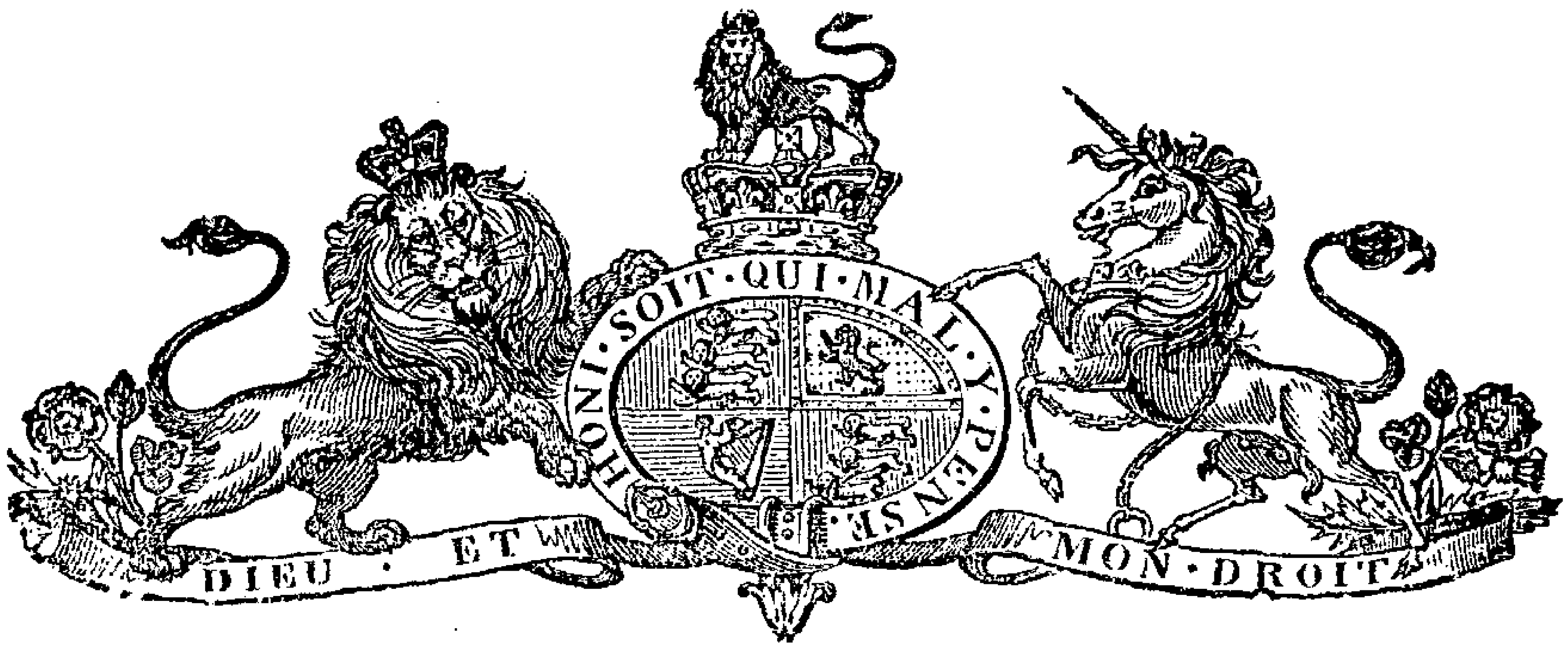


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccxli.

An Act to authorize the *Bishop's Castle* Railway Company to make Communications between their Railway and certain neighbouring Railways; and for other Purposes relating to their Undertaking. [5th *July* 1865.]

WHEREAS the *Bishop's Castle* Railway Company (who are 24 & 25 Vict.
meant when the Expression "the Company" is hereinafter- c. ciii.
used) were incorporated by an Act passed in the Year
One thousand eight hundred and sixty-one, "for making Railways
"from the *Oswestry and Newtown* Railway near *Montgomery* to
"*Bishop's Castle* and other Places in the County of *Salop*:" And 27 & 28 Vict.
whereas by "The *Cambrian* Railways Act, 1864," the *Oswestry and* c. cclxii.
Newtown, the *Llanidloes and Newtown*, the *Newtown and Machynlleth*, and the *Oswestry*, *Ellesmere*, and *Whitchurch* Railways were amalgamated under the Name of the *Cambrian* Railways: And whereas it is expedient that the Company should be authorized to make a Communication between their authorized Main Line of Rail-

way

way in the Parish of *Montgomery* and the *Cambrian* Railway at the *Montgomery* Station thereof, and also a Communication between their said Main Line of Railway in the Parish of *Wistanstow* in *Shropshire*, and the *Knighton* Railway at the *Craven Arms* in the Parish of *Stokesay* in *Shropshire*: And whereas it will be necessary for the Company to raise additional Capital to enable them to construct the Works by this Act authorized: And whereas Plans and Sections showing the Lines and Levels of the Railways authorized by this Act, 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 required or which may be taken for the Purposes of the Railways, have been deposited with the respective Clerks of the Peace for *Montgomeryshire* and *Shropshire*: And whereas the Purposes aforesaid 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *Bishop's Castle* Railway (Extensions to *Craven Arms*, &c.) 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 III. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act 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.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

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

5. It

Company may apply their Funds towards Purposes of Act, and may raise additional Capital.

5. It shall be lawful for the Company to apply towards the Construction of the Works authorized by 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 Undertaking; and the Company may for the same Purposes, 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 Twelve thousand Pounds, by the Creation of new Ordinary and new Preference Shares or Stock in their Undertaking, or (at the Option of the Company) by either of those Modes, which Shares or Stock shall form Part of the general Capital of the Company: Provided, that it shall not be lawful for the Company to issue any Preference Shares or Stock until their Main Line of Railway between *Montgomery* and *Bishop's Castle* shall be completed.

Limit of Amount and Number of Calls.

6. 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.

Shares not to issue until One Fifth paid up.

7. 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.

Power to borrow on Mortgage.

8. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Four thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock, 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 that One Half of such additional Capital 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

been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

9. 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.

10. All and every Part of the Sums which the Company are by this Act authorized to raise by new Shares, or by Debenture Stock, or on Mortgage, shall be applied only to the Purposes of this Act.

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

11. 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 by all Parties interested;

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

Relating to Cancellation and Surrender of Shares;

Relating to additional Capital; and

Relating to Debenture Stock;

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.

12. The

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 Three Years from the passing of this Act.

Lands for extraordinary Purposes.

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

Power to make Railways according to deposited Plans.

14. 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, in the Lines 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 Railways.

15. The Railways by this Act authorized are the following:

No. 1. A Railway entirely in the Parish of *Montgomery* in the County of *Montgomery*, commencing by a Junction with the authorized Main Line of the *Bishop's Castle* Railway at or near to the authorized Junction of such Railway with the *Oswestry and Newtown* Line of the *Cambrian* Railways Company, and terminating by a Junction with the said *Oswestry and Newtown* Line near the Goods Shed at the *Montgomery* Station of the said *Cambrian* Railways:

No. 2. A Railway commencing in the Parish of *Wistanstow* in the County of *Salop* by a Junction with the authorized Main Line of the said *Bishop's Castle* Railway, and terminating in the Parish of *Stokesay* in the said County by a Junction with the *Knighton* Railway at the Commencement thereof at *Craven Arms*.

Suspending Powers as to Railway No. 1.

16. If the *Cambrian* Railways Company shall lay down an additional Line of Rails upon their Railway between the authorized Junction therewith of the *Bishop's Castle* Railway and the *Montgomery* Station of the *Cambrian* Railways, and shall effectually grant to the *Bishop's Castle* Railway Company and to any Company or Persons for the Time being working the Undertaking of the same Company perpetual Powers to use, with their own Engines, Carriages, and Servants, the Portion of the *Cambrian* Railways between such Point of Junction and the said Station, together with the said Station,

(the Use of the said Railway and Station being upon such Terms and Conditions, pecuniary and otherwise, as in case of Difference between the Parties shall be settled by Arbitration,) then it shall not be lawful for the *Bishop's Castle* Railway Company to make the Railway herein-before first described or any Part thereof; and the following Conditions shall apply to this Enactment:

(1.) The *Cambrian* Railways Company shall lay down the said additional Line of Rails within Three Months after receiving Notice in Writing to that effect from the *Bishop's Castle* Railway Company:

(2.) If, however, the *Cambrian* Railways Company are of opinion that the said Notice is premature, and that the *Bishop's Castle* Railway Company have not made such Progress in the Construction of their Railway as that the laying down of the additional Rails can be then necessary, the Question shall be settled by an Arbitrator, who shall prescribe the Time within which the Work shall be executed:

(3.) If the *Cambrian* Railways Company do not within the said Space of Three Months, or within such other Period as the Arbitrator shall determine, lay down the said additional Rails, and do not within the same Period effectually grant such Use thereof and of their Station as aforesaid, then the Powers of the *Bishop's Castle* Railway Company may be as fully exercised with respect to the said Railway as though their Powers had not been suspended as aforesaid:

(4.) The *Bishop's Castle* Railway Company may themselves erect at their own Expense a Station near the *Montgomery* Station of the *Cambrian* Railways, without, nevertheless, interfering with the existing Station of the *Cambrian* Railways Company or any reasonable Extension or Alteration thereof:

(5.) Nevertheless, if the *Cambrian* Railways Company shall within One Year after the passing of this Act, by Notice in Writing under their Common Seal, intimate to the *Bishop's Castle* Railway Company their Desire that instead of having separate Stations there shall be a joint Station for the Two Companies, and shall undertake to pay their proportionate Part of the Cost of erecting, maintaining, and managing the said Station, then it shall not be lawful for the *Bishop's Castle* Railway Company to erect such separate Station; but the same Company shall concur with the *Cambrian* Railways Company in the erecting, maintaining, and managing a joint Station upon such

such Terms and Conditions, pecuniary and otherwise, and in such Proportions, and subject to such Rules and Regulations with respect to the Control and Use of the Station as, in default of Agreement between the Companies, shall be determined from Time to Time by an Arbitrator:

(6.) The Arbitrator between the Companies shall be nominated, on the Application from Time to Time of either Company, by the Board of Trade, and he may, if the Matters submitted to him admit of separate Awards, make separate Awards concerning separate Matters; and every Award with respect to the Maintenance and Management of the joint Station shall be open to Revision, upon the Application of either Company, at Intervals of Five Years:

(7.) It shall not be lawful for the *Bishop's Castle* Company, without the Consent in Writing of the *Cambrian* Railways Company, to enter upon or take the Lands or any Part of the Lands numbered on the Plans deposited as aforesaid 15, 16, and 17 in the Parish of *Montgomery*.

Period for Completion of Railways.

17. If the Railways shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Money deposited in the Court of Chancery to be forfeited in a certain Event.

18. Whereas, pursuant to the Standing Orders of both Houses of Parliament and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Two thousand five hundred and sixty Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Thirty-two thousand Pounds, the estimated Cost of the Railways: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Money so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such 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 the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the

the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for public Conveyance of Passengers or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid and the Interest and Dividends thereof shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred to the Officer or Person in whose Name they shall then be 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 of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum so deposited shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs and Successors, of the said Sum so deposited if the Company shall 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 Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such 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 such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee

Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to take Tolls as in Act of 1861.

19. The Company may demand and take, in respect of the Railways, Tolls and Charges not exceeding those which they are authorized to take for and in respect of the Railway authorized by "The *Bishop's Castle* Railway Act, 1861;" and the Railways hereby authorized shall for the Purposes of Toll be deemed Part of the *Bishop's Castle* Railway, as though they had been authorized by the same Act, and shall form Part of the Undertaking of the Company.

Interest on Calls not to be paid out of Capital.

20. It shall not be lawful for the Company, out of any Money by this Act 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 Capital raised under this Act.

21. 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.

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

22. Nothing herein contained shall be deemed or construed to exempt the Railways 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.

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

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