



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. ccxxvi.

An Act to enable the *Shrewsbury* Bridges Company to alter the Levels of a Portion of a Road, and to make certain new Roads, and to make a Bridge in lieu of a Bridge authorized by a former Act; and for other Purposes. [16th July 1866.]

WHEREAS by "The *Shrewsbury* Bridges Act, 1864," (in this Act called "the Act of 1864,") the *Shrewsbury* Bridges Company (in this Act called "the Company") were incorporated, and authorized to make Two Bridges (in the Act of 1864 respectively called Bridge No. 1. and Bridge No. 2.) over the River *Severn*, near *Shrewsbury*, together with certain Roads of Approach to such Bridges: And whereas it is expedient that the Company be authorized to construct a Portion of the Road firstly described in the Seventeenth Section of the Act of 1864 according to different Levels from those shown on the Sections referred to in the Act of 1864, and to make the new Roads herein-after mentioned: And whereas it is expedient that the Company be authorized to make the Bridge herein-after described in lieu of the Bridge No. 1. authorized by the Act of 1864: And whereas Plans and Sections of the said Road intended to be constructed according to altered Levels of the said new Roads and substituted Bridge, and also a

27 & 28 Vict.
c. cxix.

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Book of Reference containing the Names of the Owners 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 Works, have been deposited for public Inspection with the Clerk of the Peace for the County of Salop, which said Plans, Sections, and Book of Reference are in this Act called "the deposited Plans, Sections, and Book of Reference:" And whereas by the Act of 1864 the Company were authorized to raise by Shares Twenty-five thousand Pounds, and to borrow on Mortgage Eight thousand three hundred Pounds; and it is expedient that the Company be authorized to raise further Sums for the Purposes of this Act: 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. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Shrewsbury Bridges Act, 1866.*"

8 & 9 Vict.
cc. 16. & 18.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 118. in-
corporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that 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 the Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

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 borrowed Money into Capital;
and

With respect to the Provision 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.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction;
the

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the Expression "the Company" shall mean the *Shrewsbury Bridges Company*; the Expression "the Act of 1864" shall mean "The *Shrewsbury Bridges Act, 1864*;" the Expression "the Plans of 1864" shall mean the Plans referred to in the Act of 1864; the Expression "the Sections of 1864" shall mean the Sections referred to in the Act of 1864.

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 the following Works in the Line and according to the Levels shown on the deposited Plans and Sections, 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 those Purposes; (that is to say,) Works to be constructed.

The Company may construct so much of the Road firstly described in Section 17 of the Act of 1864 as lies between the Commencement of that Road in the *Abbey Foregate* and the Enclosure numbered 11 in the Parish of *Holy Cross and Saint Giles* on the Plans of 1864 according to the Levels of that Portion of the said Road shown upon the deposited Sections, instead of the Levels shown on the Sections of 1864:

The Company may construct a new Road (in this Act called Road No. 1.) commencing in the said Enclosure numbered 11 in the Parish of *Holy Cross and Saint Giles* on the Plans of 1864, and terminating at or near the Southern Bank of the River *Severn* Eighty Yards or thereabouts below the Bridge which carries the *Shropshire Union and Shrewsbury and Birmingham* Railways over the River *Severn* into the *Shrewsbury* Station:

The Company may construct a new Road (in this Act called Road No. 2.) commencing at or near the most South-easterly Arch of the said Railway Bridge over the River *Severn*, and terminating by a Junction with the Road leading from *Abbey Foregate* to *Holywell Cottages*, near a Point Fifty Yards or thereabouts to the North-east of the level Crossing which carries the *Shropshire Union and Shrewsbury and Birmingham* Railways over such Road:

The Company may construct a Bridge across the River *Severn*, with all proper Piers, Abutments, and other Works connected therewith, such Bridge being in lieu of Bridge No. 1. authorized by the Act of 1864, and commencing in the Parish of *Holy Cross and Saint Giles* at or near the Termination of the new Road secondly herein-before described and authorized on the Southern Bank of the said River, and terminating upon the opposite or Northern Bank of the said River in the Parish of *Saint Mary*:

The Company may construct a Road (in this Act called Road No. 3.) commencing at the Northern End of the said substituted Bridge in the Parish of *Saint Mary*, and terminating at or near the

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the Southern Angle of the Boundary Wall of the Gaol for the County of Salop.

For Protection of the County Gaol for Salop.

5. And for the Protection of the Gaol for the County of Salop, be it enacted as follows:

- (1.) Except with the previous Consent in Writing of the Visiting Justices for the Time being of the Gaol for the County of Salop, approved and confirmed by the Justices for the said County in Quarter Session assembled, the Road No. 3. by this Act authorized shall be constructed of a Width not exceeding Six Feet between the Fences, and shall be used only as a Footway; and, except with such previous Consent, confirmed as aforesaid, the Company shall not permit the Use of the said Road except as a Footway, nor shall the Company, without such previous Consent, confirmed as aforesaid, do any Act, or sanction or be privy to any Act by any other Company or any Person, for the Purpose of legalizing the Use of such Road except as a Footway:
- (2.) The Company shall do and execute all such Works for the Prevention of Damage or Injury to the said Gaol, and the Buildings and Property appertaining thereto, in consequence of the Construction of the said Road No. 3., as shall at any Time hereafter be required by the Surveyor for the Time being of the County of Salop, and shall pay (in addition to Compensation for any Land or Property appertaining to the said Gaol which the Company may take under the Authority of the Act) Compensation for all Damage which may arise in the Construction and User of the said Road No. 3.:
- (3.) The Company shall not set up any Building or Erection which shall be in contravention of the Acts now in force relating to the said Gaol.

As to Works affecting London and North-western and Great Western Railway Companies.

6. In constructing the Bridge, altered Road, and new Roads by this Act authorized the Company shall be bound by the following Provisions; (that is to say,)

First, in making the Bridge by this Act authorized, and the Road of Approach firstly described in the 17th Section of the "*Shrewsbury Bridges Act, 1864*," as altered under the Authority of this Act, or any Extension of such Road on the South Bank of the River *Severn* leading to such Bridge, the Company shall not construct any Work nearer to the Western Boundary Fence of the Railway or Property of the *London and North-western, Great Western, Shrewsbury and Hereford Railway, and Shropshire Union Railways and Canal Companies* than Forty Feet, measured in a direct Line from such Boundary Fence:

Secondly, the new Road No. 1. by this Act authorized shall be constructed in such Manner as not to prevent or in any way interfere

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interfere with any future widening of the *Shrewsbury and Hereford* Railway Bridge over the River *Severn* to an Extent not exceeding Thirty Feet on either Side of such Bridge, such Distance of Thirty Feet to be measured at Right Angles from the Outside of the Parapet Wall of such Bridge :

Thirdly, the Company shall not construct the new Road No. 2. by this Act authorized, or any Work belonging thereto or connected therewith, nearer to the existing Boundary Fence of the *Shrewsbury and Wellington* Railway than Forty Feet, measured in a direct Line from such Boundary Fence :

Fourthly, in constructing the new Road No. 3. by this Act authorized the Company shall not take, purchase, or interfere with any Houses, Land, or Property situate on the North Side of the River *Severn* belonging to or under the Control of the *Shrewsbury* Joint Station Committee, or the *London and North-western*, the *Great Western*, the *Shrewsbury and Hereford* Railway Companies, or the *Shropshire Union* Railways and Canal Company, or any One or more of them, or which they respectively may have Power to take.

7. The Company shall abandon and relinquish the Construction of the Bridge No. 1. described in and authorized by Section 17 of the Act of 1864.

Company to abandon Bridge No. 1. authorized by Act of 1864.

8. The Abandonment by the Company under the Authority of this Act of the Bridge No. 1. authorized by the Act of 1864 shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the said Bridge, or for any Loss, 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 of the Act of 1864.

Compensation for Damage to Land by Entry, &c. for Purposes of Bridge abandoned.

9. 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 the said Bridge 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,"

Compensation to be made in respect of Contracts or Notices for Purchase of Lands for the Abandonment of Bridge.

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for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Tolls authorized by the Act of 1854 to apply to Bridge, &c. by this Act authorized.

Power to Company to increase their Share Capital.

10. The Company may demand and take the same Tolls in respect of the Bridge and Roads by this Act authorized as they are by the Act of 1864 authorized to demand and take in respect of the Bridges and Roads by that Act authorized.

11. It shall be lawful for the Company at any Time and from Time to Time to raise by the Creation of Shares in their Undertaking, in addition to the Sum of Twenty-five thousand Pounds which the Company are authorized to raise by Shares by the Act of 1864, such further Sums of Money as they shall from Time to Time deem necessary or expedient, not exceeding in the whole the further Sum of Three thousand Pounds, and all further Sums so raised shall form Part of the general Capital of the Company; and all additional Shares created and issued by the Company for the Purpose of raising the said Sum of Three thousand Pounds shall be Ordinary Shares, and shall respectively be of the same Amount, and shall confer upon the Holders thereof the same Rights and Privileges only, and shall be subject to the same Provisions in all respects, whether with reference to the Amount and Times of making Calls, to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise howsoever, as if they had been created under the Authority of the Act of 1864, and all and every Part of the Money raised by the Creation of such Shares shall be applied only to Purposes authorized by this Act and the Act of 1864.

Shares not to issue until One Fifth paid up.

12. It shall not be lawful for the Company to issue any Share for raising any Part of the Capital by this Act authorized, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Shares shall have been paid up in respect thereof.

Power to borrow further Sums on Mortgage.

13. The Company may borrow on Mortgage of their Undertaking, in addition to the Sum of Eight thousand three hundred Pounds by the Act of 1864 authorized to be borrowed, any further Sum or Sums not exceeding in the whole One thousand Pounds, and all and every Part of the Monies borrowed under the Authority of this Act shall be applied only to Purposes authorized by this Act; but no Part of the said Sum of One thousand Pounds shall be borrowed until the whole Capital of Three 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

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less than One Fifth 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 *bonâ 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.

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

Priority of existing Mortgages.

15. All Monies borrowed on Mortgage under this Act from the Time when the same shall be advanced, and the Interest for the Time being due thereon, shall, subject to the Priority hereby given to existing Mortgages, have Priority against the Company and the Property of the Company over 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 their Undertaking.

Monies borrowed on Mortgage to have Priority.

16. 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 after the passing of this Act.

Powers for compulsory Purchases limited.

17. The Works by this Act authorized to be made shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making such Works shall cease.

Period for Completion of Works.

18. The Works by this Act authorized to be made or altered shall be and be deemed for all Purposes whatsoever Part of the Undertaking of the Company, and the Company shall have the same Powers and shall be subject to the same Provisions with respect to such Works as if the same had been authorized to be made by the Act of 1864.

Works by the said Act authorized to form Part of Undertaking of Company.

19. The

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Extending
Time for the
Purchase of
Lands.

19. The Period limited by the Act of 1864 for the Exercise by the Company of their Powers under that Act for the compulsory Purchase or taking of Lands is hereby extended, and such compulsory Powers of Purchase may be exercised by the Company until, but not after, the Twenty-third Day of *June* One thousand eight hundred and sixty-seven.

Extending
Time for
Completion
of Works.

20. The Period limited by the Act of 1864 for constructing and completing the Works thereby authorized is hereby extended, and the Powers of the Company under the Act of 1864 for constructing and completing the Works other than the said Bridge No. 1. by the Act of 1864 authorized to be made may be exercised by the Company until, but not after, the Twenty-third Day of *June* One thousand eight hundred and sixty-eight.

Parties
aggrieved
by Extension
of Time
may have
Compensation
for additional
Damage (if
any).

21. The Justices, Arbitrators, Umpires, or Juries, as the Case may be, who award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in Lands taken or used by the Company for the Purposes of their Undertaking, or injuriously affected by the Construction thereof, shall in estimating the Amount of such Compensation have regard to and assess Compensation for the additional Damage (if any) sustained by those Owners, Occupiers, or other Persons by reason of the Extension of Time for the compulsory Purchase of Lands and for the Construction of Works by this Act granted.

Existing
Contracts
and Notices
to take
Lands not to
be prejudiced
by
Extension of
Time.

22. The Extension of Time for the compulsory Purchase of Lands by this Act granted shall not affect any Contract entered into or Notice given by the Company before the passing of this Act for purchasing, taking, or using any Lands which the Company were entitled to purchase, take, or use, but every such Contract and Notice shall be construed and take effect, and the same Proceedings may be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof at Law and in Equity, as if the Extension of Time had not been granted.

Expenses of
Act.

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

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