



CHAPTER ccxxi.

An Act to authorise the construction of a railway from the A.D. 1884.
Bishop's Castle Railway at Lydham in the county of
Salop to Montgomery in the county of Montgomery.

[7th August 1884.]

WHEREAS the construction of the railway herein-after described
in the counties of Salop and Montgomery would be of public
and local advantage :

And whereas the persons herein-after named with others are
willing at their own expense to construct the said railway and it
is expedient that they should be incorporated into a company and
that the powers herein-after contained should be conferred on them
for that purpose :

And whereas it is expedient that the powers herein-after contained
should be conferred upon the Company hereby incorporated to run
over and use the railways and portions of railways and stations
herein-after mentioned and that they should be empowered to enter
into agreements with the other companies herein-after mentioned
with respect to the matters in this Act specified :

And whereas plans and sections showing the lines and levels of
the railway authorised by this Act and also a book of reference con-
taining the names of the owners and lessees or reputed owners and
lessees and of the occupiers of the lands required or which may be
taken for the purposes or under the powers of this Act were duly
deposited with the clerks of the peace for the counties of Salop and
Montgomery and are herein respectively referred to as the deposited
plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and
be it enacted by the Queen's most Excellent Majesty by and with

[Ch. ccxxi.] *Bishop's Castle and Montgomery* [47 & 48 VICT.]
Railway Act, 1884.

A.D. 1884. — 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 as the Bishop's Castle and Montgomery Railway Act 1884.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 Parts I. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares and to debenture stock) as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

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

Company incorporated. 4. Sir Offley Wakeman Baronet John Corbett Philip Wright Captain Herbert Morris and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Bishop's Castle and Montgomery Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and their undertaking shall be called "the Bishop's Castle and Montgomery Railway."

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

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Power to
make rail-
way.

A railway eleven miles five furlongs four chains or thereabouts in length commencing by a junction with the Oswestry and Newtown Line of the Cambrian Railways on the eastern side of the said line at about two hundred yards north of the booking-office of the Montgomery Station in the parish and county of Montgomery and terminating by a junction with the Bishop's Castle Railway at its termination at the Lydham Heath Station in the parish of Lydham county of Salop.

Provided that nothing in this Act contained shall authorise the Company to enter upon take and use any of the lands numbered 118 124 125 126 and 127 in the deposited plans and book of reference belonging or reputed to belong to James Clarkson Kay without his consent.

Provided also that in constructing the railway through the parish of Churchstoke in the county of Montgomery the centre of the soffit of the arch or underside of the girders by which the railway will be carried over the public carriage road numbered 55 on the plans for the said parish shall not be less than 18 feet high from the present surface of the carriage road instead of 16 feet as shown upon the longitudinal section.

6. The Company shall not without the consent of the Cambrian Railways Company enter upon or interfere with the railway or any land of the Cambrian Railways Company for the purpose of making the junction with such railway or of executing any works in relation to such junction until the rest of their railway is completed and ready to be opened for public traffic nor until the railway authorised by the Midland and Central Wales Junction Railway Act 1883 and therein called the Main Line Railway is ready to be opened for public traffic.

As to junc-
tion with
Cambrian
Railways.

7. The Company may divert alter or stop up any roads and foot-paths within the limits of deviation delineated on the deposited plans and described in the deposited book of reference in the manner shown on the deposited plans and sections.

Diversion of
roads.

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Inclination
of road.

8. In altering for the purposes of this Act the road herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned (that is to say) :—

| No. on deposited Plan. | Parish. | Description of Road. | Intended Inclination. |
|------------------------|--------------|----------------------|-----------------------|
| 15 | Montgomery - | Public Road - | 1 in 14 |

Power to
take ease-
ments by
agreement.

9. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Capital.

10. The capital of the Company shall be one hundred and fifty thousand pounds in fifteen thousand shares of ten pounds each.

Shares not
to be issued
until one-
fifth paid.

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

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

Receipt
clause in
case of
persons not
sui juris.

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

Power to
divide
shares.

14. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the

authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

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

Apportionment of dividends between the two half shares.

16. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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

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

Half shares to be registered and certificates issued.

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

Terms of issue to be stated in certificates.

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Forfeiture
of preferred
half shares.

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

Preferred
half shares
not to be
cancelled or
surrendered.

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

Half shares
to be half
shares in
capital.

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

Power to
borrow.

22. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifty thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and fifty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

23. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their

mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. A.D. 1884.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company under this or any subsequent Act and the interest of all mortgages at any time granted by the Company under this or any subsequent Act shall (subject to the provisions of any subsequent Act) rank *pari passu* without regard to the date of issue or creation or grant or to the date of the Acts of Parliament or resolutions under which such debenture stock or mortgages were respectively created or issued or granted and such interest shall have priority over all principal moneys secured by such mortgages. Debenture stock.

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

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

27. The quorum of meetings of the Company shall be ten shareholders present in person or by proxy holding in the aggregate not less than ten thousand pounds in the capital of the Company. Quorum of meeting of Company.

28. The number of directors shall be six but the Company may from time to time increase or reduce that number provided it be not more than seven nor less than four. Number of directors.

29. The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.

30. The quorum of a meeting of directors shall be three so long as their number is more than four and two when it is four or less than four. Quorum.

31. Sir Offley Wakeman Baronet John Corbett Philip Wright Captain Herbert Morris and two others to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or First directors.

Election of directors.

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may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified re-eligible and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing or reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

32. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Period for compulsory purchase of lands.

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

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

34. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of five thousand nine hundred and eleven pounds six shillings and sevenpence Consolidated Three per Cent. Annuities being equal to five pounds per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same

proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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

Application
of deposit.

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Period for
completion
of railway.

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

Tolls.

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

In respect of passengers and animals conveyed upon the railway or any part thereof as follows :

Class 1. For every person conveyed in a first-class carriage per mile threepence ;

Class 2. For every person conveyed in a second-class carriage per mile twopence ;

Class 3. For every person conveyed in a third-class carriage per mile one penny ;

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile threepence ;

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile twopence ;

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny :

In respect of goods conveyed on the railway :

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fire-clay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny ;

Class 8. For all guano and artificial manures pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise undressed stones for building pitching and paving bricks tiles common slates fire-clay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny ;

Class 9. For all sugar grain flour potatoes hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile twopence ;

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Class 10. For lace furs silks drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence ;

In respect of carriages conveyed on the railway :

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

38. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand and take for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit) :—

Tolls for carriages, &c.

For Class 1 for each person per mile one penny :

For Class 2 for each person per mile three farthings :

For Class 3 for each person per mile one halfpenny :

For Class 4 for each animal per mile one penny :

For Class 5 for each animal per mile one penny :

For Class 6 for each animal per mile one halfpenny :

For Class 7 per ton per mile one halfpenny :

For Class 8 per ton per mile one halfpenny :

For Class 9 per ton per mile three farthings :

For Class 10 per ton per mile one penny :

For Class 11 for each carriage per mile twopence :

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

Tolls for propelling power.

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

Regulations as to tolls.

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Short dis-
tances.Fractional
parts of a
mile.Fractional
parts of a
ton.General
weight.Weight of
stone and
timber.Tolls for
small par-
cels and
articles of
great
weight.

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

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

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

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

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

41. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding the rates prescribed by this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railway or any part thereof as follows :—

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

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

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

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and fourpence ;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eightpence ;

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit :

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

For the carriage of single articles of great weight as follows :—

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

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

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

Maximum
rate for
passengers.

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

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

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

43. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

Maximum
rates for
animals and
goods.

Class 4. For each animal fourpence per mile :

Class 5. For each animal twopence per mile :

Class 6. For every calf or pig one penny per mile and for every other small animal three farthings per mile :

Class 7. One penny halfpenny per ton per mile :

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- Class 8. Twopence per ton per mile :
Class 9. Threepence per ton per mile :
Class 10. Fourpence per ton per mile :
Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half fivepence and one penny farthing for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Passengers
luggage.

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

Terminal
station.

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

Foregoing
charges not
to apply to
special
trains.

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

Company
may take
increased
charges by
agreement.

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

Power to
use certain
under-
takings.

48. The Company may run over and use with their engines and carriages of every description and with their clerks officers and servants the railway and portions of railway herein-after described viz. :—

So much of the said Oswestry and Newtown Line of the Cambrian Railways as lies between the point of junction therewith and the Montgomery Station :

And so much of the Bishop's Castle Railway as lies between the junction therewith and the station at Lydham Heath :

Together with the stations water watering places booking-offices warehouses landing-places sidings works and conveniences connected therewith respectively.

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49. The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall if not agreed upon between the Company and the company over whose undertaking such powers are exercised be from time to time determined by an arbitrator to be appointed on the application of either party in difference by the Board of Trade and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

Terms of such use.

50. In running over and using any portions of railway and in using any of the said stations and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Byelaws to be observed.

51. During the exercise of the running powers hereby given the railways of the respective companies shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway by this Act authorised and partly on the railways of any other company for a less distance than three miles tolls and charges may only be charged for as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the railways of any other company.

Short distance tolls.

52. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to them by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the

Classification table to be open to inspection and copies to be sold.

Terminal charges, if any, to be specified on application.

A.D. 1884.

Penalty.

person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be jointly and severally liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Interest not to be paid on calls paid up.

53. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as to general railway Acts.

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

Costs of Act.

56. All the 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.