CHAPTER cxcviii.

An Act for making railways in the counties of Salop Denbigh and Montgomery to be called the Oswestry and Llangynog Railway and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS the construction of the railways herein-after described would be of public and local advantage:

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a Company and that the requisite powers be conferred upon them:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") and the Cambrian Railways Company be authorised to run over work and use the railway and portion of railway herein-after in that behalf mentioned:

And whereas it is expedient that the Company and the other Companies in that behalf in this Act mentioned be empowered to enter into and carry into effect traffic and other agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books 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 or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Salop Denbigh and Montgomery and are herein-after respectively referred to as the deposited plans sections and books 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 the advice and consent of the Lords Spiritual and Temporal and

A.D. 1882.

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 Oswestry and Llangynog Railway Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by 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 partially 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" "the railways" and "the undertaking" mean respectively the railways 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 partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Thomas Dyne Steel, John Beattie, John Devereux Pugh, 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 Oswestry and Llangynog 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.

Power to make railways.

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 railways herein-after described with all proper stations sidings approaches yards buildings 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 books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are as follows :—

1. A railway (No. 1) one mile one furlong five chains and ten links in length wholly in the parish of Llanyblodwel and county of Salop commencing by a junction with the Porth-y-Waen Branch of the Cambrian Railways at or near the point where the Farmers Coal and Lime Company's Railway joins the said Porth-y-Waen Branch near the Lion Wharf Porth-y-Waen and terminating by a junction with the line of the Potteries Shrewsbury and North Wales Railway Company at a point distant three hundred and ninety yards or thereabouts measured in a north-easterly direction along that line from the bridge by which the public road leading from Oswestry to Llansantffraid is carried over the said last-mentioned line of railway at or near the Llanyblodwel Station ;

2. A railway (No. 2) thirteen miles and two furlongs in length commencing in the said parish of Llanyblodwel by a junction with the Potteries Shrewsbury and North Wales Railway at a point distant one hundred and seventy yards or thereabouts measured in a south-westerly direction along that line from the bridge by which the public road leading from Oswestry to Llansantffraid crosses the last-named line of railway at or near the Llanyblodwel Station and terminating in the parish of Llangynog in the county of Montgomery on the easterly side of the public road leading from the village of Llangynog to Llandderfel and Bala at a point fifty yards or thereabouts to the northward of the bridge by which the last-mentioned public road is carried over the River Eiarth in the village of Llangynog ;

3. A railway (No. 3) three furlongs and eight chains in length wholly situate in the said parish of Llanyblodwel commencing by a junction with the Potteries Shrewsbury and North Wales Railway at a point distant two hundred and sixty yards or thereabouts measured along that railway in a south-easterly direction from the bridge by which the last-mentioned railway crosses the River Tanat and terminating by a junction with the intended Railway No. 2 at a point in a field belonging or reputed to belong to Henry Leslie and in the occupation of John Davies such point being two hundred and forty yards or thereabouts measured in a south-easterly direction from the post office in the village of Llanyblodwel.

A.D. 1882.

Provisions on behalf of Sir Watkin Williams Wynn.

6. The following provisions on behalf of Sir Watkin Williams Wynn of Wynnstay in the parish of Ruabon in the county of Denbigh Baronet and his heirs and assigns owners of the mansion called or known as Llangedwyn Hall in the parish of Llangedwyn in the county of Denbigh shall be binding on the Company and full effect shall be given thereto (that is to say) :—

(1) Sir Watkin Williams Wynn or his heirs or assigns owners or occupiers of Llangedwyn Hall for the time being may by writing from time to time nominate a director of the Company and may from time to time in the same way remove any director so appointed and appoint another person in the stead of any director who shall be so removed or shall die resign or become incapable of acting and the director so from time to time appointed shall not go out of office in the manner provided with respect to directors appointed or to be appointed by the shareholders of the Company but he shall in all respects have the same powers and be subject to the same regulations and provisions (except as aforesaid) as the other directors of the Company ;

(2) Before opening for traffic any of the railways hereby authorised a passenger station of an ornamental character with all necessary accommodation and conveniences shall be constructed in the parish of Llangedwyn aforesaid where the Railway (No. 2) crosses the road numbered 16 on the deposited plans in the parish of Llangedwyn or at such other place as shall be agreed upon between the said Sir Watkin Williams Wynn his heirs or assigns and the Company and all trains carrying passengers shall whensoever thereto required by the owner or occupier for the time being of Llangedwyn Hall aforesaid on reasonable notice given at such station to the servants of the Company stop at such station for the purpose of taking up and setting down passengers from or for Llangedwyn Hall aforesaid with their luggage;

(3) No part of the railways hereby authorised shall without the written consent of Sir Watkyn Williams Wynn or his heirs or assigns be opened or used for public traffic unless and until so much of the said railways as will form a railway communication viâ the Porth-y-Waen Branch and Cambrian Railways between the Llynclys Station on the Cambrian Railways and the station in the parish of Llangedwyn to be constructed as aforesaid shall together with said station have been completed and opened for public traffic;

(4) The whole rights claims powers and privileges whether in respect of compensation or otherwise of Sir Watkin Williams Wynn his heirs and assigns in respect of lands to be taken for the purposes of the railways or any of them are hereby reserved entire.

Capital.

7. 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.

8. 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.

Calls.

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

Receipt in case of persons not sui juris.

10. 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.

11. 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.

Dividends on half shares.

12. 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

A.D. 1882.

would have from time to time been payable on the entire share if the same had not been divided.

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

13. 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.

Half shares to be registered and certificates issued.

14. 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 shall 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.

Terms of issue to be stated on certificates.

15. 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.

Forfeiture of preferred shares.

16. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be 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 shares not to be cancelled or surrendered.

17. 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.

18. 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.

19. The Company may in respect of the share capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole fifty thousand pounds and of that sum they may borrow not exceeding thirty-three thousand three hundred pounds in respect of the first one hundred thousand pounds of such share capital and not exceeding sixteen thousand seven hundred pounds in respect of the remaining fifty thousand pounds of such share capital but no part of any such sums of thirty-three thousand three hundred pounds or sixteen thousand seven hundred pounds shall be borrowed until shares for the capital sums of one hundred thousand pounds and fifty thousand pounds respectively shall be issued and accepted and one half of such respective portions of capital shall be paid up and the Company shall 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 shares for the whole of such respective portions of capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were 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 shall be sufficient evidence thereof.

For appointment of a receiver.

20. The mortgagees of the undertaking 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.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

A.D. 1882.

but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without reference to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act.

Number of directors.

24. The number of directors (exclusive of any director nominated under the provisions of this Act by the owners or occupiers of Llangedwyn Hall) shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum.

26. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two.

First directors.

27. Thomas Dyne Steel, John Beattie, John Devereux Pugh and two persons to be nominated by them or the majority of 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 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) eligible for re-election 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 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 died or resigned shall continue to be directors

Election of directors.

until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

28. 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 five acres.

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

30. 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.

Power to cross certain roads on the level.

31. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

Number on deposited Plan.	Parish.	Description of Road.
	Railway No. 2.	
18	Llanyblodwel - -	Public.
32	Llanrhaiadr-yn-Mochnant -	Public.
56	Llanrhaiadr-yn-Mochnant -	Public.
25	Pennant Malangell - -	Public.

For protection of Liverpool Corporation Waterworks.

32. In constructing and maintaining the works by this Act authorised and in exercising any of the powers by this Act con-

A.D. 1882.

ferred upon the Company the Company shall observe perform and fulfil the following provisions stipulations and conditions viz. :—

(1) Where the railway crosses the Vyrnwy Aqueduct or triple line of pipes of the Liverpool Corporation authorised to be constructed and laid down by the Liverpool Corporation Waterworks Act 1880 in the parish of Llanrhaiadr-yn-Mochnant in the county of Montgomery the Company shall construct a walled passage or walled passages or culvert or culverts provided with all necessary manholes drains and means of approach and of sufficient height and width to admit the line of pipes already laid and the two lines of pipes to be hereafter laid and together forming the said aqueduct or triple line of pipes and to enable the same to be examined repaired or renewed and such walled passage or passages or culvert or culverts shall extend to a distance of not less than six feet beyond the foot of the embankment on both sides thereof;

43 & 44 Vict. c. cxliii.

(2) All such works as aforesaid shall be executed and at all times hereafter maintained at the expense of the Company and shall be executed under the superintendence and to the reasonable satisfaction of the water engineer of the Corporation and according to plans sections and specifications submitted to and approved of by such engineer before any such works are commenced;

(3) If the said engineer of the corporation and of the Company differ concerning the said plans sections and specifications or concerning the execution of the said works every such difference shall be referred to and determined by an engineer to be appointed in case of difference by the President for the time being of the Institution of Civil Engineers on the application of the corporation or of the Company and the cost of and incident to any such reference or determination shall be in the discretion of such referee engineer;

(4) The Company shall not be entitled to acquire the lands in which the corporation are entitled to the perpetual right and easement of laying their said aqueduct and lines of pipes but to a perpetual right or privilege only of carrying the railway over the said aqueduct and lines of pipes and the amount to be paid to the corporation for such right or privilege shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement;

(5) If by reason of the construction, maintenance, or working of the railway or the failure of any of the works connected there-

with the corporation shall sustain any damage or injury the Company shall make full compensation in respect thereof and the same shall be recoverable in any court of competent jurisdiction;

(6) If by reason or in consequence of the failure of any of the works of the corporation any damage or injury shall be caused to the railway the corporation shall not be liable to the Company or to any person claiming from through under or in substitution for them in respect thereof unless the same shall have arisen from the negligence of the corporation their contractors servants or workmen.

For protection of Conservators of Severn fishery district.

33. The following provisions shall apply to any works by this Act authorised affecting the River Tanat:—

(1) Before commencing the construction of any works tending to interfere with the waterway or to contract its area at any point where a diversion of the said river is shown on the deposited plans and sections the Company shall complete such diversion;

(2) In the execution of any such diversion the Company shall not cause any obstruction to the present waterway of the river;

(3) Each such diversion shall have at least an equal sectional area of waterway and shall be of at least equal average depth to that portion of the waterway which is to be divided;

(4) The Company shall not diminish the waterway at any place where the railway will be carried over the river;

(5) If the Company shall acquire the property numbered 54 on the deposited plans in the parish of Llanrhaiadr-yn-Mochnant in the county of Montgomery they shall erect a fish-pass of such form and dimensions as may be agreed upon between them and the Board of Conservators of the Severn fishery district in the weir directing the water to the mill on the said property.

Providing for repair &c. of Potteries Shrewsbury and North Wales Railway.

34. The Company may and shall at their own expense put so much of the Potteries Shrewsbury and North Wales Railway as lies between the termination of Railway No. 1 and the commencement of Railway No. 2 into repair so as to render the same fit for public traffic. The Company shall also complete and open Railway No. 3 by this Act authorised for public traffic as soon as any other portion of the railways hereby authorised is so completed and opened.

As to certain county bridges &c.

35. With respect to the bridge known as "the Penybont Fawr Bridge" and the road or approach thereto numbered 25 in the parish

A.D. 1882.

of Pennant Malangell in the county of Montgomery on the deposited plans and with respect to the bridge known as "the Pont Castell Moch Bridge" (such bridges being county bridges) the following provisions shall have effect:

(1) The Company shall within the limits of deviation shown on the said plans divert the said road No. 25 in the parish of Pennant Malangell so that the railway may cross the same at right angles thereto and shall at all times thereafter maintain the said road or approach for a distance of one hundred yards commencing at the said bridge;

(2) The railway shall be carried at a distance of not less than thirty yards from the northern end of the Penybont Fawr Bridge and shall be carried across the road No. 1 in the parish of Llanrhaiadr-yn-Mochnant in the county of Montgomery leading to the Pont Castell Moch Bridge at a distance of not less than one hundred yards from that end of the bridge which is nearest to the railway.

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

36. 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 six thousand two hundred and thirty-eight pounds twelve shillings Consolidated Three per Cent. Annuities being five 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 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.

Application of deposit fund.

37. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it 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 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 Chancery Division 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 shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

38. If the railway is not completed within four 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

A.D. 1882.

except as to so much thereof as is then completed Provided always that Railway No. 1 shall be opened for public traffic as soon as any portion of Railway No. 2 is so opened and in no case shall any portion of Railway No. 3 be opened for such traffic before Railway No. 1 is so opened.

Tolls for passengers and animals.

39. 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 on the railway:

For any person threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile;

Class 1. For any horse mule or other beast of draught or burden fourpence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 2. For any ox cow bull or head of neat cattle threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 3. For any calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one halfpenny.

Tolls for goods.

In respect of goods and minerals conveyed upon the railway:—

Class 4. For all coals culm cinders cannel ironstone iron ore limestone chalk and slag and clay (except fire clay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fire-clay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile twopence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile

threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny;

Class 7. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile fourpence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny;

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 conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

40. 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.

Regulations as to tolls.

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

Short distances.

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

Fractional parts of a mile.

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 goods and minerals 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;

Fractional parts of a ton.

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;

General weight.

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

Weight of stone and timber.

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 in proportion for any smaller quantity.

A.D. 1882.

Tolls for small parcels and single articles of great weight.

42. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in 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:

For any parcel not exceeding seven pounds in weight threepence;

For any parcel not exceeding fourteen pounds in weight fivepence;

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

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

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit:

Provided always that articles sent in large aggregate quantities although made up in 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 on the railway:

For the carriage of any one 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 one shilling per ton per mile;

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone 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.

Maximum rates for passengers.

43. 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):—

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.

Maximum rates for animals and goods.

44. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) 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):

For every animal in Class 1 fourpence per mile;
For every animal in Class 2 threepence per mile;
For every animal in Class 3 one penny per mile;
For everything in Class 4 one penny halfpenny per ton per mile;
For everything in Class 5 twopence per ton per mile;
For everything in Class 6 threepence per ton per mile;
For everything in Class 7 fourpence per ton per mile;
And 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 per mile sixpence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers luggage.

45. 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.

46. 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 restrictions not to apply to special trains.

47. The restrictions in this Act contained as to the charges to be made for passengers and articles shall not extend to any special trains that may be required to be run on the railway 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 on the railway.

Company may take increased charges by agreement.

48. 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

A.D. 1882.

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 to the conveyance of animals or goods (other than small parcels) by passenger trains.

Classification table of goods to be open to inspection and copies kept for sale.

49. 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.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company 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 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 liable to a penalty not exceeding five pounds which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Power to use other railways.

50. The Company may run over work and use with their engines carriages and waggons and officers and servants for the purposes of their traffic of every description the railway and portion of railway herein-after mentioned that is to say—

The Potteries Shrewsbury and North Wales Railway

So much of the railway of the Cambrian Railways Company as is situated between the commencement of the intended Railway No. 1 and their station at Oswestry including that station up to but not beyond the existing platform of such station;

The Cambrian Railways Company may in like manner run over and use for the purposes of their traffic of every description the whole of the railway of the Company or any part thereof and so much of the Potteries Shrewsbury and North Wales Railway (if any) as the Cambrian Railways Company have not already power so to run over and use;

Together in each case with the use of all stations approaches roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses buildings sidings junctions machinery works and conveniences of or connected with the railway or portion of railway and station to be so run over or used and the Company or as the case may be the Cambrian Railways Company may as regards traffic conveyed by them by virtue of this enactment demand and take fares rates and charges upon and in respect of the railway and portion of railway and station run over and used not exceeding the tolls and charges authorised to be demanded and taken thereon respectively.

Terms of such user.

51. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or as the case may be the Cambrian Railways Company for and in respect of the use of the railway or portion of railway stations works and conveniences run over and used by them respectively shall be such as are from time to time agreed upon between them and the companies and persons owning the said respective railway or portion of railway stations works and conveniences or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Power to enter into traffic arrangements.

52. The Company on the one hand the Cambrian Railways Company and the Potteries Shrewsbury and North Wales Railway Company or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect contracts and agreements for and with respect to the following purposes or any of them (that is to say):

The use of the railway or any part or parts thereof;

The interchange accommodation conveyance and delivery of traffic coming from or destined for the railways of the contracting companies;

The levying fixing receipt and division of the tolls rates charges income and profits arising from such traffic the rents payments allowances rebates and drawbacks to be paid made or allowed and the conditions to be performed by either of the contracting companies to the other or others of them.

Tolls on traffic conveyed partly

53. During the exercise of the running powers herein-before given or the continuance of any agreement to be entered into under

A.D. 1882.

on the railway and partly on other railways.

the provisions of this Act for the use of the railway or any part thereof by any other company or companies the railway of the Company and of such other company or 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 of the Company and partly on any other railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges 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 of the Company and partly on the railway of such other company or companies.

Interest not to be paid on calls paid up.

54. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of 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.

55. 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.

56. 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 rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

57. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.