yearly General Meeting to be held in the Year One thousand eight hundred and sixty-two as herein-before provided, (other than the Directors nominated by the *Great Western Railway Company*.) shall go out of Office, and their Places shall be supplied at the Times and in manner and in the Order of Rotation prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the Rotation of Directors; and Five Members of the Board of Directors shall constitute a Quorum; and all the Provisions now in force relating to the Qualification, Powers, and Duties of the Directors of the *Oxford Railway Company*, and not by this Act altered, shall remain in force and be applied to the Board of Directors of the Company as by this Act constituted.

Providing
for the future
Rotation of
Directors.

XLIII. It shall not be lawful for the Directors nominated by the *Great Western Railway Company* to vote on, interfere with, or, if desired to be absent, be present at the Discussion of any Matters relating to the *West Midland Railway Company*, excepting such as appertain specifically to the Undertaking or the Capital of the *Oxford Railway Company*, as that Undertaking and Capital were constituted before the passing of this Act; nor shall the same Directors or any of them have any Right, Privilege, or Power, excepting within the Restrictions aforesaid, as Directors of the *West Midland Railway Company*.

Defining
Powers of
Great
Western
Directors.

XLIV. Except as herein-after specially provided with respect to short Distances on the *Newport Railway*, it shall be lawful for the *West Midland Railway Company* to demand and receive the same Tolls and Charges for and in respect of the Use of each of the several Parts of the *West Midland Railway* which before the Commencement of this Act constituted the Undertakings of the *Oxford*, the *Newport*, and the *Hereford Railway Companies* respectively, and for the Conveyance of Passengers, Animals, Goods, and Minerals thereon, which the said

As to Tolls.

[Local.]

12 M

Companies

The West Midland Railway Act, 1860.

proper for the Removal of such Complaint; and if the *West Midland* Company shall decline or refuse to obey any such Order or Direction, then, upon Proof of the Fact to the Satisfaction of such Arbitrator, the *Midland* Company shall be entitled thenceforth to use, with Engines, Carriages, and otherwise, the present *Hereford* Railway and the *Newport* Railway, or any Parts thereof, and such Part of the *Oxford, Worcester, and Wolverhampton* Railway as lies between the *Midland* Railway at *Stoke* and *Worcester*, and any Station on all such last-mentioned Railways or Portion of Railways, and all the Works and Conveniences thereof or connected therewith, on such Terms and Conditions in every respect as shall be settled by Arbitration, in case of Dispute, according to "The Railways Clauses Consolidation Act, 1845;" and such Arbitrator shall be at liberty to make an Award on any Part of the Matters referred to him from Time to Time.

XLVIII. Subject to the Enactments herein-after contained, the *Coleford, Monmouth, Usk, and Pontypool* Railway Company may pass over and use, with their Engines, Carriages, and Servants, so much of the *West Midland* Railway as lies between the Junction thereof with the *Coleford, Monmouth, Usk, and Pontypool* Railway at or near *Little Mill* Station and the Junction of the *West Midland* Railway with the *Eastern Valleys* Railway at or near *Coed y gric*, being a Distance of about Two and a Half Miles, and so much of the *West Midland* Railway as lies between the *Pontypool* Road Station and the *Pontypool* Town Station, being a Distance of about One Mile, together with the Goods and Passenger Stations, Works, and other Conveniences of the *West Midland* Railway Company at *Coed y gric* Junction, *Pontypool* Road, and *Pontypool* Town, and the joint Station of the *West Midland* Railway Company and the *Coleford, Monmouth, Usk, and Pontypool* Railway Company at *Little Mill* Station, and such Junction respectively, upon the Payment for the Use of such Portions of Railway of such Tolls as may be lawfully demanded by the said *West Midland* Railway Company, and upon such Payments for the Use of the Stations and of the Works and Conveniences connected therewith as may be agreed upon between the Companies, or as, in case of Difference as to the Payments for the Use of such Stations, Works, and other Conveniences, shall be settled by an Arbitrator to be appointed by the Board of Trade upon the Application of either Party: Provided always, that nothing herein contained shall prejudice the Rights of the said *Coleford, Monmouth, Usk, and Pontypool* Railway Company as joint Owners of the said Station at *Little Mill* Junction aforesaid: Provided further, that such Powers shall extend only in respect of Traffic arising on or destined for so much and such Parts of the *Coleford, Monmouth, Usk, and Pontypool* Railway, and the Works connected therewith, as were authorized to be constructed by the "*Coleford, Monmouth, Usk, and Pontypool* Railway Act, 1853," and shall not be exercised, used, or enjoyed by the *Coleford, Monmouth, Usk, and Pontypool* Railway Company in respect

Power to the Coleford, Monmouth, Usk, and Pontypool Railway Company to use Parts of West Midland Railway.

The West Midland Railway Act, 1860.

respect of any Traffic, either directly or indirectly arising on or destined for any Extension of such Railway.

Power to West Midland Railway Company to use Portion of Coleford, Monmouth, Usk, and Pontypool Railway.

XLIX. Subject to the Enactments herein-after contained, the *West Midland Railway Company* may pass over and use, with their Engines, Carriages, and Servants, so much of the *Coleford, Monmouth, Usk, and Pontypool Railway* as extends from the Junction thereof with the *West Midland Railway* at or near *Little Mill Station* to *Usk*, being a Distance of about Four Miles, together with the Goods and Passenger Stations, Works, and other Conveniences of the *Coleford, Monmouth, Usk, and Pontypool Railway Company* at *Usk*, upon Payment for the Use of the Railway of the Tolls which may be lawfully demanded by the *Coleford, Monmouth, Usk, and Pontypool Railway Company*, and upon such Payments for the Use of the Stations and of the Works and Conveniences connected therewith as may be agreed upon between the Companies, or as, in case of Difference, shall be settled by an Arbitrator to be appointed by the Board of Trade upon the Application of either Party.

As to Stations at Pontypool Road, Pontypool Town, and Usk.

L. The *West Midland Railway Company* at the Stations at *Pontypool Road* and *Pontypool Town* respectively shall afford to the *Coleford, Monmouth, Usk, and Pontypool Railway Company*, and the *Coleford, Monmouth, Usk, and Pontypool Railway Company* at the Station at *Usk* shall afford to the *West Midland Railway Company*, all reasonable Facilities for the Transmission of Traffic coming from or destined for their Railways respectively.

For protecting local Traffic.

LI. In exercising the Powers herein-before granted to the Two Companies respectively, it shall not be lawful for either of them, unless with the Consent in Writing of the Company to whom the Railway belongs, to take up at any Station of the other of them upon the Portions of Railway herein-before specified any Passengers, Parcels, Animals, Goods, or Minerals, and to deliver the same at another Station of the same Company, or to take up or deliver Traffic at any Station or Place on the Railway of the other Company excepting those herein-before mentioned; and either of the Companies violating this Enactment shall for every such Violation pay to the Company on whose Railway such Traffic shall have been conveyed Fifty Pounds by way of Penalty.

As to Services at Stations.

LII. The Two Companies shall respectively, so long as the Powers or any of the Powers herein granted to them respectively are exercised, perform upon the Portions of Railway herein-before specified belonging to them respectively, and at the said Stations at *Pontypool Road* and *Pontypool Town*, and at *Usk*, all such Services and Duties as may be necessary or reasonable for the convenient Conduct of the said Traffic of the Company requiring the same, upon Payment of such Charges for the same as may be agreed upon between the Two Companies; and if any

The West Midland Railway Act, 1860.

any Difference shall arise between the Companies as to the Amount of such Payments, or as to the Nature, Extent, or Sufficiency of the Services and Duties so to be performed, such Difference shall from Time to Time be settled by an Arbitrator to be appointed at the Request of either Party by the Board of Trade; and the Arbitrator to whom the Matter may be referred may determine the Amount of such Payments, and prescribe what Duties and Services shall be so performed; and if he shall be of opinion that it is needful for the Protection or the due Working or Development of the said Traffic of the said Companies or either of them, he may prescribe that the said Companies or either of them may employ at any of the Three Stations aforesaid to be designated by the Arbitrator such Clerks, Agents, and Servants as he may by his Award define; and he may likewise prescribe the Accommodation that shall be given at such Station to the said Clerks, Agents, and Servants, and may lay down Rules for their Conduct, and may prescribe the Payments to be made for the Accommodation so afforded; and the Award made from Time to Time by the Arbitrator shall be binding upon the Companies, and shall be obeyed by them respectively: Provided always, that it shall be lawful for either Company to cart Goods into and out of the Stations herein-before mentioned of the other Company.

LIII. Each Company using or traversing the Railway of the other, and in using the Stations and Conveniences thereof in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company using the same. Byelaws to be observed.

LIV. The *Shrewsbury and Hereford* Railway Company and their present Lessee shall be entitled to run over and to use, with their Engines, Carriages, and Waggon, at all Times, and for all the Purposes of their Traffic in Passengers, Animals, and Things, except as herein-after provided, the Line of the *Newport* Railway or any Part thereof, including the Junction thereof with the *Shrewsbury and Hereford* Railway, and all the Stations, Watering Places, and other Conveniences of and connected with the said Railway, and that on such Terms and Conditions, and upon Payment of such Tolls, Rates, and Charges, or of such Rent or other Consideration, as may from Time to Time be agreed upon between the *West Midland* Railway Company and the *Shrewsbury and Hereford* Railway Company, or as, failing such Agreement, may from Time to Time be determined by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," in respect to the Settlement of Disputes by Arbitration. Power to Shrewsbury and Hereford Railway Company to use the Newport Railway.

LV. The *West Midland* Railway Company shall in like Manner be entitled to run over and use, with their Engines, Carriages, and Waggon, Providing for Use of the Shrewsbury at

[Local.]

12 N

bury and

The West Midland Railway Act, 1860.

Hereford
Railway by
the West
Midland
Railway
Company.

at all Times, and for all the Purposes of their Traffic in Passengers, Animals, and Things, except as herein-after provided, passing to, from, or beyond the *Newport* Railway, from, to, or beyond the *Shrewsbury and Hereford* Railway, the Line of the *Shrewsbury and Hereford* Railway or any Part thereof, and all the Stations, Sidings, Watering Places, and other Conveniences of and connected with the said Railway, and that on such Terms and Conditions, and on Payment of such Tolls, Rates, and Charges, or of such Rent or other Consideration, as may from Time to Time be agreed upon between the *Shrewsbury and Hereford* Railway Company and the *West Midland* Railway Company, or as, failing such Agreement, may from Time to Time be determined by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," in respect to the Settlement of Disputes by Arbitration.

Powers of
Arbitrator
or Umpire.

LVI. In settling the Tolls, Rates, and Charges, or Rent or other Consideration, to be paid by the *Shrewsbury and Hereford* Railway Company or the *West Midland* Railway Company in respect of the Use by them respectively of the *Newport* Railway or of the *Shrewsbury and Hereford* Railway, as the Case may be, under the Powers herein-before granted, the said Arbitrators or Umpire shall have Power and they are hereby authorized and empowered to determine from what Period, either before or after such Award (not anterior to the Period of claiming the Arbitration); the Tolls, Rates, Charges, Rent, or other Consideration so settled by them or him shall take effect for and against the said Companies respectively; and the Powers of the *Shrewsbury and Hereford* Railway Company or their present Lessee to run over and use the *Newport* Railway, or of the *West Midland* Railway Company to run over and use the *Shrewsbury and Hereford* Railway, as the Case may be, shall not be suspended during the Dependence of such Arbitration, but the same shall be exercised as fully in all respects as if an Award had been made; and the Award shall include the Period during the Dependence of such Arbitration, or such further Period as the Arbitrators or Umpire, as the Case may be, may determine and appoint; and the Award or Awards to be made from Time to Time under such Arbitration or Arbitrations shall, so long as no new Arbitration is claimed on the like Subject Matter, be final and binding on both Parties; and it shall not be lawful for either Company as against the other Company to levy any other Tolls, Rates, Rents, or other Charges or Consideration than shall from Time to Time be fixed by such Arbitration.

For facilitat-
ing the
Interchange
of Traffic
between
certain Rail-
ways herein
named.

LVII. It shall be lawful for the *Shrewsbury and Hereford* Railway Company and the *West Midland* Railway Company respectively, and they are hereby respectively required, but as regards the *West Midland* Railway Company subject as herein-after provided, to book through all Passengers, Cattle, Goods, Minerals, and other Traffic, Matters, and Things passing to and from or beyond the Line or Lines of either of the said

The West Midland Railway Act, 1860.

said Companies from or to any Point or Place on or beyond the Line or Lines of the other of the said Companies, including the Stations of the said Companies respectively, and that in all Cases whether the Traffic be carried by the Engines and Carriages of the Company so booking through or not, and also to receive, convey, and forward to their Destination on the Lines belonging to the said Railway Companies respectively, and *vice versa*, from any Point or Place on the said several Lines, all Passengers, Goods, Cattle, Minerals, and other Traffic, Matters, and Things passing to, from, or beyond either of the said respective Lines of Railway from, to, or beyond any Point or Place on the other of the said Lines of Railway, upon Payment of the same Tolls, Rates, and Charges as shall for the Time being be actually charged and received for and in respect of any Traffic of the like Description carried the like Distances upon the Line of the Company so required to forward and forwarding such Traffic as aforesaid, or any Part thereof, and in every Case the said Passengers, Cattle, Goods, Minerals, and other Traffic, Matters, and Things, shall be forwarded without Change of Carriages or Waggons, if so required, and by the first practicable Train of the like Nature or conveying the like Description of Traffic proceeding on the Route over which the same are intended to be forwarded; and if any Dispute or Difference shall arise between the said Companies in reference to any of the Conditions and Provisions herein-before contained, or to the Performance and Fulfilment of the same by either of the said Companies, the same shall from Time to Time be referred to the Engineers of the said Companies, and if such Engineers shall differ in opinion, or for the Space of One Month after Notice from either of the said Companies shall fail to determine the Matters in dispute, the same shall be referred to and determined by the Board of Trade, who are hereby authorized to determine the same, and whose Decision shall be final and binding on both Parties: Provided always, that as regards the *West Midland Railway Company* the Provisions of this Enactment shall only extend to those Parts of their Lines which before the passing of this Act was the Undertaking of the *Newport Company*.

Reference
in case of
Dispute to
the Com-
panies En-
gineers and
to the Board
of Trade.

LVIII. Provided always, That nothing herein contained shall authorize or empower the *Shrewsbury and Hereford Railway Company*, without the Consent in Writing of the *West Midland Railway Company*, to receive, convey, or forward any Passengers, Cattle, Goods, or other Traffic, Matters, and Things passing exclusively on the Line of the *Newport Railway*, or any of their Branches, or between intermediate Stations on the said Railway, nor to authorize or empower the *West Midland Railway Company*, without the Consent in Writing of the *Shrewsbury and Hereford Railway Company*, or their present Lessee during the Continuance of his Lease, to receive, convey, or forward any Passengers, Cattle, Goods, or other Traffic, Matters, and Things, passing exclusively on the Line of the *Shrewsbury*

Local Traffic
not to be
interfered
with.

The West Midland Railway Act, 1860.

Shrewsbury and Hereford Railway Company, or between the Stations on the Shrewsbury and Hereford Railway.

For carrying into effect Provisions of this Act as to facilitating Traffic, &c. on Railways herein named.

LIX. Provided also, That for the carrying into effect the Provisions of this Act with reference to the *Shrewsbury and Hereford Railway Company*, and for facilitating the Interchange and forwarding of Traffic passing to, from, or beyond the *Newport Railway* from, to, or beyond the *Shrewsbury and Hereford Railway*, and also the fixing of the Rates, Tolls, or Charges to be charged by or between the said Companies for or in respect of any such Traffic, and the Division and Apportionment between the Companies of such Rates, Tolls, and Charges, the Company and the *Shrewsbury and Hereford Railway Company* from Time to Time may enter into and make such Agreements as shall be deemed expedient by and between the said Companies, and such Contracts and Agreements from Time to Time may be altered and varied as Occasion may require; and also for all or any of the Purposes aforesaid the said Companies may make and execute all such Deeds, Contracts, Instruments, and Assurances as may be deemed requisite or expedient for giving to the Matters and Premises aforesaid full Effect.

The West Midland and the London and North-western Companies to book, &c. through Passengers, Goods, &c. on Railways herein named.

LX. The *West Midland Railway Company* and the *London and North-western Railway Company* shall (without Prejudice to the Provisions in this Act contained with respect to the *Great Western Railway Company*) respectively book and invoice through Passengers, Cattle, Goods, Minerals, and other Traffic passing or intended to pass over any Part of the *West Midland Railway* from *Hereford, Worcester*, and all Stations on the *Newport and Hereford Railways* respectively, and destined for *London, Birmingham*, and Stations on the *Stour Valley Railway, Liverpool, Manchester, Warrington, Bolton, Lancaster, Chester, Wellington, Birkenhead, and Carlisle* respectively, and passing or intended to pass over any of the Railways of the *London and North-western Railway Company*; and, conversely, like Traffic passing or intended to pass over any Part of the *London and North-western Railway* from *London, Birmingham*, and Stations on the *Stour Valley Railway, Liverpool, Manchester, Warrington, Bolton, Lancaster, Chester, Wellington, Birkenhead, and Carlisle* respectively, and destined for *Hereford, Worcester*, and Stations on the *Newport and Hereford Railways* respectively; and each Company will afford to the other Company for the Purposes of such booking and invoicing through all necessary and proper Facilities, Conveniences, and Accommodation at their respective Stations, Sidings, and Junctions.

Rates and Fares receivable in respect of

LXI. The Rates and Fares received or receivable by the *West Midland Railway Company* and the *London and North-western Railway Company* respectively for or in respect of the Traffic so booked

or

The West Midland Railway Act, 1860.

or invoiced through shall be apportioned and divided between those Two Companies according to Mileage, such Mileage to be calculated as if such Traffic were carried by the shortest Route which the Lines of the Two Companies respectively afford between any Two of the Stations herein-before mentioned or referred to, and the Rates and Fares charged by each Company to the other Company for or in respect of such Traffic shall not exceed the Rates or Fares which the Company making the Charge shall for the Time being charge, or be a Party to charging to any other Company or Person for or in respect of like Traffic conveyed between the same Stations respectively by any other Route; and, subject as aforesaid, the said Rates and Fares for or in respect of the Traffic aforesaid shall be such as shall from Time to Time be agreed on between the *West Midland Railway Company* and the *London and North-western Railway Company*, or as, failing such Agreement, shall be settled by Arbitration as herein-after mentioned: Provided that if either of those Companies shall be dissatisfied with any Award so made, or any of the Matters thereby awarded upon, it shall be competent for the Company so dissatisfied, on giving One Week's Notice to the other Company, to require that the Matter as to which they are dissatisfied shall, if not settled by Agreement between them, be again referred to and settled by Arbitration in like Manner, and so *toties quoties*.

LXII. The *West Midland Railway Company* and the *Great Western Railway Company* shall (without Prejudice to the Provisions in this Act contained with respect to the *London and North-western Railway Company*) respectively book and invoice through Passengers, Cattle, Goods, Minerals, and other Traffic passing or intended to pass over any Part of the *West Midland Railway* from *Hereford*, *Worcester*, and all Stations on the *Newport* and *Hereford* Railways respectively, and destined for *London*, *Birmingham*, and Stations on the *Birmingham, Wolverhampton, and Dudley* Railway South of *Priestfield*, the *Arpley* Station at *Warrington*, or the Station for the Time being used by the *Great Western Railway Company* at *Warrington*, *Wellington*, *Chester*, *Birkenhead*, *Basingstoke* and *Reading*, and *Warwick* and *Leamington* (in respect of Traffic to be carried *via Stratford-upon-Avon* when any Junction shall have been constructed between the *Stratford* Branch of the *West Midland Railway* and the *Stratford-upon-Avon Railway*, or any new Line shall have been constructed from such Branch to *Leamington* or *Warwick*.) respectively, and passing or intended to pass over any of the Railways of the *Great Western Railway Company*; and, conversely, like Traffic passing or intended to pass over any Part of the *Great Western Railway* from *London*, *Birmingham*, and Stations on the *Birmingham, Wolverhampton, and Dudley* Railway South of *Priestfield*, the *Arpley* Station, or such other Station as aforesaid at *Warrington*, *Wellington*, *Chester*, *Birkenhead*, *Basingstoke*, and *Reading*, and *Warwick*

[Local. 12 O and

Traffic so booked, &c.

The West Midland and the Great Western Companies to book, &c. through Passengers, Goods, &c. on Railways herein named.

The West Midland Railway Act, 1860.

and *Leamington* (in respect of Traffic to be carried *viâ Stratford-upon-Avon*, when any Junction shall have been constructed between the *Stratford* Branch of the *West Midland* Railway and the *Stratford-upon-Avon* Railway, or any new Line, shall have been constructed from such Branch to *Leamington* or *Warwick*,) respectively, and destined for *Hereford*, *Worcester*, and Stations on the *Newport* and *Hereford* Railways respectively; and each Company shall afford to the other Company for the Purposes of such booking and invoicing through all necessary and proper Facilities, Conveniences, and Accommodation at their respective Stations, Sidings, and Junctions.

Rates and Fares receivable in respect of Traffic so booked, &c.

LXIII. The Rates and Fares received or receivable by the *West Midland* Railway Company and the *Great Western* Railway Company respectively for or in respect of the Traffic so booked or invoiced through shall be apportioned and divided between those Two Companies according to Mileage, such Mileage to be calculated as if such Traffic were carried by the shortest Route which the Lines of the Two Companies respectively afford between any Two of the Stations herein-before mentioned or referred to; and the Rates and Fares charged by each Company to the other Company for or in respect of such Traffic shall not exceed the Rates or Fares which the Company making the Charge shall for the Time being charge or be a Party to charging to any other Company or Person for or in respect of like Traffic conveyed between the same Stations respectively by any other Route; and, subject as aforesaid, the said Rates and Fares for or in respect of the Traffic aforesaid shall be such as shall from Time to Time be agreed on between the *West Midland* Railway Company and the *Great Western* Railway Company, or as, failing such Agreement, shall be settled by Arbitration as herein-after mentioned: Provided that if either of those Companies shall be dissatisfied with any Award so made, or any of the Matters thereby awarded upon, it shall be competent for the Company so dissatisfied, on giving One Week's Notice to the other Company, to require that the Matter as to which they are dissatisfied, shall, if not settled by Agreement between them, be again referred to and settled by Arbitration in like Manner, and so *toties quoties*.

Provision as to the true Intent and Meaning of preceding Enactments.

LXIV. The true Intent and Meaning of the preceding Enactments is that in relation to the *London and North-western* and *Great Western* Railway Companies respectively the *West Midland* Railway Company shall afford, in respect of the Traffic aforesaid, the same Facilities, Conveniences, and Accommodation at their Stations, Sidings, and Junctions to both those Companies, and that the *London and North-western* and *Great Western* Railway Companies shall respectively afford to the *West Midland* Railway Company the same Facilities, Conveniences, and Accommodation at their Stations, Sidings, and Junctions as the *West Midland*

The West Midland Railway Act, 1860.

Midland Railway Company afford to them; and in case the *West Midland* and the *London and North-western* Railway Companies or the *West Midland* and the *Great Western* Railway Companies shall not agree as to the Fares and Rates to be charged as aforesaid, or as to the Construction or Effect of the preceding Enactments, or as to the Performance or Nonperformance of the Provisions thereof by any of the said Companies, as the Case may be, or as to any Liability, Damage, and Expenses incurred by any of them by reason of such Nonperformance or otherwise in relation to those Provisions, every such Difference, as and when the same arises, shall be referred to and be determined by Arbitration in the Manner provided by "The Railway Companies Arbitration Act, 1859;" and the Arbitrator shall be at liberty to make an Award on any Part of the Matters referred to him from Time to Time.

LXV. Provided always, That no Contract made under the Authority of this Act shall in any Manner increase any of the Tolls, Fares, Rates, or Charges which the contracting Companies respectively are from Time to Time authorized to demand or take from any Person or Company other than the Parties to such Contracts, but all other Persons shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the Railways and Works to which the Contract relates on the same Terms and Conditions, and on Payment of the same Tolls, Fares, Rates, and Charges, as if the Contract or Arrangement were not made.

Tolls not to be increased.

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

As to Deposits for future Bills.

LXVII. Nothing herein contained shall be deemed or construed to exempt the *West Midland* Railway as by this Act constituted from the Provisions of any General Acts relating to Railways, or to the better or 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 or Charges authorized by the Acts relating to the *Oxford*, the *Newport*, and the *Hereford* Railway Companies, or of the Rates for small Parcels.

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

LXVIII. This

The West Midland Railway Act, 1860.

Short Title.
Expenses of
Act.

LXVIII. This Act may be cited as "The *West Midland Railway Act, 1860*;" and the Costs, Charges, and Expenses of obtaining and passing this Act and incidental thereto shall be defrayed by the *West Midland Railway Company*.

The West Midland Railway Act, 1860.

in Glamorganshire, and for other Purposes connected with the Company, called "The Newport, Abergavenny, and Hereford Railway (Branches) Act, 1857."

21 & 22 Victoria, Cap. 126.

An Act to enable the Newport, Abergavenny, and Hereford Railway Company to divert their Railway in the Parish of Aberdare in Glamorganshire, and to confer upon them other Powers, called "The Newport, Abergavenny, and Hereford Railway Act, 1858."

Acts immediately relating to the Worcester and Hereford Railway Company.

16 & 17 Victoria, Cap. 184.

An Act for making a Railway from Worcester to Hereford, with certain Branches therefrom, and for other Purposes, called "The Worcester and Hereford Railway Act, 1853."

21 & 22 Victoria, Cap. 142.

An Act to extend the Time for making the Worcester and Hereford Railway, and for granting further Powers with respect to that Undertaking, called "The Worcester and Hereford Railway Act, 1858."

22 & 23 Victoria, Cap. 17.

An Act to enable the Worcester and Hereford Railway Company to make a Branch Railway to the Severn at Worcester, and to enlarge their Station at Hereford, and for other Purposes, called "The Worcester and Hereford Railway Act, 1859."

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

The West Midland Railway Act, 1860.

SCHEDULE enumerating Acts immediately relating to
dissolved Companies.

*Acts immediately relating to the Newport, Abergavenny, and Hereford
Railway Company.*

9 & 10 Victoria, Cap. 303.

An Act for making a Railway from Newport to Abergavenny and Hereford, with Branches therefrom, called "The Newport, Abergavenny, and Hereford Railway Act, 1846."

10 & 11 Victoria, Cap. 86.

An Act for amending the Newport, Abergavenny, and Hereford Railway Act, 1846, and to authorize Deviations from the Line of the said Railway, and for making Branches and Extensions therefrom, called "The Newport, Abergavenny, and Hereford Railway (Deviations) Act, 1847."

10 & 11 Victoria, Cap. 177.

An Act to enable the Newport, Abergavenny, and Hereford Railway Company to extend their Railway from the Neighbourhood of Pontypool to the Taff Vale Railway, called "The Newport, Abergavenny, and Hereford Railway (Extension to Taff Vale Railway) Act, 1847."

16 & 17 Victoria, Cap. 178.

An Act to authorize the Newport, Abergavenny, and Hereford Railway Company to make Deviations in their Extension to the Taff Vale Railway, and to make certain short Branches, called "The Newport, Abergavenny, and Hereford Railway (Taff Vale Extension) Act, 1853."

16 & 17 Victoria, Cap. 179.

An Act to authorize Deviations at Hereford and near Pontypool of the Newport, Abergavenny, and Hereford Railway, and to amend the Act relating to that Railway, called "The Newport, Abergavenny, and Hereford Railway (Deviation at Hereford) Act, 1853."

20 Victoria, Cap. 119.

An Act to enable the Newport, Abergavenny, and Hereford Railway Company to extend their Railway into the Aberdare and Bargoed Valleys
[Local.] 12 P in