

ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. ccxx.

An Act to enable the Shrewsbury and North Wales
Railway Company to make a certain Railway,
and also certain Deviations and Alterations in
their authorized Line of Railway; and for other
Purposes. [16th July 1866.]

HEREAS by "The West Shropshire Mineral Railway Act, 25 & 26 Vict. 1862," a Company was incorporated under the Name of c. clxxxv. the West Shropshire Mineral Railway Company: And whereas the following Acts relating to the said Company under that Name have been subsequently passed, namely, "The West Shropshire Mineral Railway Act, 1863," and "The West Shropshire Mineral Railway (New Lines) Act, 1864:" And whereas by "The Shrewsbury and North Wales Railway Act, 1864," the Name of the said Company was changed, and their Name became and now is the Shrewsbury and North Wales Railway Company: And whereas by "The Shrewsbury and North Wales Railway Act, 1865," further Powers were granted to the Company: And whereas by the recited Acts the Company are authorized to raise by Shares Five hundred and fifty thousand Pounds, and to borrow on Mortgage One hundred and eighty-two thousand Pounds, and it is expedient that the Company should [Local.]33 S

should be authorized to raise further Sums for the Purposes of this Act and of the recited Acts: And whereas it is expedient that the Company should be enabled to make the Railway and the Deviations of their authorized Line of Railway herein-after mentioned: And whereas it is expedient that the Company should be authorized to alter the Curve upon the Portion herein-after specified of their authorized Line of Railway, and to cross the Roads herein-after mentioned on the Level, and to divert the public Road herein-after mentioned: And whereas Plans and Sections of the new and altered Railways by this Act authorized showing the Line and Level's thereof, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railways and Works, have been deposited for public Inspection with the respective Clerks of the Peace for the Counties of Salop, Montgomery, and Denbigh, and those Plans, Sections, and Book of Reference are in this Act referred to as "the deposited Plans, Sections, and Book of Reference:" And whereas it is expedient that the Powers of the Company for the compulsory Purchase of the Lands and Buildings herein-after mentioned should be revived and extended: And whereas it is expedient that the Drayton Junction Railway Company should be authorized to use the Railways of the Company: And whereas the Objects and 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):

Short Title.

1. This Act may be cited for all Purposes as "The Shrewsbury and North Wales Railway (Deviations, &c.) Act, 1866."

8 & 9 Vict. cc. 16., 18., **&** 20., 23 & 24 Vict. c. 106., and

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and II. of "The Railways Clauses Act, 1863," the Provisions of "The Companies Clauses 26 & 27 Vict. Consolidation Act, 1845," with respect to the following Matters, (that incorporated. is to say,)

> With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer and Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls; With respect to the Remedies of Creditors of the Company against the Shareholders;

With

With respect to the Consolidation of Shares into Stock;

With respect to the making of Dividends;

With respect to the borrowing of Money on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders;

And with respect to the Provisions to be made for affording Access to the Special Act;

And Part II. of "The Companies Clauses Act, 1863," shall be incorporated with and form Part of this Act.

- 3. In this Act the several Words and Expressions to which Mean- Interpretaings are assigned by the Acts wholly or partially incorporated here- tion of with shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Shrewsbury and North Wales Railway Company; the Expression "the Act of 1863" shall mean "The West Shropshire Mineral Railway Act, 1863;" the Expression "the New Lines Act of 1864" shall mean "The West Shropshire Mineral Railway (New Lines) Act, 1864;" the Expression "the Shrewsbury Act of 1864" shall mean "The Shrewsbury and North Wales Railway Act, 1864;" the Expression "the Act of 1865" shall mean "The Shrewsbury and North Wales Railway Act, 1865;" the Expression "the Plans of 1862" shall mean the Plans deposited for the Purposes of "The West Shropshire Mineral Railway Act, 1862;" the Expression "the Plans of 1863" shall mean the Plans deposited for the Purposes of the Act of 1863; the Expression "the New Lines Plans of 1864" shall mean the Plans deposited for the Purposes of "The New Lines Act of 1864;" the Expression "the Shrewsbury Plans of 1864" shall mean the Plans deposited for the Purposes of "The Shrewsbury Act of 1864;" the Expression "the Railway" or "the Undertaking" shall mean the Railway or Undertaking by this Act authorized, or any Part thereof; the Expression "the Drayton Company" shall mean the Drayton Junction Railway Company; and the Expression "Superior Court" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.
- 4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may do the following Things, and may make and maintain in the Line and according to

Power to make new Railway and Deviations according the to deposited Plans.

the Levels shown on the deposited Plans and Sections the Railway and substituted Railways herein-after described, with all proper Works and Conveniences connected therewith respectively, and may enter upon, take, and use such of the Lands delineated on the deposited Plans, and described in the deposited Books of Reference, as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

- A Railway (to be called "Railway No. 1.") Two Furlongs and Five Chains or thereabouts in Length, commencing by a Junction with the Railway No. 1. authorized by the New Lines Act of 1864 at or near a Point where that Railway is now in course of Construction under the Llanfyllin Branch of the Cambrian Railways, and terminating at or near the Bridge which carries the public Road leading from Llanymynech to Bryn Tanat over the Shropshire Union Canal:
 - A Deviation Railway (to be called "Deviation No. 1.") Two Furlongs and Four Chains in Length, in lieu or instead of a Portion of the Railway authorized by the Act of 1863, and therein called the Moat Hall Railway, commencing by a Junction with the Railway No. 3. authorized by "The Shrewsbury and Potteries Junction Railway Act, 1865," in or near the Enclosure numbered 29 in the Parish of Meole Brace on the Plans referred to in "The Shrewsbury and Potteries Junction Railway Act, 1865," and terminating by a Junction with the said authorized Line of the Moat Hall Railway at a Point thereon marked on the Plans of 1863 Three Furlongs from the Commencement of the said Moat Hall Railway:
 - A Deviation Railway (to be called "Deviation No. 2.") Six Furlongs and Two Chains or thereabouts in Length, in lieu or instead of a Portion oft he Railway authorized by the New Lines Act of 1864, and therein called Railway No. 2., commencing by a Junction with Railway No. 1. by that Act authorized at the Termination thereof, and terminating by a Junction with the said authorized Railway No. 2. at the Point marked on the New Lines Plans of 1864 Six Furlongs with reference to the said authorized Railway No. 2.:
- A Deviation Railway (to be called "Deviation No. 3.") One Furlong and Nine Chains or thereabouts in Length, in lieu or instead of a Portion of the Railway authorized by the New Lines Act of 1864, and therein called Railway No. 7, commencing by a Junction with the Cambrian Railway One hundred and fifteen Yards or thereabouts South of the Bridge over the said Railway at Llanymynech Station, and terminating by a Junction with the Shrewsbury and North Wales Railway in a Field numbered: 3 on the Plans of 1862:

The Company may construct the Curve shown on the New Lines Plans of 1864 between the Commencement of the Railway No. 1. authorized by "The New Lines Act, 1864," at a Point distant Two Furlongs Three Chains from such Commencement according to the Radius of such Curve shown on the deposited Plans instead of according to the Radius of such Curve shown on the New Lines Plans of 1864:

The Company may divert the public Road abutting on the Enclosure No. 54 in the Parish of Alberbury on the Shrewsbury Plans of 1864, and for that Purpose may make the new Road shown on the deposited Plans, and the Company may stop up so much of the said diverted Road as may be rendered unnecessary in consequence of the Construction of such new Portion of Road.

5. The Company shall pay to the Cambrian Railways Company in respect of whatever Traffic goes to or by Deviation No. 3. by this Act authorized the same Amount as they would have been liable to pay for the Use of the Cambrian Railway if the same Traffic went to or by the Portions of the Cambrian Railway, and the Company's Railway authorized by the Act of 1862, which lie between the Junctions of the said Deviation with those Two Railways, and shall also pay to the Cambrian Railways Company the Cost of the Three Junctions at Llanymynech between their Railway and the Company's Railways; and if any Dispute shall arise between the said Companies as to the Sums to be so paid, every such Dispute shall, on the Application of either of the said Companies, be referred to and decided by Lieutenant Colonel Frederic Henry Rich, of the Corps of Royal Engineers, whom failing, to an Arbitrator to be appointed by the Board of Trade: Provided always, that the Company shall continue to be entitled to use any Portion of the Cambrian Railway, or any Junction therewith, which they were authorized to use before the passing of this Act, and on the same Terms as they were so authorized.

As to Payment to be made to the Cambrian Company for the Use of a Portion of their Railway.

6. The Cambrian Railway Company may use, with their Engines, Power to the Carriages, and Waggons, for the Purposes of Traffic of all Kinds, Campular Railway Railway No. 1, and also Deviation No. 3, and also the altered Curve Company to by this Act authorized, and the Stations, Watering Places, Works, use Railway and Conveniences connected with such Railways or Portions of Rail- viation way respectively, upon Payment of such Rents, Tolls, Rates, and No. 3, and Charges, and upon such Terms and Conditions; as may be agreed the altered upon between the Cambrian Railways Company, and the Company, or, failing Agreement, as may be settled by Arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

Cambrian Curve by this Act authorized. The Shrewsbury and North Wates Routhough Deviations, &c.)

Act, 1866.

Power to purchase additional Lands.

7. It shall be lawful for the Company to enter upon, take, and use the additional Lands in the Parish of Ford shown on the deposited Plans and described in the deposited Books of Reference.

Revival and
Extension of
Time for
Purchase of
certain
Lands.

8. The Powers of the Company under the Act of 1863 for the compulsory Purchase or taking of Lands and Buildings, so far as regards the whole of the Lands and Buildings shown on the Plans of the Moat Hall Railway authorized by the Act of 1863, and also the Lands numbered on the Plans of 1863 21, 22, 25, 26, and 27 in the Parish of Shrawardine, 5 and 8 in the Parish of Great Ness, 7, 9, and 12 in the Parish of Alberbury, and 38, 39, 40, and 41 in the Parish of Ford, are hereby revived and extended, and, subject to the Powers in this Act and in the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use the said Lands, or so much thereof as they may require for the Purposes of their Undertaking: Provided always, that the Powers hereby granted to the Company for the Purchase of those Lands shall not be exercised after the Expiration of One Year from the passing of this Act.

Power to raise additional Capital by new Shares

9. The Company from Time to Time, with the Consent of an Extraordinary General Meeting, may create and issue additional Capital, not exceeding in the whole the Sum of Eighty thousand Pounds, by the Creation and Issue of new Ordinary Shares in the Capital of the Company, which Shares respectively shall be of the same Amount, and shall confer upon the Holders thereof the same Rights and Privileges, and shall be subject to the same Provisions in all respects, as if they had been created under the Authority of "The West Shropshire Mineral Railway Act, 1862."

Shares not to issue until One Fifth paid up.

10. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Calls.

11. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

12. The Company may from Time to Time borrow on Mortgage, in addition to the Sums which the Company have been already authorized to borrow, any Sum not exceeding in the whole the Sum

of Twenty-six thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Eighty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued bona fide, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

13. All Mortgages granted by the Company in pursuance of the Priority of Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

existing Mortgages.

14. The Mortgagees of the Company under this Act may enforce Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize ment of a the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five thousand Pounds.

Arrears may be enforced by Appoint -Receiver.

15. All Monies borrowed on Mortgage under this Act from the Time when the same shall be advanced, and the Interest for the Time Mortgage being due thereon, shall (subject to the Priority hereby given to existing Mortgages and Bonds) have Priority against the Company and the Property of the Company over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge granted or to be granted by them in pursuance of the Provisions of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway.

Priority.

Application of Monies.

16. All Monies raised under this Act, whether by Shares or borrowing, shall be applied only for the Purposes of this Act and of the recited Acts.

Company
may convert
Preference
Shares into
Ordinary
Shares.

17. It shall be lawful for the Company from Time to Time, with the Consent of the Holders thereof, to convert the Preference Shares, or any of them, created and issued under the Authority of the Act of 1865, into Ordinary Shares of the Company, which Shares when so converted shall respectively be of the same Amount, and shall confer upon the Holders thereof the same Rights and Privileges, and shall be subject to the same Provisions in all respects, as if they had been created under "The West Shropshire Mineral Railway Act, 1862."

Correction of Error in 28 & 29 Vict. c. xxix.

18. From and after the passing of this Act Section 8 of the Act of 1865 shall be read and construed and have the same Effect as if the Words, "in addition to the Amount which by the Company's "Acts they are authorized to borrow on Mortgage," had been written or printed in that Section instead of the Words and Figures "in "addition to the Amount which by the Act of 1861 they are "authorized to borrow on Mortgage."

Lands for extraordinary Purposes. 19. The Quantity of Land to be taken by Agreement by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Powers for compulsory Purchases limited.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

21. The Deviation No. 1. shall be completed within Four Years from the passing of the Act of 1863, and the other Railways, Deviations, and Works by this Act authorized shall be completed within Five Years from the passing of the Act of 1864; and on the Expiration of those respective Periods the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Level Crossings on authorized Line. 22. Subject to the Provisions in this Act, and in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained with reference to crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway firstly described

described in the Fifth Section of the Shrewsbury Act of 1864 to carry the same with not exceeding a single Line of Railway only whilst that Railway shall consist of a single Line, and afterwards with a double Line of Railway only if that Railway shall be made a double Line, across and on a Level of the Roads herein-after mentioned; (that is to say,)

No. on the Shrews- bury Plans of 1864.	Parish.				Description of Road.
18 32 49 68	Melverley Melverley Melverley Melverley				Public Road. Public Road. Public Road. Public Road.

23. After the Expiration of the Time limited for the Completion of the Railway, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds per Day, to be recoverable as pleted within a Debt due to the Crown, for every Day after the Period so limited until the Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway is not com-Time limited.

24. The Company shall abandon the Construction of the Railway Company No. 7. authorized by "The New Lines Act of 1864," and also such Portions of their authorized Lines of Railway as shall be rendered of authorized unnecessary in consequence of the Construction of the new or sub-Line. stituted Railways by this Act authorized.

may aban-don Portions

25. The Abandonment by the Company under the Authority of Compensathis Act of any Portion of any Railway or Works shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Land by Compensation, in accordance with the Provisions in that Behalf of Entry, &c. "The Lands Clauses Consolidation Act, 1845," for any Damage of Railway occasioned by the Entry of the Company on such Land for the Pur-abandoned. pose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the Line of Railway, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions in that Behalf of "The Railways Clauses Consolidation Act, 1845," for such $\lceil Local. \rceil$ 33 Utemporary

tion for Damage to for Purposes

temporary Occupation, or for any boss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or of the Exercise as regards such Land of any of the Powers contained in the last mentioned Act. 10 on 1

Compensation to be made in respect of Portions of Railways abandoned.

the Line, across and on Level of the Renth Jonil oid. 26. Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to any Portions of the Railways or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice; and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Tolls.

27. For the Purposes of Tolls and Charges, and for all other Purposes, the Railway shall form Part of the Undertaking of the Company.

Power to Drayton Company to use Railways of Company.

28. The Drayton Company, and all other Companies and Persons lawfully using their Railways, may run over and use, with their Engines, Carriages, and Waggons, for the Purposes of Traffic of all Kinds, the Railways of the Company, including the Railways and Deviations by this Act authorized, together with all Stations, Sidings, Watering Places, Booking Offices, Works, or Conveniences upon or connected with the Railways of the Company, and the Terms and Conditions of such User, and the Tolls, Charges, or Payments to be made in respect thereof, shall be such as may from Time to Time be agreed upon between the Company and the Drayton Company, or as, in default of Agreement, may be settled by the Board of Trade, or by an Arbitrator to be appointed by that Board.

Tolls on Traffic conveyed partly on the Railway of the Company and partly on the Railway of the Drayton Company.

29. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railways of the Company by the Drayton Company, the Railways of the Company and of the Drayton Company shall, for the Purposes of Tolls and Charges, be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway of the Company and partly on the Railway of the Drayton Company for a less Distance than Three Miles, Tolls and Charges

may

may only be charged as for Three Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Three Miles Tolls and Charges for One Mile only; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway of the Company and partly on the Railway of the Drayton Company.

30. The Railway No. 1. by this Act authorized shall be so constructed as not in any way to interfere with the Canal of the Shropshire Union Railways and Canal Company, or the Traffic of the said Canal, or to diminish the Water-space thereof, or in any way to interfere with the Towing-path thereof, and the same shall be constructed according to such Plan and in such Manner as shall be mutually agreed upon between the Engineer for the Time being of Ways and Comthe said Shropshire Union Railways and Canal Company and the pany. Engineer of the Company, or, in case of Difference, as shall be settled by an Engineer to be nominated by the Board of Trade.

Railway No. 1. to be constructed as not to interfere with Canal of . Shropshire Union Rail-

31. The Company shall not, out of any Money by this Act autho- Interest not rized to be raised by Calls or by borrowing, pay Interest or Dividend to be paid on Calls to any Shareholder on the Amount of the Calls made in respect of paid up. the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

32. The Company shall not, out of any Money by this Act autho- Deposits for rized to be raised, pay or deposit any Sum which, by any Standing future Bills not to be Order of either House of Parliament now or hereafter in force, may paid out of be required to be deposited in respect of any Application to Parlia- Capital. ment for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

33. Nothing herein contained shall be deemed or construed to Railways not exempt the Railways of the Company, or any of them, from the Provisions of any General Act relating to Railways, or the better and of present more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session Acts. of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by the Company's Acts.

exempt from **Provisions** and future General

Expenses of Act.

34. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON:

Printed by George Edward Eyre and William Sportiswoode, Printers to the Queen's most Excellent Majesty. 1866.