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Bishop's Castle Railway (Deviations) Act, 1865.

Sections showing the Lines and Levels of the proposed Railway and Deviation Railways, and the proposed altered Levels of the said authorized Railway, and the Lands which the Company are empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerks of the Peace of the Counties of *Salop* and *Montgomery* respectively: And whereas it is expedient that the Company should be authorized to make the said Railway, Deviation Railways, and Alterations of Levels, and to raise additional Capital for these Purposes and the general Purposes of the Company: And whereas the Purposes aforesaid cannot be accomplished 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 any Purpose as "*Bishop's Castle* Railway (Deviations) Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Parts I. and II. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act, the Expression "the authorized Railway" shall mean the Railways and Works authorized by "The *Bishop's Castle* Railway Act, 1861;" the Expression "the Company" shall mean the *Bishop's Castle* Railway Company; the Expression "the deposited Plans, Sections, and Books of Reference" shall mean the Plans, Sections, and Books of Reference respectively deposited as aforesaid with respect to this Act; the Expression "the Railway," or "the Railways," shall mean the Railway and Deviation Railways and other Works authorized by this Act; the Expression "the former deposited Plans, Sections, and Books of Reference" shall mean the Plans, Sections, and Books of Reference deposited with the respective Clerks of the Peace for the Counties of *Montgomery* and *Salop* with respect to "The *Bishop's Castle* Railway Act, 1861;" the Expression "the recited Act" shall mean "The *Bishop's Castle* Railway Act, 1861;" and the Expression in this Act or any incorporated Act "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, 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. It

Power to make Railways according to deposited Plans.

4. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, and also to alter the Levels of their authorized Railway at the Points shown upon the deposited Plans and Sections; such Railways and Alterations of Levels being in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Lines of Railway.

5. The Railways authorized to be constructed under the Powers of this Act are:

A Railway commencing by a Junction with the Main Line of the authorized Railway at or near a Point on the former deposited Plans denoting Eleven Miles Six Furlongs and Three Chains, in a Field numbered on the said former deposited Plans 63 in the Parish of *Lydham* and County of *Salop*, the Property of the Reverend *Arthur Oakeley*, terminating by a Junction with the *Bishop's Castle* Branch of the authorized Railway at or near a Point on the former said deposited Plans denoting Two Furlongs from the Commencement of the said Branch out of the said authorized Main Line, in a Field numbered 64 on the said former deposited Plans in the said Parish of *Lydham*, also the Property of the said *Arthur Oakeley*:

Deviation No. 1. A new or substituted Portion of Railway, commencing in the Parish of *Cherbury* in the said County of *Salop* at or near a Point on the said former deposited Plans denoting Three Miles Five Furlongs Five Chains on the Main Line of the authorized Railway, in a Field numbered on the said former deposited Plans 55 in such Parish and County, and terminating in the Parish of *Churchstoke* in the County of *Montgomery*, at or near a Point on the former deposited Plans denoting Five Miles Two Furlongs Eight Chains on the said authorized Main Line, in a Field numbered on the said former deposited Plans 18 in the said Parish of *Churchstoke*:

Deviation No. 2. A new or substituted Portion of Railway, commencing in the Parish of *Churchstoke* and County of *Montgomery* at or near a Point on the former deposited Plans denoting Five Miles Two Furlongs Eight Chains on the Main Line of the said authorized Railway, in a Field numbered 18 on the said former deposited Plans in the same Parish and County, and terminating in the said Parish and County at or near a Point on the said former deposited Plans denoting Seven Miles One Furlong Six Chains on such authorized Main Line, in a Field numbered

numbered on the said former deposited Plans 82 in the same Parish:

Deviation No. 3. A new or substituted Portion of Railway commencing in the said Parish of *Churchstoke* and County of *Montgomery* at or near a Point on the said former deposited Plans denoting Seven Miles Three Furlongs and Five Chains on the Main Line of the said authorized Railway, in a Field numbered on the said former deposited Plans 91 in the same Parish and County, and terminating in the said Parish of *Lydham* in the said County of *Salop* at or near a Point on the said former deposited Plans denoting Eleven Miles Four Furlongs on the Main Line of the said authorized Railway, in a Field numbered 100 in the said Parish of *Lydham*, on the Plans of a certain Deviation from the Main Line of the said *Bishop's Castle* Railway as originally proposed, which Plans were deposited with the Clerk of the Peace for the County of *Salop*, in the Month of *March* One thousand eight hundred and sixty one, and which Deviation was authorized by Section Twenty-two of "The *Bishop's Castle* Railway Act, 1861:"

Deviation No. 4. A new or substituted Portion of Railway, commencing in the Parish of *Lydbury North* in the said County of *Salop* at or near a Point on the former deposited Plans denoting Twelve Miles Seven Furlongs Five Chains on the Main Line of the said authorized Railway, in a Field numbered in the said former deposited Plans 7 in the same Parish, and terminating at or near a Point on the former deposited Plans denoting Fifteen Miles One Furlong on such authorized Main Line, in a Field numbered on the said former deposited Plans 57 in the same Parish and County:

Deviation No. 5. A new or substituted Portion of Railway, commencing in the Parish of *Wistanstow* in the said County of *Salop* at or near a Point on the former deposited Plans denoting Sixteen Miles Two Furlongs Five Chains on the Main Line of the said authorized Railway, in a Field numbered on the said former deposited Plans 6 in such Parish, and terminating in the same Parish and County at or near a Point on the former deposited Plans denoting Seventeen Miles Three Furlongs Four Chains on such authorized Main Line, in a Field numbered on the said former deposited Plans 44 in the same Parish.

Railways as to Tolls, &c. to form Part of Bishop's Castle Railway.

6. The Company may demand and receive for and in respect of the said Railways the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, as if they were Part of such Undertaking and authorized to be made by the recited

recited Act; and the Railways shall in all respects be deemed Part of the *Bishop's Castle* Railway.

Level Crossings.

7. Subject to the Provisions in this Act contained, it shall be lawful for the Company, in the Construction of the Railway, to carry the same, with not more than One Line so long as the Railway is a single Line, and not more than Two Lines of Railway when the Railway is a double Line, across and upon the Level of the public Roads numbered on the said deposited Plan as follows; that is to say,

Railway.	Parish or Extra-parochial Place.	Number on Plan.	Nature of Road.
Deviation No. 4 -	Lydbury - -	17	Public.
Deviation No. 5 -	Edgton - -	20	Turnpike (same Road).
Deviation No. 5 -	Horderley - -	1	

Inclination of Roads.

8. The Company may make the Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations following; (that is to say,)

Railway.	Number on Plans.	Parish or other Place.	Description of Roads.	Inclination.
Deviation No. 3	20	Snead - -	Turnpike -	1 in 20.
Deviation No. 3	3	Lydham -	Turnpike -	1 in 12 on one Side and 1 in 40 on the other.

Dimensions of Bridge.

9. The Bridge herein-after mentioned may be made of such Dimensions as the Company think fit, not being less than the following; (that is to say,)

Railway.	Number on Plan.	Parish or Place.	Description of Road.	Span.	Height.
Deviation No. 5	70	Wistanstow -	Public - -	13 Feet	12 Feet.

As to Portions of authorized Railway rendered unnecessary by Deviations.

10. The Company shall abandon the Formation of so much of the authorized Railway as will be rendered unnecessary in consequence of the Construction of the new or substituted Portions of Railway hereby authorized; and all the Powers, Authorities, and Privileges by the said recited Act granted to the Company for the Con-

Construction, Maintenance, or Use of the Portion of Railway by the Act required to be abandoned shall from and after the passing of this Act cease and determine.

Lands for additional Stations.

11. The Quantity of Land to be taken by the Company adjoining or near to the Railways for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Three Acres.

Powers for compulsory Purchases limited.

12. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

13. The Railways and Works by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways and Works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Periods extended for taking Land and completing Works under the recited Act.

14. Subject to the Provisions, Deviations, and Alterations in this Act contained, the Period limited by the recited Act for the compulsory Purchase of Lands shall be revived and extended for Two Years from the passing of this Act, and the Period limited by said rec ted Act for the Completion of the Works thereby authorized shall be extended for Three Years from the passing of this Act; and the Powers and Authorities by the said recited Act granted are for and during such extended Periods respectively hereby continued in force.

Period for Completion of Works under recited Act.

15. If the authorized Railway, subject as aforesaid, shall not be completed within Three Years from the passing of this Act, then on the Expiration of that Period the Powers by this and the recited Act granted to the Company for making the said authorized Railway, subject as aforesaid, shall cease to be exercised except as to so much of the same as shall then be completed.

Bond for Completion of Railway.

16. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth Year of the Reign of Her present Majesty, Chapter Twenty, a Sum of One hundred and seventy-nine Pounds Fifteen Shillings and Sixpence Stock of Three *per Centum* Annuities, purchased for the Sum of One hundred and sixty Pounds, being Eight *per Centum* on the Sum of Two thousand Pounds, being the Excess or Difference of the Estimate of the Expense of the Works authorized by this Act over the estimated Expense of the Works by this Act abandoned, has been

been deposited with the Court of Chancery, with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or the Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, 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 that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half; and if that Period expire before the Company either open the Railways for the public Conveyance of Passengers, or give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company do not within the Time limited for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then that Sum of Money and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum of Money, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited and the Certificate

Certificate of the Board of Trade that the Proof has been given to their Satisfaction shall respectively be sufficient Evidence of the Facts so certified.

Company may apply their Funds towards Purposes of Act.

17. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their respective Undertakings.

Power to Company to raise additional Capital.

18. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums not exceeding in the whole Ninety thousand Pounds, by the Creation of new Shares in their Undertaking, in Shares of Ten Pounds, which Shares shall form Part of the general Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) and upon such other Terms and Conditions as may be determined on by Three Fifths at least of the Votes of the Shareholders present personally or by proxy at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

Privileges may be attached to new Shares.

19. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, with or without other Privileges, which the Company may think fit.

Limit of Amount and Number of Calls.

20. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year: Provided that 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 Part of the Amount of such Share shall have been paid up in respect thereof.

As to Votes of Proprietors of such Shares.

21. The Proprietors of any Shares to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

22. The

Power to borrow on Mortgage.

22. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Thirty thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and One Half thereof has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

23. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

24. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this and the recited Act authorized.

Parts of 8 & 9 Vict. c. 16., and 26 & 27 Vict. c. 118., incorporated.

25. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

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

With respect to the Transfer or Transmission of Shares;

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

With respect to the Forfeiture of Shares for Nonpayment of Calls;

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

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

With respect to the Consolidation of Shares into Stock;

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

With respect to the Provision to be made for affording Access to the Special Act;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

With respect to Cancellation and Surrender of Shares; and

With respect to additional Capital;

shall be incorporated with this Act, and shall apply to all Shares created and to Mortgages granted and Money borrowed under the Powers of this Act.

Interest not to be paid on Calls paid up.

26. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

27. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes 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 an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

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

28. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

29. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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